

Approved 8-14-2018

**BOOMERANG LODGE
CONDOMINIUM ASSOCIATION, INC.
MINUTES OF
ANNUAL MEMBERSHIP AND BUDGET MEETING
Atrium of Boomerang Lodge -134 South Tomboy Street
July 20, 2017, 4 p.m. (MDT)**

The annual membership and budget meeting of the members of the Boomerang Lodge Condominium Association, Inc. was held on Thursday, July 20, 2017 at 4:00 p.m., in the Atrium of the Boomerang Lodge - 134 South Tomboy Street in Telluride, Colorado.

1. Roll Call, Determination of Quorum and Call to Order

Owner Members Present in Person: Kelly Bynum – Secretary/Treasurer (Unit 6), Steve Patterson (Proxy for Jeff Dunaway (Unit 8) and Diana and Thomas Kyster - President (Unit 12).

Also present: Judi Balkind, HOA Manager and Gordon McPhee – Attorney at Law

Owner Members Present Via Conference Call: Shawn P. Greenwood, P.E. (Units 1 and 2), Sandy Kryle (Unit 5), Robert Currence (Unit 9) and Marty Menin (Unit 11).

Owner Members Present by Proxy:

- Zach Bynum (Unit 4) proxied Kelly Bynum
- Alena Walker (Unit 7) proxied Shawn Greenwood
- Kere Frey (Unit 3) proxied Diana Kyster
- Ricki Mikkelsen (Unit 10) proxied Sandy Kryle
- William Baird (Unit 13) proxied Diana Kyster

All owners were represented, a quorum was deemed present and the meeting was called to order at 4:15 p.m.

2. Motion to Approve/Waive Notice of Meeting

Diana Kyster moved that there was adequate notice of the meeting. Marty Menin seconded the motion. All in favor and motion passed unanimously.

3. Reading and Approval of Minutes of the May 13, 2016 Annual Membership Meeting

Shawn Greenwood noted the minutes did not reflect that two members were not at the last meeting including Kere Frey and Robert Currence.

Marty Menin moved to approve the minutes of the May 13, 2016 meeting with revisions if verified.

Motion seconded by Sandy Kryle.

Vote was taken:

#1 No; #2 No; #3 Yes; #4 Yes; #5 Yes; #6 Yes; #7 No; #8 Yes; #9 Yes; #10 Yes; #11 Yes; #12 Yes; #13 Yes. Motion passed with a majority vote.

4. Reports of Officers – None

5. Reports of Committees – None

6. Election of Directors.

- One Open seat for a Director's position on the board.

The owners requested a secret ballot/vote. Diana Kyster and Shawn Greenwood were nominated for the position. The owners sent their vote in by email, text and written vote to Judi Balkind. Judi Balkind tallied the votes and informed the members that Diana Kyster was elected for a three year term with the majority of the votes.

7. Unfinished Business.

a. Financial Statement Review – FYE 2016/2017 (March 1-February 28)

It was noted the Association was over budget by \$4,876.50. Expenses over budget were ground and snow removal due to the amount of snowfall this year, and Flood Insurance was increased. General Maintenance expenses were over budget due to the cost to re-support the pipes in the ceiling of Shawn Greenwoods bathroom ceiling. Two bids were obtained and reviewed by the board. It was determined the main pipes were HOA pipes and the cost of the repair was \$1,2000.00 Hot tub maintenance was under budget due to the closing of the hot tub for half of the year.

b. Review and approve “Amended and Restated” Declarations.

The members were sent a Draft of “Amended and Restated” declarations. Gordon McPhee, attorney explained to the members that the Boomerang Lodge declarations are out of date and not in compliance with the Colorado Common Interest Ownership Act.

Gordon McPhee noted that one of the issues rose with the old declarations concerning that the improvement (Balconies) would be a common assessment and not assigned to the unit owners. This was one of the reasons the owners requested clarification. CCIOA (Colorado Common Interest Ownership Act) is the modern statute which authorizes conversion of general common elements to limited common elements for the purpose of installing balconies. The specific treatment of balconies is they become limited common elements in both the physical balcony itself and the airspace above it. The amended and restated declarations state how these balconies are to be created. The non-partitionability issue brought up by Shawn Greenwood in the original declaration never applied because the original declarant carved out this section of balconies. The Declarant declared the balconies would be limited common elements which conform to the modern act. The Declarant never built these balconies but the association retains these declarant rights. The association is following a process which applies to CCIOA. The amended and restated declarations state that all expenses of construction will be paid by the unit owner. Any maintenance performed on the balconies will be assessed to the unit owner not the HOA.

Gordon McPhee noted the existing declarations required 75% approval to amend a declaration. This provision has been made inapplicable under CCIOA because the maximum allowed its 67%. The 75% is void as a matter of public policy and the 67% applies to pre-CCIOA declarations.

Robert Currence had a question regarding Exhibit A and Exhibit B. Exhibit A is the legal description of Lot 39 – Bachmann Village and Exhibit B is the appurtenant undivided interest in the common elements.

Appendix A – signed approvals of this amended and restated declarations from the owners

Appendix B – signed approvals from the First Mortgagee

Robert Currence asked if the rules and regulations were changed. Gordon noted the rules have not changed.

Marty Menin asked if the Liability insurance-section 8.3 increase the cost for insurance. It was noted the current policy is at the limits – excluding balconies. Gordon McPhee noted it would be each owners individual cost not the HOA’s.

Sandy Kryle would like to recognize Gordon McPhee for all of his help in preparing the declarations

Shawn Greenwood asked if there is any provision where the balcony space would be sold to raise money for parking spaces. Kelly Bynum reiterated the balconies are not money making device and noted this is not applicable in the current declarations and this was not agreed upon.

Kelly Bynum made a motion to approve the “Amended and restated Declarations”. Diana Kyster seconded the motion.

Vote taken.

Voting results are as follows:

#1 No; #2 No; #3 Yes; #4 Yes; #5 Yes; #6 Yes; #7 No; #8 Yes; #9 Yes; #10 Yes; #11 Yes; #12 Yes; #13 Yes. Motion passed with a majority vote.

- **Board Resolution. Diana Kyster made a motion for the board of Directors to accept the “Amended and restated declarations as adopted by the HOA owners at the annual Boomerang Lodge Annual meeting of July 20, 2017. Kelley Bynum seconded and motion passed unanimously.**
- c. **Hot Tub – Discussion on replace or abandon.** Discussion ensued. Sandy Kryle noted eliminating a hot tub has had a negative impact on short term rentals and the resale value, so he suggested replacing the hot tub. Diana Kyster received a bid for a 7’x7 ‘for a ladder and cover installed was \$8,000.00.
- Diana Kyster made a motion for a special assessment for a new Hot Tub not to exceed \$10,000.00. Marty Menin seconded the motion. The motion was brought to a vote.***
- Voting results are as follows:
#1 No; #2 No; #3 Yes; #4 Yes; #5 Yes; #6 Yes; #7 No; #8 Yes; #9 Yes; #10 Yes; #11 Yes; #12 Yes; #13 Yes. As a result, motion passed with a majority vote.
- d. **Update on Remodeling projects in Unit #7 – Alena Walker and Unit #8 – Jeff Dunaway.** It was noted to the members, Alena Walker was in the process of remodeling her unit but the necessary Town permits were not obtained. There was no updated information from Alena at the time of this meeting. Steve Patterson informed the members that Jeff Dunaway’s remodel has been completed and the Town has signed off on the Certificate of Occupancy.

8. New Business.

- a. **Proposed Budget & Dues Review – FYE 2017/18.** Budget and dues were presented to members with no increase from the year before. Discussion ensued. It was noted that since the members agreed to install a new hot tub, an additional expense for hot tub needs to be added. ***Diana Kyster made a motion to add \$1,200.00 in hot tub maintenance to the 2017/18 budget which will be billed in the last two quarter’s dues. Steve Paterson seconded the motion***

Voting results are as follows:

#1 Yes; #2 Yes; #3 Yes; #4 Yes; #5 Yes; #6 Yes; #7 Yes; #8Yes; #9 Yes; #10 Yes; #11 Yes; #12 Yes; #13 Yes. Motion passed with a unanimous vote.

- b. **Discussion on replacing Hot Tub deck.** Two Bids were presented to the members for replacing the Hot Tub Deck .One from Uncompahgre Valley Builders for \$5,957.00 and the second bid from Shelter Renovations for \$6,010.00. Discussion ensued.
Kelly Bynum made a motion to approve a special assessment for replacement of the decking, removal of the old hot tub and other unknown repairs not to exceed \$8,000.00. Steve Patterson seconded.

Voting results are as follows:

#1 No; #2 No; #3 Yes; #4 Yes; #5 Yes; #6 Yes; #7 No; #8Yes; #9 Yes; #10 Yes; #11 Yes; #12 Yes; #13 Yes. Motion passed with a majority vote.

- c. **Discussion of Exterior painting – Special Assessment.** Three bids were presented to the members Southwest Finishes –\$31,700, L G Painting -\$32,750.00 and Steve’s Painting -\$33,793.00. Discussion ensued. *Kelly Bynum made a motion to approve to hire Steve’s Painting in the amount of \$34,000.00 and special assess the owners for \$24,000.00. A payment of \$10,000 will made from the painting Reserve fund. Marty Menin seconded the motion.*

Voting results are as follows:

#1 No; #2 No; #3 No; #4 Yes; #5 Yes; #6 Yes; #7 No #8Yes; #9 Yes; #10 Yes; #11 Yes; #12 Yes; #13 Yes. Motion passed with a majority vote.

- d. **Inspection of Roof.** It was noted to the members Duane Littlejohn, Elk Mountain Maintenance is suggesting a general maintenance on the roof. Thomas Kyster suggested moving the gutter over the garage and suggested this gutter and heat tape be moved to another location. Thomas has agreed to meet with Duane Littlejohn to re-align heat tapes and gutters.
- e. **Remodel of unit.** The members were notified that an owner must get HOA approval with a copy of any plans that will be submitted with the Town of Telluride Building Department. The owner must obtain all necessary permits from the Town of Telluride for any improvements.
- f. **Installation of gas meters.** It was noted to the members there is gas to the gas fireplace. Judi Balkind met with the gas company on site to see if additional meters could be installed. This has been tabled for a later time.
- g. **WIFI – Removal of modem** It was noted to the members that Century Link (provided for access to modem) has shut service off to the modem six times because of copyright ad downloading infractions. In order for the modem to be turned on, additional security measures would need to be added. Discussion ensued. *Steve Patterson made a motion to discontinue service with Century Link for the modem to the HOA. Kelly Bynum seconded the motion.*

Voting results are as follows:

#1 Yes; #2 Yes #3 Yes; #4 Yes; #5 No; #6 Yes; #7 Yes; #8Yes; #9 No; #10 No; #11 Yes; #12 Yes; #13 No. Motion passed with a majority vote.

- h. **Reserve Study.** It was noted to the members that the association should develop a Reserve Study which would identify the capital costs and anticipated life expectancy of each costs which would include a new roof, new siding, new windows, new carpet, painting of interior and exterior etc. A reserve study would give the owners idea of capital reserve costs.
- i. **Other.**
- Shawn Greenwood noted his unit #1 had been flooded from the unit #4 above and his ceiling is not fixed. Sandy Kryle noted he had received Shawn’s attorney’s letter and it should be taken up with him.
 - Steve Patterson, previous owner of Unit #4 was in attendance and noted to the members he had agreed to arrange for a Professional company to repair the bathroom ceiling. He tried to arrange with Mr. Greenwood and Mr. Greenwood denied access to the unit.
 - Sandy Kryle made a motion to table this discussion because it was not brought up in the proper way. Marty Menin seconded.
 - Sandy Kryle withdrew his motion and Marty Menin withdrew his second.
 - Gordon McPhee noted this is covered in the amended and restated declarations.

Shawn Greenwood was asked to submit the estimates for the damage that was done. Kelly Bynum asked Shawn Greenwood if Shawn was compensated for the deductible would he put it to rest. Shawn stated there were continuing issues with water damage to common walls.

- Carpet treads – The carpet treads are being repaired at a cost of \$850.00.
- Atrium windows – the HOA had obtained a bid a few years ago but the owners did not want to approve the expenditure for this cost. This will be tabled for next year.

Upon motion made by Marty Menin, seconded by Diana Kyster and passed, the meeting was adjourned at 7:00 pm.

Respectfully submitted,

By: Jarmik Property Management, Inc.
Judi Balkind, HOA Manager