

**COPPER JUNCTION CONDOMINIUM OWNERS ASSOCIATION  
ANNUAL MEETING OF THE MEMBERS  
September 6, 2020**

**I. CALL MEETING TO ORDER & INTRODUCTION OF ATTENDEES**

The Copper Junction Condominium Owners Association Annual Meeting of the Members was called to order at 9:09a.m. (18:20 on recording) via videoconference.

Board Members Present Were:

Ira Langenthal, President, #403  
Ryan Oliver, Commercial

Susan Canny, Secretary, #402

Owners Present Were:

Lena & John Stewart, #201  
Rich Rapp, #204  
Ron Levin, #206/301/302/307  
Gene Finkelstein, #305  
Rufus Nagel & Jenny Giberson, #401  
Rusty & Jill Yull, #405  
Billy Krasowski, #102

Paula Parker & John Barringer, #202  
Mert Laresen, #205  
Justin Hunt, #207/309  
Les Kennedy & Jeannette Thompson, #306  
John Canny, #402  
Thomas Jackson, #406

Building Manager Billy Krasowski was present. Erika Krainz of Summit Management Resources transcribed the minutes from recording.

**II. QUORUM & PROXIES**

With membership represented in person and three by proxy a quorum of over 30% was confirmed.

**III. APPROVAL OF PREVIOUS YEAR'S MINUTES**

Rusty Yull noted a correction to his wife's name (Jill) and the spelling of their last name.

**Motion:** Rusty Yull moved to approve the minutes from the September 1, 2019 Annual Meeting as amended. Ira Langenthal seconded and the motion carried.

**IV. PRESIDENT'S REPORT**

Ira Langenthal reviewed the history of the unit conversion from leasehold to fee simple ownership, which occurred on June 23, 1999 and was based on the square footage listed in 1972/1973. The dues are based on that square footage plus any other changes to the square footage of the units. The square footages are listed on the Copper Junction website. On July 1, 1990, a document was generated and published that lists all square footage. These figures are larger than the 1999 numbers due to changes in the measurements and the façade enclosure.

Ron Levin said he was advised that the dues must be assessed based on the square footage recorded with the County. Ira Langenthal said the changes to the square footage are related to the basement of C2, not the LCE. Copper Mountain changed the definition of the basement. The numbers being used are consistent with the financial numbers from June 1999. Ron Levin said the square footage being used for dues calculations was not recorded. The issue is the

smaller units are paying for the LCE for the larger units. Owners are paying their share of the GCE and for maintenance of their LCE, which includes balconies that were enclosed.

Rufus Nagel did not think dues were being assessed correctly based on GCE, LCE and unit square footage. He believes there was an effort not to properly assess square footage to reduce fees for some members at the expense of other owners and as a result, some owners with larger units pay less in dues than owners with smaller units. Susan Canny said that is incorrect. Ron Levin noted that the numbers from the assessor and surveyor are significantly different, which causes an issue when owners sell their units.

Ira Langenthal explained that there are three components to the dues in the nine units like his. They are the LCE, lease space and remainder of the living space. Taxes are not assessed on the LCE or leased space. The taxes and dues are two separate issues and the question is if the Association wants to start charging dues on the LCE square footage.

Rufus Nagel requested posting of the Paula Parker's report, the June 30, 2020 report and the square footage and dues for all units on the website, and to send notification to all owners once all documents are posted.

The maps that exist today, namely the original and first supplement generated as a result of the meeting, had implications for answering the question related to the basement of C2. The 1999 map was useful for one moment in time to satisfy the buy-out. The map in the original documents shows the basement of C2 as a crawlspace. That was not corrected. At the meeting, consistent with the request made of the Association, Copper Mountain was informed that the basement was not paid for properly. Copper generated a second map, called the first supplement, that was required by and paid for by the CMI legal department. The sole purpose of the map was to serve as a 1973 replacement. In order to do so, and to show C2 as a full basement, CMI retained a surveyor and required that the developments made from 1973 – 1999 be intentionally omitted or modified. This meant this document could not and should not have been used going forward for any calculations, but it was. The work was done on a wrong map, was not signed by the Association and is not valid whatsoever. The lack of validity is substantiated by the amount of redlining that exists on what was reviewed by the Board. Efforts are now in progress to have a surveyor produce a map that is consistent with the building. This work should start in November at the latest.

The elevator assessment consisted of two parts. One was for the \$42,000 that was borrowed improperly from Reserves and the second was to cover the shortfall in the amount saved for the project. There was violation of Civic Code. In 2018, the President's Report stated Reserves and Operating funds were in a good position. There is now \$237,000 in Reserves and the elevator is up and running.

The roof is showing wear, and there are other issues such as bat intrusion and ice dams. Per the 2013 Reserve Study, a special budget was supposed to be established to accommodate elevator and roof replacement in 2020/2021. No money was set aside and the \$42,000 loan was not repaid. This has created the need to fund the project entirely through an assessment. The recommendation is to engage a professional to draft a new Reserve Study as soon as possible to clarify future dues requirements. The contractor who replaced the roof over the lower

commercial space was approached but he does not want to take on this project due to liability concerns. A second roofing company was approached and submitted a bid of \$293,000. The requirements are to positively impact heating and insurance costs. The recommendation is not to deplete the current Reserve balance and to levy a \$250,000 Special Assessment with \$33,000 to be paid from Reserves. A suggestion was made to get another bid from a Denver contractor. Ira Langenthal said he is waiting for a bid from G&G. He felt the roof should be replaced before this winter. Billy Krasowski said the first contractor is still interested since he has found an engineer to work with him on the project. Justin Hunt will make some calls to his contacts about roofing contractors. Justin Hunt, Ron Levin and Ira Langenthal will serve as the committee to review bids and recommend a contractor. To fund this project, the Association would need \$150,000 by October 15, 2020 and the remainder by December 31, 2020, depending on the contract.

**Motion:** Rufus Nagel moved to commission a new Reserve Study. Ryan Oliver seconded and the motion carried unanimously.

**Motion:** Rufus Nagel moved to pay the entire roof expense with a Special Assessment. Rusty Yull seconded. In discussion, the motion was amended to include that the total amount will be up to \$250,000, with the first \$150,000 due by October 15, 2020 and the remainder due by December 31, 2020, depending on the contract and committee recommendation. The amended motion carried.

Ira Langenthal and Ryan Oliver worked on updating the residential and commercial leases, which has been completed. Section 10 was changed to reflect what was legally approved in 2013 related to assignment and sub-letting. Rufus Nagel said he did not think the leases were valid because GCE should never be leased to a single unit without full membership approval. Ryan Oliver stated that he believes the leases are valid. Rufus Nagel did not think the Association could competently administer the leases and the Board should negotiate an exit strategy. A comment was made that the leases are invalid because the Association does not have the authority to convert GCE to LCE. Ira Langenthal said there was an attorney opinion that this could be done. Ron Levin stated that any Board members with leases should recuse themselves from any negotiations due to conflict of interest. Susan Canny noted that anything that was done was approved by a previous Board. Section 10 was drafted by a lawyer in 2012 and verified in 2013. There were no legal fees incurred for refreshing the leases this year.

**Motion:** Rufus Nagel moved to form a three-person Lease Committee whose goal is to exit the leases in the next 12 months in an appropriate manner and to convert the GCE that are now sauna spaces and LCE in the commercial areas to assets under each unit to remove liability from the Association for potentially improper leases or leases that are not effectively managed by the Association. The committee should be comprised of owners who are not current lease holders or receive any economic benefit and any Board members who hold a lease must recuse from the negotiations. Ryan Oliver seconded, with the addition that the committee provide a recommendation before spending any money on legal work. After discussion, it was agreed that Ira Langenthal could serve on the committee as a representative of the lease holders. The motion carried.

**Motion:** Ron Levin moved to allow Ira Langenthal to serve on the Committee but for all other Board members to recuse from anything related to the leases. There was no second or vote on the motion.

Rufus Nagel, Ron Levin, PaulaParker and Ira Langenthal will comprise the Lease Committee. The deadline for a recommendation will be December 31, 2020.

**Motion:** Ryan Oliver moved to task the Lease Committee with identifying non-compliance with leases. Ira Langenthal seconded. In discussion, Ron Levin requested an amendment to include a requirement for the Board to take action on any non-compliant lease holders. Ryan Oliver accepted the amendment but there was no vote on the motion.

## V. FINANCIAL REPORT

### A. 2020 Update

As of August 31, 2020, the Association had about \$63,000 in Operating and \$227,000 in Reserves for total cash of about \$300,000. Total Liabilities were \$15,000, with \$12,000 of that total for accrued Water and Sewer. Total Equity was \$285,000. Total Income was \$187,000 vs. a budget of \$184,000 and Total Expenses were \$148,000 vs. a budget of \$180,000. Net Income was \$39,000, which was \$35,000 favorable to budget. The Association is projected to end the year close to budget.

### B. Dues/Assessment

This information is posted on the website and lists the square footage, percentage of ownership and dues amounts.

## VI. FINANCE COMMITTEE DETAILED DISCUSSION

### A. Conclusions/Recommendations

This agenda item was not discussed.

## VII. BUILDING MANAGEMENT REPORT

Billy Krasowski reported the following:

1. Elevator –The elevator replacement went well.
2. Gate – The gate was not operational last year but could not be replaced during the winter. It was just recently replaced.
3. Bats – There have been some issues with bats inside the roof this summer. This situation will be addressed in the context of the roof replacement.
4. COVID-19 – Hand sanitizers have been installed in various locations throughout the building and he is cleaning high touch surfaces in the common areas. Signage has been posted in the building.

## VIII. OTHER MATTERS

### A. *Pet Policy*

The Pet Policy was discussed at a Board Meeting. The governing documents only permit owners to have pets but there is no specific restriction regarding non-owner pets. Noise disturbances caused by barking dogs are addressed as a noise nuisance.

**Motion:** Ron Levin moved to establish a policy prohibiting pets for short term renters. Paula Parker seconded. In discussion, Rusty Yull noted that all rental management companies will need to be made aware of this restriction. The motion carried.

### B. *Items in Hallways*

Susan Canny said owners are storing items in the hallways, which is prohibited per the governing documents. Any items currently in the hallways should be removed immediately. It was noted that there are some hooks in some hallways that can be used to hang clothing temporary but not overnight.

### C. *Contact Information*

Susan Canny would like to update the rules and procedures for annual notification and the contact individual for the Association. The Board will follow up.

### D. *Unit Damage*

Susan Canny was contacted by an insurance adjuster. He asked if there was anything in the governing documents regarding assignment of responsibility if a leak in one unit causes damage to another unit. There is no specific rule and establishing a rule would facilitate insurance claims. Ira Langenthal said each owner is responsible for damage in their unit and this is not an Association matter. Owners should confirm their individual policy covers these types of situations.

### E. *Chimneys*

Spark arresters will be installed on all chimneys for wood burning fireplaces by the end of the month at the unit owner's expense.

## IX. ELECTION OF DIRECTORS

There was one Commercial seat and one Residential seat up for election. There was no nomination received for the Commercial seat. Ron Levin felt the resignation of two Board members last year reflected dysfunction on the Board and asked Susan Canny to consider resigning. She declined.

**Motion:** Ron Levin moved to remove Susan Canny from the Board. Rusty Yull seconded. In discussion, Susan Canny explained that per the governing documents, Board members can only be removed at a Special Meeting with proper notice. Ron Levin amended the motion to call a Special Meeting with the intent to remove Susan Canny from the Board. After further discussion, the motion was tabled.

**Motion:** Rufus Nagel nominated Jenny Giberson for the Residential seat. Ron Levin seconded.

There were no other nominations and Jenny Giberson was elected to the Board by acclamation.

**Motion:** Lena Stewart moved to have Ron Levin's motion for holding a Special Meeting withdrawn. John Canny seconded. In discussion, Paula Parker pointed out that with the work of the several committees and obtaining all the facts, the conflicts should be resolved. She did not feel this was the proper time to remove a Board member. The motion failed with eight (plus proxies) opposed and three in favor.

**X. ADJOURNMENT**

**Motion:** Ryan Oliver moved to adjourn the meeting at 1:18 p.m. Ira Langenthal seconded and the motion carried.

Approved By: \_\_\_\_\_  
Board Member Signature

Date: \_\_\_\_\_