

PLACED ON WEBSITE SUBJECT TO OWNER APPROVAL AT NEXT MEETING

**Park River West Condominium Association
Special Owner's Meeting
Tuesday, October 12, 2021 – Via Zoom Conference**

A special meeting of the owner members of the PARK RIVER WEST CONDOMINIUM ASSOCIATION, INC. ("PRW") was held on Tuesday, October 12, 2021, at 6:00 p.m. MDT via ZOOM online/video meeting application. President Stew Squires (618) presided. PRW Secretary John Mize (615) prepared these Minutes. PRW Communications Coordinator Mindy Stephens tabulated attendance, proxies, and voting. Notice of the meeting and a proposed agenda were emailed and U.S. mailed to all owners on October 2, 2021, along with a proxy form and instructions for submitting it.

1. Call to Order and Roll Call. The Meeting was called to order at 6:00 p.m. MDT by President Stew Squires (618). The following Directors of the corporation were present via ZOOM: Stew Squires (618); Fritz Sampson (633), Vice President; Secretary; John Mize (615); Sandra Ireland (670), Rick Stephens (603) and Greg Shipman (625). Treasurer Helen Evans (610) was not available but did give a proxy. Director Steve Tice recused himself from board participation on this issue due to a conflict of interest but does plan to participate in the meeting as an owner. Roll Call was taken, and attendance was recorded to include 33 units, represented in person via Zoom and 17 proxies held by other owner/members for a total of 50 units being represented. Proxies were validated. It is noted that proxies from Conley (630) appointing Stew Squires and Hanson/Calkins (626) appointing Mindy Stephens arrived in the U.S. Mail sometime after the meeting started and, therefore, were not included in the attendance or voting records. A roll call sheet, including records of voting on motions considered, is attached and incorporated by reference. A quorum was declared.

2. Welcome and Format of Meeting. President Stew Squires (618) welcomed owners to the meeting and explained the purpose of the meeting, which was to discuss Town of Estes Park Trailblazer service ("Trailblazer") and proposed agreements sent to PRW by it. He reviewed the proposed agenda and meeting format, using the Zoom format.

3. Director Overview of Broadband and Utility Offerings. President Stew Squires (618) presented an overview of utilities built into PRW. He also highlighted the evolution of communications technology and some of the options available to owners within PRW. Several owners responded further explaining the differences between broadband and co-axial services and that additional offerings of comparable services through 5G may be coming down the road. Questions were also asked concerning whether the board had considered having a meeting with Trailblazer representatives and potentially asking them to attend an owner meeting. It was explained that several meetings occurred by telephone and in person by representatives of the board with Trailblazer and that additional attempts at meetings did not occur because of unavailability of some key representatives of Trailblazer within a meaningful time to meet Trailblazer imposed deadlines. (Although not specifically discussed during the meeting, it is noted that a couple of owners contacted Linda Swoboda of Trailblazer directly with questions, to which she made several responses, copying those owners who had expressed an interest in Trailblazer and included copies of Trailblazer proposed agreements.) Questions were also asked concerning whether flexibility from Trailblazer in their proposed timelines, based on their construction schedules, was specifically discussed with it. It was reported that this had not been specifically discussed and that Trailblazer has offered no extensions.

4. History of Trailblazer Offering and Board Responses and Negotiation. President Stew Squires presented PowerPoints detailing the history of concerns with the Trailblazer proposed Estes Park Power & Communications MDT Right of Entry Agreement. All owners were emailed a copy of the Minutes of the

Special Board of Directors Meeting held on October 4, 2021, in advance of this meeting giving a historical review of the negotiations of the Access Agreement and a counter-agreement, mirroring that of River Rock Townhomes, immediately to the east of PRW. Owners were also given an opportunity to request copies of the proposed agreements but only three owners requested them.

Director John Mize reviewed a PowerPoint on the significant damage issue, as proposed by Trailblazer and how it might impact PRW. He quoted the exact language Section 4.6 in the last proposed agreement received from Trailblazer. It was pointed out that how any such damages would be apportioned between owners would be problematic. He pointed out that no other provider of communication services within PRW has asked for similar agreement and this is not in what was counter-proposed to Trailblazer. From the beginning Trailblazer has been intransigent on this issue.

Director Fritz Sampson gave a further overview of the agreement proposed by Trailblazer and that which was proposed by PRW. He discussed the reserved powers of the Board of PRW to affect the desired and necessary installation of utilities. He enumerated numerous obligations that Trailblazer is attempting to impose on PRW that no other internet or utility providers are requesting. He pointed out that there are several financial penalties being imposed on PRW that are not imposed by other providers. He all pointed out that many of these obligations are imposed on all owners within PRW, not just those subscribing to the services. Finally, he reviewed the impact of the proposed Trailblazer easement on existing easements and property within PRW.

Several owner comments were made concerning the process of the city installing Trailblazer and other options with 5G soon to be available. Several owners commented that their existing services were adequate. One owner sought clarification that the city owned Trailblazer and not a third-party entity.

5. Overview of Options. At this point, the Owner options were discussed. They have the option of approving the proposed agreement from Trailblazer, approving the Counter Agreement proposed by the PRW board, or other alternatives. In addition to voting on the Trailblazer last proposed agreement, the counter-agreement proposed by PRW, a third alternative was proposed that would permit one further attempt at redlining the proposed Trailblazer with changes that the board and our legal counsel approve. At that point, it was decided to vote on those three options.

6. Actions. The following resolutions were considered:

Action Taken: It was moved and seconded, that PRW approve and authorize the President of PRW to execute and deliver to Trailblazer, the Estes Park Power & Communications MDU Right of Entry and Easement Agreement 3.0 as presented on September 30, 2021. Following roll call vote, the vote, including proxies, was 0 yes, 49 no, one abstention, and 18 did not participate. The motion did not carry.

Action Taken: It was moved and seconded, that PRW approve and authorize the President of PRW to execute and deliver to Trailblazer, the revised Access Agreement and Easement approved by our legal counsel, Robert Foster, and submitted to Trailblazer on or about September 20, 2021. Following roll call vote, the vote, including proxies, was 45 yes, 4 no, and 19 did not participate. The motion carried.

Action Taken: It was moved and seconded that Fritz Sampson prepare a redline of revisions to the proposed Estes Park Power & Communications MDT Right of Entry Agreement, Version 3.0, sent to PRW on September 30, 2021, and submit those proposed revisions for Board and legal counsel approval. Following Board

and legal counsel approval, they will be submitted to Trailblazer for approval. Upon acceptance, the President is authorized to execute and deliver the approved revised agreement to Trailblazer. Following roll call vote, the vote, including proxies, was 40 yes, 9 no, and 19 did not participate. The motion carried.

7. **Adjournment.** There being no further business, it was moved, seconded, and unanimously approved to adjourn the meeting at 8:10 p.m. MDT

Minutes Prepared and Signed on:



John Mize, Secretary

11/8/21

Date

Park River West Condo Association Annual Owners Meeting 10/12/2021
Proxy and Attendance Recording

Page 1		Actual Attendance in Person and Proxies				Votes designated as: Y=Yay; N=Nay, ABS=Abstained, DNP=Absent or Did Not Participate in Vote											
Unit	Owner Name(s)	2021 Special Meeting Proxy whether submitted and who is designated	2021 Special Meeting - Final Proxy Count	2021 Special Meeting - Final Zoom Appearance Count	Unit representation - "IN PERSON" and Proxies	VOTE ON: OPTION 1 AS PRESENTED IN THE FULL MEETING				VOTE ON: OPTION 2 AS PRESENTED IN THE FULL MEETING				VOTE ON: OPTION 3 AS PRESENTED IN THE FULL MEETING			
Board member identified by yellow						Y	N	ABS	DNP	Y	N	ABS	DNP	Y	N	ABS	DNP
600	Ferrey Capital, Ltd.	Proxy to Stew Squires, emailed	1		1					1				1			
601	Carrico, Dione and Craig	Proxy to Rick Stephens, emailed	1		1					1				1			
602	Hines, Chris			1	1						1			1			
603	Stephens, Rick			1	1					1				1			
604	Olthoff, Curtis and Kay			1	1					1				1			
605	Barkley, Carol and Greg			1	1						1			1			
606	Kim, Yeon	Proxy to "Unit 608", mailed, recd	1		1					1				1			
607	Spitznagle, Douglas & Karen			1	1					1				1			
608	Denney, Jean and Hershel (Alan)			1	1					1				1			
609	Nana's Nook, LLC / Randy & Elizabeth Repola			1	1					1				1			
610	Bull, David and Susan			1	1					1				1			
611	Martinez, Paul and Cynthia			1	1					1				1			
612	Manard, Brad and Carolyn			1	1					1				1			
613	Housinger, Kurt and Kristen	Proxy to Fritz Sampson, emailed	1		1					1				1			
614	Hagen, Ingrid M	Proxy to Bulls, delivered	1		1					1				1			
615	Mize, John and Karen			1	1					1					1		
616	Heier, Kurt & Kathryn			0	0				1				1				1
617	McDaniel, Wayne & Leonora			1	1					1				1			
618	Squires, Stew and Melanie			1	1					1				1			
619	Evans, Helen	Proxy to John Mize, delivered to MCS	1		1					1					1		
620	McDonald, Dennis and Lorraine			1	1					1					1		
621	Self, Rhonda			1	1						1				1		
622	Mease, Jerry			0	0				1				1				1
623	Sam and Kim Allen			0	0				1				1				1
624	Cole, Joel	Proxy to Mindy Stephens, mailed, recd	1		1					1				1			
625	Shipman, Gregory and Susan			1	1					1					1		
626	Hanson, Victor and Calkins, Barbara	Proxy to Mindy Stephens arrived in mail <u>after</u> meeting		0	0				1				1				1
627	Lipkin, Alan and Barbara	Proxy to Fritz Sampson, emailed	1		1					1				1			
629	Gilberto, Jim and Becky			1	1								1				1
630	Conley, James and June	Proxy to Stew Squires arrived in mail <u>after</u> meeting		0	0				1				1				1
631	Lively, Deborah L.			1	1					1				1			
632	Gail, Nola	Proxy to Mindy Stephens, delivered	1		1					1				1			
633	Sampson, Herbert (Fritz) and Mary			1	1					1				1			
634	Bower, Ken & Shelly			0	0				1				1				1
635	Feck, Doug and Tammy			1	1					1				1			
636	Shepherd, Tom & Karen			1	1					1				1			
637	Ball, Ann M.	Proxy to Steve Tice, delivered to MCS	1		1					1				1			
638	Fuller, Dave and Laura			0	0				1				1				1
639	Felner, Jeff S. & Carol S.	Proxy to Stew Squires, emailed	1		1					1				1			
640	Hollomon, Michael and Wailes, Eric			0	0				1				1				1
641	Mielke, Van and Penner, Roland			0	0				1				1				1
642	Barnett, Patricia J.	Proxy to Squires mailed, recd	1		1					1				1			
643	Villar, Noemi and Daniel Brannon			1	1					1				1			

Page 2		Actual Attendance in Person and Proxies				Votes designated as: Y=Yay; N=Nay, ABS=Abstained, DNP=Absent or Did Not Participate in Vote											
Unit	Owner Name(s)	2021 Special Meeting Proxy whether submitted and who is designated	2021 Special Meeting - Final Proxy Count	2021 Special Meeting - Final Zoom Appearance Count	Unit representation - "IN PERSON" and Proxies	VOTE ON:				VOTE ON:				VOTE ON:			
Board member identified by yellow						Y	N	DNP	DNP	Y	N	DNP	DNP	Y	N	DNP	DNP
644	Fenton, Darrel and Patty			0	0				1				1				1
645	Doug and Cameron Stewart			1	1	1				1				1			
646	Harwood, Phil and Deborah			1	1	1				1					1		
647	Smith, Don and Jan			1	1	1				1				1			
648	Sindelar, Jeff and Polly			0	0				1				1				1
649	Parz, Rudy & Hassie			0	0				1				1				1
650	Pathak, Sunil (Sunny)			0	0				1				1				1
651	Bryan, Patricia & Wolf, Thomas			0	0				1				1				1
652	Teten, Arnold & Carolyn			0	0				1				1				1
653	Primdahl, Carol & John	Proxy to John Mize, emailed	1		1	1				1					1		
654	Malleck, Griff & Vickie	Proxy to Teten, mailed, recd - but Teten not in attendance	0		0				1				1				1
655	Tice, Steven H & Peggy			1	1	1				1				1			
656	Evers, Michael C & Rebecca L	Proxy to Stew Squires, emailed	1		1	1				1				1			
658	Swinger, Barb & Ben			1	1	1					1				1		
660	Waskey Arthur & Sandra - did attend	Proxy to Stew Squires, emailed - in case can't attend		1	1	1				1				1			
662	Chamberlain, Bob and Pamela			1	1	1				1				1			
664	Ermeling, Brad and Genevieve	Proxy to Mindy Stephens, emailed	1		1	1				1				1			
668	Bortz, Michael and Barbara	Proxy to Mindy Stephens, emailed	1		1	1				1				1			
670	Ireland, Sandra			1	1	1				1					1		
672	Hamm, David & Janet - did attend	Proxy to Stew Squires, mailed, recd - in case can't attend		1	1	1				1				1			
674	Dorothy Jeanne Davis Revocable Trust			0	0				1				1				1
676	Springer, Ronald & Jacqueline			1	1			1		1				1			
678	Thielen, Bruce & Barbara			1	1	1				1				1			
680	Anderson, Alan and Mary Kay	Proxy to Bruce Thielen, emailed	1		1	1				1				1			
682	Buxton, Raymond & Melody			0	0				1				1				1
684	Park River West Condo Assn (Mailbox)																
TOTALS:			17	33	50	0	49	1	18	45	4	0	19	40	9	0	19
TOTAL OF PROXIES AND IN PERSON FINAL ATTENDANCE			50			TOTAL UNITS: 68				TOTAL UNITS: 68				TOTAL UNITS: 68			
PROXIES VOTES DESIGNEES:		UNITS:	PROXIES														
SQUIRES (618)		600, 639, 642, 656	4														
TICE (655)		637	1														
THIELEN (678)		680	1														
SAMPSON (633)		613, 627	2														
STEPHENS, Rick (603)		601	1														
STEPHENS, Mindy (603)		624, 632, 664, 668	3														
DENNEY (608)		606	1														
MIZE (615)		619, 653	2														
TETEN (652)		654	1														
BULL (610)		614	1														
			17														