

**Park River West Condominium Association  
Board of Directors Meeting  
Tuesday, April 19, 2022 – Via Zoom Conference**

A meeting of the Board of Directors of the PARK RIVER WEST CONDOMINIUM ASSOCIATION, INC. (the “Association”) was held on Tuesday, April 19, 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) and Greg Shipman (625). 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 March 21, 2022, previously emailed to the Board, were presented for approval. It was noted that the date of this meeting is April 19, not April 17.

**Action Taken:** It was moved, seconded, and unanimously adopted to approve the minutes of the Board of Director’s meeting held on March 21, 2022.

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 April 15, 2022, PRW has \$74,880 in the checking account, and a total of \$176,722 in reserves, of which \$56,701 was held in the Bank of Colorado Reserve Account and \$120,021 was held T-Bills and pending T-Bill purchases in the Schwab Corporate Account. \$6,100 was moved from the checking account to reserves per the budget. All bills have been paid including the annual premium from American Family for property and casualty insurance for \$48,219 and the first quarter charge from the Upper Thompson Sanitation District for \$12,719. Our bookkeeper will send Owners separately billings for their pro rata share of the costs of the reserve study as soon after the Board-approved reserve study is sent to them.

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

4. **Old Business.**

- a. **Deck Repair Policy.** As requested by the Board at the March 21 meeting, John Mize prepared a revised Deck Repair Policy, with input from Fritz Sampson and Stew Squires, which was sent the Board in advance of this meeting. John reviewed the policy and there was general discussion about it.

**Action Taken:** It was moved, seconded, and unanimously adopted to approve the Revised Deck Pair Policy attached to these minutes as Attachment 1 and incorporated by reference. This will be effective immediately and will be ratified at the August Owner’s Annual meeting along with other actions of the Board taken

this year. A copy of it will be mailed to Owners with the annual spring mailing which will be sent to Owners in May.

b. **Reserve Study Discussion.** The Board held a Zoom Session with Association Reserves of Golden, Colorado (“Association Reserves”) on March 31, 2022, to review and discuss the preliminary draft of the reserve study it presented. Since that time, a final document has been received and is now available for distribution to Owners. Over the next few months in preparation for next year’s budget, the Board will prepare funding options to increase reserves and present them to the Membership at the Annual Owner’s Meeting in August. 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 approve the reserve study as presented from Association Reserves, to authorize the President to send all Owners electronic copies of the completed reserve study conducted by Association Reserves, and to tell the Owners that the Board will be presenting them with funding options at the annual meeting. The Treasurer is authorized to bill Owners for their pro rata share of the costs of the study.

c. **Trailblazer Broadband Status.** On April 5, 2022, Kim Smith of Trailblazer emailed the PRW Board with a counterproposal to the redlined agreement given by PRW to Trailblazer last fall following the Special Meeting of the PRW Owners and offering to meet with the Board and any interested owners at an undetermined time. The email attached a redlined and clean version of the Estes Park Power & Communications MDU Right of Entry Agreement. She gave PRW a deadline of April 30, 2022, to sign the revised agreement. The Board had considerable discussion on what response, if any, is proper considering history from Trailblazer. Owner Doug Feck, a non-board member, participated in the discussion and encouraged the Board to give some kind of response.

**Action Taken:** It was moved, seconded, and unanimously approved to go into Executive Session. The authority for Executive Session is pursuant to C.R.S. section 7-128-203(e) (II) and C.R.S. section 38-33.3-308 authorizing Executive Sessions to: (1) consult with legal counsel concerning disputes that are the subject of pending or imminent court proceedings or matters that are privileged or confidential between attorney and client; (2) to review or have discussion relating to any written or oral communication from legal counsel; (3) consult with legal counsel concerning disputes that are the subject of pending or imminent court proceedings or matters that are privileged or confidential between attorney and client; and (4) review of or have discussion relating to any written or oral communication from legal counsel.

As a non-Board member, Owner Doug Feck was excused from the meeting while the Board was in Executive Session.

**Action Taken:** Following the completion of the Executive Session, it was moved, seconded, and unanimously approved to adjourn from Executive Session.

**Action Taken:** It was then moved, seconded and unanimously approved for President Stew Squires to prepare and send a letter to Trailblazer, after input from Fritz Sampson and John Mize, stating: (1) Section 4.6 of the proposed Estes Park Power & Communications MDU Right of Entry Agreement is non-negotiable and must be removed from any Agreement with it; (2) Trailblazer must remove the

orange conduit from the south side of PRW property immediately; and (3) that we are causing repairs to damage to PRW property caused by Trailblazer, its contractors, agents and employees, and once those costs are determined we will expect prompt payment from them for the damages caused. It was further moved, seconded and unanimously approved that Ben Ekeren of Park Landscaping be immediately engaged to repair all damage to PRW property, including the east and west ends of the river path, caused by Trailblazer, its contractors, agents and employees and that upon payment of the billing from Park Landscaping the final billing be sent to legal counsel to seek payment of the costs of such repairs from the City of Estes Park, Trailblazer, their contractors, agents and employees.


5. **New Business.**

a. **Spring Board Communication.** Last year an owner communication was sent to all Owners reminding them about Grilling, Fire Lane, and Parking compliance in anticipation of the upcoming season. It is also necessary to remind our Owners that Dennis McDonald is the volunteer coordinator for landscaping and that any volunteer help they wish to provide will be appreciated. The communication should also include the revised Window Treatment Policy and the revised Deck Repair Policy recently adopted. It was agreed that John Mize will get this process going with Mindy Stephens.

6. **Next Board Meeting.** The next board meeting will be at 3:00 p.m. MDT on Monday, May 9, 2022, and will be held via Zoom conference call.

7. **Adjournment.** There being no further business, it was moved, seconded, and unanimously approved to adjourn the meeting at 4:20 p.m., MDT.

Minutes Prepared and Signed on:

 , 4-21-2022  
John Mize, Secretary Date

**Attachment 1**  
**Park River West Condominium Association, Inc.**  
**Revised Deck Repair Policy**

The Board finds that:

Under previous Board policy allowing one deck repair per Unit, the Park River West Condominium Association ("PRW") has contributed to repairs on 29 Units and an average cost of \$2,390 per unit:

1. Prior policy was intended to remediate problems occurring from earlier than expected joist deterioration due to no strip weatherproofing on the top of joists and lateral joists constructed with non-treated wood;
2. Prior policy was never intended to reimburse Owners for the full costs of deck repairs or replacement;
3. Under the Condominium Declarations for Park River West Condominiums, ("Declarations") to which PRW must comply, deck repairs are the responsibility of Owners and Board Rules and Regulations must be administered in a uniform and non-discriminatory manner; and
4. The Board has determined that contributing to limited deck repairs is a reasonable common expense based on prior actions, the history of poor deck construction across all Units, and the history of partially contributing one deck repair per Unit.

Based on the foregoing, effective with adoption of this policy by the Membership at the 2022 Annual meeting, the Deck Repair Policy of the Association adopted by the Board and Members at the August 17, 2017, is revised and superseded as follows:

1. PRW will budget \$15,000 per year as a capital expense in its Reserve Fund, adjusted annually by the percentage of increase in dues.
2. Each budget year, not to exceed \$2,500.00 per unit, as annually adjusted, will be reimbursed to Unit Owners for strip weatherproofing on top of joists and lateral joist replacement, who complete Board approved deck repairs and who have not previously had a one-time repair under earlier policy. Any other repairs or replacements to decks of any kind, other than strip weatherproofing on the top of joists and lateral joist replacement, are the expense of the Owner.
3. Priority will be annually based on a first come first served basis, limited to the amount annually reserved for deck repairs each year. Any amounts reserved each year for the explicit purpose of deck repairs, that are unspent, will be carried forward for reimbursements in following years. The Board may in its discretion, use such carried-over funds, for limited reimbursement under this policy, to a Unit for deck repairs which has not previously had deck repairs paid by PRW.
4. Any Unit receiving the Deck Repair reimbursement from the Association shall thereafter be solely responsible for deck repairs and the Association shall have no further responsibilities for deck repairs to that Unit, as stated in the Declarations.
5. Nothing here shall prevent the Board in an emergency for safety reasons, as decided exclusively by the Board, from providing the one-time reimbursement not to exceed \$2,500, as adjusted, for weatherproofing and lateral joist replacement, out of reserves to a Unit, that has not previously had a deck repair paid by PRW. Any such emergency payment will satisfy the Association's one-time obligation to that Unit hereunder.