

BOOMERANG LODGE CONDOMINIUM ASSOCIATION, INC.

MINUTES OF ANNUAL MEMBERSHIP AND BUDGET MEETING

**Atrium of Boomerang Lodge -134 South Tomboy Street
Tuesday, March 31, 2009, 4 p.m.**

The annual membership and budget meeting of the members of the Boomerang Lodge Condominium Association, Inc. was held on Tuesday, March 31, 2009 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: Diana Kyster (President) and Thomas Kyster (Unit 12), Janie and Steve Goldberg (1/2 owner Unit 4), Steve Patterson (1/2 owner Unit 4), Tara Admire (Unit 7, deed restricted unit), and Mike Rich (Unit 9).

Owner Members Present Via Conference Call: Cindy Greenwood (Vice-President) (Units 1 and 2) and Sandy Kryle (Treasurer/Secretary) (Unit 5).

Owner Members Present by Proxy:

- Barbara Bynum (Unit 6) by proxy to Diana Kyster
- Ricki Mikkelsen (Unit 10) by proxy to Janie Goldberg
- Marty Menin (Unit 11) by proxy to Steve Patterson

Owners Absent: Kere Frey (Unit 3), Jeff Dunaway (Unit 8) and Bill Baird (Unit 13).

Also Present: Judi Balkind, HOA Property Manager.

Judi Balkind called roll and stated a quorum was present. Diana Kyster called the meeting to order at 4:03 p.m.

2. Motion to Approve/Waive Notice of Meeting

Janie Goldberg moved that there was adequate notice of the meeting. Steve Patterson seconded the motion. The motion passed.

3. Reading/Approval of Minutes

Judi said the Minutes for the following meetings were sent to the owners: March 16, 2008 Annual Meeting; July 18, 2008 Special Meeting (not a formal meeting because Joe Solomon stated it wasn't noticed properly); and July 29, 2008 Special Meeting (exact same meeting as July 18, 2008 meeting).

Cindy moved to approve the Minutes as recorded. Cindy revised her motion as follows: I move to approve the Minutes of the March 16, 2008 Annual Meeting, and of the July 18, 2008 and July 29, 2008 Special Meetings as recorded. The motion was seconded by Steve Goldberg. The motion passed.

4. Reports of Officers

Diana said the Association received a letter from Stephanie Solomon (attorney for Boomerang Village Homeowners Association) that they would like to encroach onto “our” property and increase parking along their building. Diana said they want to move the street to our property so they can park their vehicles along the side of the building. Diana said Bob Korn, Attorney for Boomerang Lodge reviewed the easement, titles and everything and found out they are not entitled to encroaching on our property. Judi asked for a formal objection for the Minutes. **Steve Patterson formally objected to the Boomerang Village’s request to encroach on Boomerang Lodge’s property for parking. Steve Goldberg seconded. The objection passed.**

Cindy commended Diana for her swift action in resolving this parking issue.

5. Reports of Committees

No reports.

6. Election of Directors

Judi said there was one position open and two people have shown an interest in the position of Director (Cindy Greenwood and Tara Admire). Sandy Kryle said he was interested in continuing as a Director. Discussion ensued. A roll-call vote was taken. **Janie Goldberg moved that the Association have a four-member Board for this fiscal year, and that Board is Cindy, Sandy, Tara and Diana. The motion was seconded by Mike Rich. Motion passed.**

7. Unfinished Business

a. Financial Statement Review – FYE 2008/2009 (March 1-February 28)

Judi said the Association was over budget by \$4,000. She reviewed various line items:

- Roof repair: \$2,657. Additional heat tapes were placed on the front of the building by Par Mechanical. This wasn’t budgeted, but was paid from capital reserve.
- Snow removal – roof: Over budget partly because beginning March 1 last year, there was an enormous amount of snow, so the roof snow removal budget was off about \$4,700.
- Carbon monoxide tester in garage: \$1,600. The old one lasted 20 years.
- Heater in garage: Replaced the new one that was put in two years ago.

Judi said the Association was under budget on painting. Everything else was on or near budget for 2008/2009.

Question was asked about using a programmable thermostat. Judi said she got a bid one time for all new baseboard heaters and thermostats. Judi said they were just trying to come up with some energy-saving devices for the heaters located in the lobby areas as well as the hallways.

b. New Lobby Furniture

Tabled until end of meeting.

c. Recording of Amendment to Declarations re: Deed Restricted Units

The Amendment to the Declarations has been recorded and is on the Web site with other Boomerang Lodge documents. (www.jarmikproperties.com, at *Properties Managed*, click on *Boomerang Lodge*).

d. Landscaping Between Boomerang Lodge and Whitehouse Project

The landscaping has been completed by the Whitehouse Project. A sprinkler system was installed as well as additional trees that were not part of original agreement, a picnic table and a new grill. The release of the escrow monies was signed off by the Association's past president (Marty Menin) on August 21, 2008; the \$10,000 escrow amount was given back to XYZ Company. Judi said Mike Rich and Marty went to the Town to discuss the snowfall and water shed from the roof of the Whitehouse project onto the Boomerang Lodge property. The Town suggested trying to work it out with your neighbor. Further discussion about what Whitehouse has been doing with snow and ice.

e. Installation of Back Flow Preventer Valve

Judi said the back flow preventer valve has been installed and an annual inspection completed in accordance with the requirement set forth by the Town of Telluride,

8. New Business

a. Proposed Budget & Dues Review – FYE 2009/10

The members were informed the budget for 2009/10 will need to be slightly increased on an annualized basis from \$63,892 to \$65,649, keeping \$7,500 in the Capital reserve. She further explained:

- Electrical costs increased slightly.
- She increased water a little; but because water costs have increased considerably, she's not sure how much the HOA's cost will increase when the sprinkler system is turned on.
- The total dues increase annually will be \$3,000.

There is not enough money in this budget to replace the baseboards and put in the new thermostat. Discussion about how to pay for this project.

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Judi said there is \$10,800 in the capital reserve and \$10,200 in the painting fund and \$5,900.00 in the Lobby furniture account as of 2/28/2009.

Question was asked what “common janitorial” of \$6,600 covers. It was explained that common area cleaning covers the cost of vacuuming, dusting, changing light bulbs, picking up of trash, sweeping of the garage. Judi said exterior window washing is separate expense line item.

Judi asked for a motion to approve 2009/2010 budget as presented.

Discussion about dues increase.

Diana Kyster moved to approve the 2009/2010 Budget as written. Steve Goldberg seconded. The motion passed (Steve Patterson (proxy for Marty Menin) opposed the budget as instructed).

b. Proposed Project Review – FYE 2009/2010 – Review Special Assessment for Lobby Furniture, Lighting and Entryway

See below.

c. Posting of Signs

Judi said the Board met prior to this meeting and would like to stop the posting of signs because it’s getting too messy. If the owners have something they think should be noted, they should send it to the Board.

Steve Patterson said he usually sees “house rules” posted by HOAs, and he hasn’t seen any here. He said they should say specifically that (1) quiet times are “this time to that time,” (2) no bikes, etc. He said they should be professionally done and should state that Lodge rules and regulations are at the front door. It was noted there is a sign that has been up for quite some time that states quiet times and don’t disturb neighbors. Judi said we can come up with a list of house rules, have a sign made by a professional sign maker, and post the sign at the entryway.

d. Snow Bars, Clips and Heat for Roof

It was noted to the members that additional heat tapes was installed over the front entryway but there may need to be installed additional snow clips and/or heat tapes because of the big icicles. Bids were received from Calvin with RCO and Telluride Roofing; however, there it was suggested that there should be more detail and more information before the HOA spends more money. Discussion ensued. It was suggested that the situation would be reviewed following the winter months.

7b and 8b. Lobby Furniture

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Judi said one-third of the \$20,000 lobby assessment has been sent out and all but one of the one-third payments has been received. Admire, Patterson/Goldberg and Baird have paid in full for the lobby furniture. Discussion ensued. It was noted that not all listed items have been purchased yet. Judi would like it clarified that at the two meetings of July 18 and July 29, a motion was made by Ricki Mikkelsen to approve a special assessment of lobby furniture and lighting and, hopefully some front entrance that would not exceed \$20,000. It was noted to the members that Ricki Mikkelsen made the motion twice, and Janie Goldberg seconded. For the record, Janie Goldberg made a motion (again) to approve the special assessment up to \$20,000.00 for the replacement of the lobby furniture and lighting and front entryway. Steve Patterson seconded the motion and motion passed unanimously.

Discussion about "one-third" payments. Judi said the Board thought it would be easier in the tough economy for everybody to pay in three installments. There seemed to be confusion among the members because a special assessment of \$20,000 was approved; however, they received an invoice for one-third of the assessment and some of the owners thought that the assessment had been lowered to one-third. Several owners present at this meeting said it was very clear to them that the amount **Request was made that the Minutes of this meeting reflect that "\$20,000 is the assessment and they've only been billed one-third and it's clearly understood that they still have two-thirds to pay."** being charged was one-third of the total. It was noted that certain owners did pay 100%. The Board was asked to communicate when the other two payments are due.

e. New Business – Other

Tara Admire noted there is constant banging and noise from the opening and closing of the garage door – her unit is above the garage door and asked if there is anything that can be done. It was noted by one of the members that the previous owner was aware of this issue and did not feel this was an HOA issue. Discussion ensued. Suggestion was made by Mike Rich that Tara Admire obtain recommendations from garage door companies seeking possible alternatives.

Question was raised about short-term rentals. In this building owners may have pets, renters may not. Janie Goldberg suggested that a pet should be considered in rental units if the owner gives permission and takes responsibility for the pet. Extended discussion. Judi said the Declarations are the governing document and they state that each unit owner may have a pet. The Rules and Regulations of the Association can be changed at any time by the Board. The Rules and Regulations of Boomerang Lodge say no guests or tenants can have pets because of issues that were occurring over the years. It was decided that the Board would vote on the issue and let the owners know.

Diana announced there is now a place in the back yard for a picnic table and a grill. She asked for the owners' feelings about a charcoal grill vs. a gas grill. The HOA does not allow charcoal grills; however, the Board can change that. The Town says it's okay. Discussion. It was suggested that insurance policy should be reviewed. The members agreed to try the charcoal grill in the outdoor picnic area. If it doesn't work the charcoal grill can be removed and the matter can be revisited. The Board will contact the insurance agency for clarification on this issue and if no issue arise they will approve the charcoal grill and change the Rules and Regulations accordingly.

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Mike Rich said he has broken windows and asked what he can do. The Board has talked about this and needs to come up with a plan since this is a problem all of the owners are experiencing. Mike will research several windows and make suggestions for new windows that should be used by all owners.

Diana Kyster noted to the members at a meeting in March a couple of owners talked about building balconies/terraces. She asked for opinions. Discussion ensued. Steve Patterson suggested this is a singular thing that should not affect other people. He proposed that some budget money be allocated to this proposal "because it is the best high end that we can do for our unit." Discussion continued about pros and cons. Steve Patterson nominated Shawn Greenwood and Mike Rich to take a look at this matter (preliminary drawings). Discussion about who should pay for the decks (limited common elements). A deck would be the responsibility of the individual owner and not an HOA matter. Suggestion was made that if decks are allowed, the owners should approach HARC (Historical Architectural Review Committee) at one time about all the decks that are being requested and all decks need to be uniform.

Question was asked why owners cannot install gas fireplaces (since the building does have gas available). Discussion ensued. **Janie Goldberg moved to allow gas fireplaces to be installed into units at the cost of the unit owner. Diana Kyster seconded.** Insurance will be checked. **The motion passed.**

Diana brought up the matter of bicycles in the lobby and hallways. Suggestion was made that Leo or somebody move them out on a daily basis; if they're stolen, "oh well." Suggestion was made that it should be a posted Rule and Regulation. Cindy said she thought there had been a sign for a long time that bikes must be put in the rack. Apparently, that sign is gone. Discussion. Judi said they have been tagged, and she has tried asking who they belong to. Judi will send a notice to all owners and put a sign asking that they identify their bikes on the bike rack as well as under the hot tub area. If they are not identified within the next X number of days (adequate notice might be 30 days), they will be removed.

Upon motion made by Steve Patterson seconded by Steve Goldberg and passed, the meeting was adjourned.

Respectfully submitted,

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