

DRAFT Minutes for the Copper Junction Board Meeting

June 30, 2020

Call to Order-The Meeting was called to order at 1:03 pm Mountain Time.

Present were:

Board Members- Ira Langenthal, Ryan Oliver and Susan Canny

Members-Rich Rapp, Rich Seely, Bob McGinnis, Rusty Yull, Gavin Malia (Agent for Owner)

Owner Forum-

1. Rusty inquired for Ron Levin about the existence of filters and firecaps on the building. Rusty suggested we contact the fire department to schedule an inspection and to make sure we have spark arrestors for the fireplaces-caps on the very top of the chimney to prevent sparks from escaping and animals from entering.
Bob McGinnis inquired about how often the fireplaces are cleaned and inspected and the rules to comply with Code. Billy indicated he would schedule the cleanings and inspections.
2. Rusty indicated he had resigned from the Board because he was not happy with how the meetings were held.

Old/New Business

1. Board voted to accept Rusty's resignation.
2. Board voted unanimously to approve the December 18, 2019 Board Meeting Minutes.
3. Budget- Ryan indicated our financial position is significantly better this year than last year at this time. Ira said we were below budget in expenses. Ira explained the \$250,000 assessment funds went towards the cost for the elevator and the remaining funds-approximately \$85,000, were used to correct financial issues that had accumulated over the last half dozen years when Reserve Funds were placed in the Operating Fund and not returned.
Ira explained that in January 2017, the management company run by Murray Bain took \$42,000 from the Reserve Fund and placed it in the Operating Fund. By the end of the year the Operating Fund ran at approximately a \$70,000 deficit.
Ira said our Reserve Fund is currently over \$220,000 and we will have to discuss the Reserve Fund, Budget vs Actual items and upcoming expenses at the Homeowners' Meeting in September 2020.
4. Ryan discussed the plat and indicated the process is ongoing and there are issues with the correct measurement of the spaces. These issues effect the correct measurements of Common, Limited Common and General Common Area measurements which in turn effect the proper measurements for the HOA leases. Ryan indicated we can conclude the persons preparing the replat did not walk the building so the measurements are inaccurate. We have taken the draft and fixed it so the measurements are accurate and correctly reflect what is actually in the building.

Ira said we have a current red lined document and now have to find someone to complete the replat. Range West could possibly perform the corrections or we could have Range West release the CAM drawings for another company to complete the project. Almost \$11,000 has been spent on the replat thus far.

5. Leases/Buyouts- A correct map of the building is needed to finalize any solution to the current residential and commercial leases. Currently, two documents exist that attempt to represent the building's measurements- The 1973 Map and The 1999 1st Supplement. (Thanks to Paula Parker for taking the time to gather and decipher the map information).

There were several notable changes to the building in the 1980's and since that effect the usefulness and reliability of the existing documents. The purchase of E1, residential and commercial leases signed by the HOA, the five commercial units actually operating as three units, and the breezeway lease are examples. Ira gave a comprehensive report on the history, timing and significance of several of the issues.

Ira summarized by stating we do not have an up to date set of documents. Ira and Paula have gathered the information, including original documents and correspondences by legal representation during the various time periods, and have red lined a plat. The Board is working to get the replat corrected and completed.

Rusty questioned how the residential leases, signed in the 1980's, were offered to the membership and voiced concern that three current board members have leases with the HOA. Susan stated- This association is a non-profit and we are bound by previous boards' decisions. The current leases were offered and signed in the 1980's by duly elected boards and are legally binding. In 2017, the board at that time voted to offer the holders of the leases the chance to buy out the leases and the then president of the board, Ron Levin, initiated conversations with leaseholders indicating the board was offering the buyout at specific terms. At least one leaseholder accepted the terms and was then told the offer was rescinded. No leaseholder was on the board at that time.

Susan explained the leases are legally binding documents and the owners are under no obligation to buy out the leases and the leases contain no buyout option. The sauna leases run until 2070.

If the leases were bought out, the governing documents indicate a vote of 67% of the membership would be required to approve the 'disposition of the asset' as the General Common Area would be incorporated into the individual units affected. A vote of 100% would be required to change the CAM allocation which would be necessary to charge CAM per the new unit measurements.

Ira explained a previous board had approved several clerical corrections for the leases and had paid our legal counsel to approve the changes. The changes were never presented to the individual lease holders for review and their signatures.

Susan made a motion to prepare and present the corrected leases-per the previous boards vote and legal counsel direction- to the current leaseholders for their signatures. Ira seconded. Motion passed unanimously.

6. In response to a question at a previous board meeting this year, research by Ira indicated that General Common Area-the type of area leased by the HOA to the owners- does not pay county taxes.
7. **The board determined- The Annual Homeowners' Meeting will be held via Zoom on Sunday September 6, 2020.** Because of COVID, no meeting place at Copper will be provided for the meeting and no board members plan to be at Copper during the meeting time.

Meeting was adjourned at 2:11 pm Mountain Time

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