

# **BOOMERANG LODGE CONDOMINIUM ASSOCIATION, INC.**

## **MINUTES OF SPECIAL MEMBERSHIP MEETING**

### **Lobby at the Boomerang Lodge Condominium Complex**

**July 29, 2008, 4:00 p.m. (MST)**

The special membership meeting of the members of the Boomerang Lodge Condominium Association, Inc. was held on Wednesday, July 29, 2008, at 4:00 p.m., in the Atrium Room of the Boomerang Lodge Condominiums in Telluride, Colorado, 81435. This Special Meeting was called to restate, revote and re-verify the discussions which took place at the meeting held on July 18, 2008 which covered the same topics.

**(1). Calling of Roll and Certifying of Proxies.**

**Owner Members Present via Conference Call:** Cindy Greenwood (Units #1 & 2) Sandy Kryle (Unit #5, Robert Jacobson, (Unit #7) and his attorney, Joe Solomon, Ricki Mikkelson (Unit #10) and Diana Kyster, (Unit #12).

**Owner Members Present at Meeting:** Steve Patterson (1/2 of Unit #4), Janie and Steve Goldberg (1/2 of Unit #4), Marty Menin, (Unit #11), Thomas Kyster (Unit #12 and Mike and Ruthie Rich (Unit #9).

**Owner Members Present by Proxy:** Jeff Dunaway (Unit #8) provided a valid proxy to Steve Patterson. Barbara and Kelly Bynum (Unit #6) provided a valid proxy to Diana Kyster.

**Absent:** Kere Frey (Unit # 3), and Bill Baird (Unit #13) (Note: Frey and Baird were in attendance either by proxy and/or in person at the July 18, 2008 meeting). **Also Present:** Judi Balkind, HOA Property Manager.

**Judi Balkind stated that a quorum was present. The meeting was called to order at 4:10 p.m. by Marty Menin, President.**

**(2). Proof of Notice of Meeting or Waiver of Notice;**

**Marty Menin discussed that proper notice was provided for this meeting based on Joe Solomon's prior objections. Marty stated that notices were placed in the mail 10 days prior to the meeting and displayed a postmarked envelope to those present. Marty also pointed to the windows at the Entrance to the Boomerang Lodge where the meeting notice and documents were posted for the past 10 days. All present agreed that proper notice was sent to the membership and that this was a valid meeting. Marty asked Mr. Solomon (representing Mr. Robert Jacobson) if he had any further disagreements about the notice of this HOA meeting. Mr. Jacobson stated no such objection. As an added precaution, Steve**

**Patterson made a motion to waive the notice of the meeting. Mike Rich seconded the motion. There was a discussion that this meeting was unnecessary because the prior meeting on July 18, 2008 was a valid meeting. All present agreed that the prior meeting on July 18, 2008 was valid. Joe Solomon, representing Robert Jacobson disagreed. Owners present agreed that to preserve the voting results of the prior meeting and to verify all actions taken, this meeting on July 29, 2008 would continue. All owners were in favor of the motion. Motion passed.**

(3). **Minutes of Preceding Meetings** – the minutes of the prior meeting were not read because it was agreed that these minutes (for this meeting on July 29, 2008) would override the prior meeting's minutes. There was discussion that this meeting was unnecessary because the meeting on July 18, 2008 was valid. The members present discussed that the agenda today was a duplicate of the agenda on July 18, 2008. Mike Rich made a motion to waive the reading of the minutes from the previous meeting. Steve Patterson seconded the motion. The motion passed.

(4). **Reports of Officers.** Marty Menin, President, passed on his report and stated that the issues which were to be discussed would be brought up under Unfinished Business.

(5). **Reports of Committees.** Marty asked that the Interior Re-Design Committee bring up there issues under Unfinished Business.

(6). **Election of Managers.** Election of Managers was passed because this only occurs at the Annual Meeting.

(7). **Unfinished Business.**

**A. Discussion of modification of HOA declarations.** Marty Menin stated that although the owners agreed that the meeting on July 18, 2008 was valid (and although there was a motion to waive notice of the meeting at that July 18, 2008 meeting and that motion was approved) that this meeting would continue and that a second vote would take place on the proposed Amendment to the Declarations regarding prevention of Deed Restricted Units at the Boomerang Lodge. Marty informed the members that the Homeowners Association had hired Ramon Escure, Attorney at Law to review the Boomerang Lodge Homeowners Association declarations and draft an amendment to the declarations. The amendment would prohibit deed restriction on condominium Units for Affordable Housing or Employee Housing. Discussion ensued. The members were informed by Joe Solomon, attorney for Robert Jacobson, owner of Unit #7 that the Town of Telluride had approved for this unit to become a deed restricted unit. Robert Jacobson was in the process of selling the unit as a deed restricted unit. Robert Jacobson stated he set up an Escrow Fund for future assessments which might apply to Unit #7. This assessment is apparently \$15,000.

Marty Menin informed the members that each owner and also each owner's first mortgage holder (if one exists) needs to complete paperwork to properly file the Amendment to prevent deed restrictions and when paperwork was completed that it should be sent to the HOA manager, Jarmik Property Management, Inc., attention of Judi Balkind. He also

informed any member who has a first mortgage on their unit that a, "Consent by Lender", form had to be executed by their lender and also sent to the manager which would be filed with the County.

Marty recognized Steve Patterson who made a motion that the Boomerang Lodge Homeowner's Association should submit paperwork to San Miguel County that would prevent deed restrictions at the Boomerang Lodge. Steve Goldberg seconded the motion. The motion passed with all voting in favor except Joe Solomon – who, on behalf of Robert Jacobson (Unit #7), voted no.

Further discussion ensued on whether this meeting was necessary and that the prior meeting on July 18, 2008 was valid. Marty Menin again stated that just to be sure the HOA had to vote a second time and pass the motion again to make sure that no questions could be raised about the validity of this meeting and the vote. All agreed to continue.

**Janie Goldberg made a motion to pursue other options and seek additional advice from legal counsel regarding the sale of Unit #7 as a deed restricted unit. Steve Patterson seconded the motion. Joe Solomon, on behalf of his client, Robert Jacobson objected. All other owners were in favor – discussion continued. The motion passed.**

Marty Menin again reminded the group that everything possible was being done to fulfill the wishes of the owners. Marty reminded the owners that Ramon Escure had been hired to help the HOA and that he and Ramon were doing as much research as possible to fulfill the wishes of the HOA. Discussion continued and it was agreed that another meeting would be called in the near future to update the members on the status of preventing the deed restriction on Unit #7 and all other units at the Boomerang Lodge.

#### **B. Discussion of lobby design.**

Diana Kyster had emailed all owners two designs for the lobby, an inventory list of items and a break down of a special assessment per unit. There were two breakdowns – one totaling \$10,000 and the other totaling \$20,000.00. Discussion ensued. Mike Rich suggested including the changes to the entryway area in the \$20,000.00 budget. He suggested removing the carpet and look into a replacement material for the front lobby entrance.

**Ricki Mikkelson made a motion to approve a special assessment for furniture and lighting for a total not to exceed \$20,000.00. Discussion ensued. Members agreed to allow the design committee to proceed with the purchase of furniture, lighting and entryway as long as the budget does not exceed \$20,000.00. Janie Goldberg seconded the motion. The motion passed.**

**C. Update on Painting and Landscaping.**

Painting. Marty Menin informed the members that the painting on the exterior of the building had been completed. The painter, Mark Wormington completed the job in a timely manner and did a great job. Marty reviewed that some of the siding had been redone but no other issues arose. Marty promised to send pictures to Cindy Greenwood.

Landscaping. Marty Menin informed the members that the White House project is completed and that there was \$10,000.00 in an escrow account at Security Title to assure the following:

- Restoration of ground and resodding of the lawn.
- Placement of fencing on the property border between the Whitehouse project and the Boomerang Lodge property.
- Repair of any other damages.

Marty is still negotiating with Chance Leoff, Jeff Lehrer and Steve Finger regarding the promised landscaping repairs. Marty has suggested that the Whitehouse sign over the \$10,000.00 to Boomerang Lodge and let the Boomerang Lodge complete the necessary improvements. Marty will continue to pursue a solution with the White House project and Leoff, Lehrer and Finger.

**Steve Patterson made a motion authorizing the Board to obtain additional legal representation to investigate possible building code issues and violations regarding the White House project and the issue of water discharge from the building. Mike Rich seconded the motion. The motion passed.**

**D. Transfer of funds from the Painting Account to the Capital Reserve Account.**

Marty Menin informed the members that the painting, siding replacement and back flow prevention devices and plumbing modifications were completed. So far, the expenses were under budget and the board will review the HOA's current cash position to ensure the HOA continues to operate in a healthy financial state. The board may request to transfer funds from the Painting fund to the Capital reserve fund now that painting was complete.

**(8). New Business. There was no other New Business.**

**(9). Adjournment.**

**Cindy Greenwood made a motion to Adjourn. The motion was seconded by Ricki Mikkelson. The motion passed. The meeting was adjourned at 5:38 PM.**