

EAGLES REST HOMEOWNER'S ASSOCIATION
GRAND TETON PROPERTY MANAGEMENT
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2015 Annual Meeting Minutes
January 8, 2015 at 3pm
Eagles Rest #4

Attendance:

Present (9): Susan Barr, John Corboy, Fred Harness, Bartley Liles, Moe & Irene Mellion (2), Richard Morgenstern & Devra Lee Davis, Tom Rau, Gary & Mary Jo Weissman

Present by proxy (3):

Proxy to Gary Weissman: Barbara Fitzgerald, James & Lisa Fouras, Andrew Lindberg

Quorum present? Yes. 75% of homeowners were present in person or in proxy.

Others present:

Grand Teton Property Management (GTPM): Robert Bacani, Tina Korpi, Brealyn Landis

1. Call to Order

Moe Mellion called the meeting to order at 3:10pm.

2. Reading and Approval of the 2014 Annual Meeting Minutes

Dick Morgenstern moved to approve the 2014 Annual Meeting Minutes, John Corboy seconded, and there was no objection.

3. Financials

• **Review of 2014 Income vs. Expenses**

Rob Bacani reviewed the 2014 income vs. expenses. The total operating revenue was \$134,924 and the total operating expenses were \$133,286, resulting in a net income of \$1,638. The operating account balance was \$13,792, and the maintenance reserve account balance was \$136,661.

• **Review of the 2015 Proposed Budget**

Rob Bacani reviewed the 2015 Proposed Budget. *Tom Rau made a motion to approve the 2015 Proposed Budget, Susan Barr seconded, and there was no objection.*

• **Review of the Maintenance Reserve Account**

Rob Bacani reviewed the maintenance reserve account. Moe Mellion said all the buildings will need to be stained. The staining will be around \$63,000. The members discussed whether or not to maintain the practice of homeowners being responsible for staining their own decks after the deck receives the initial stain. *John Corboy made a motion for the HOA to continue in its practice to not treat decks and to revisit this practice next annual meeting, Susan Barr seconded, and there was no objection.*

4. Balconies

Moe Mellion reviewed the status of the balconies. There are three balconies that need to be replaced immediately and many other balconies and a few railings that need to be replaced in the future. Currently, the Board accepted a bid from Ken Jern to replace the three balconies this winter.

Devra Lee Davis made a motion for the Board to obtain bids for ripping out balconies vs. replacing balconies, but there was no seconded.

Dick Morgenstern made a motion to ask the engineer if there is a more cost effective option for anchoring the railings into the siding rather than into the wall, Gary Weissman seconded, and there was no objection.

Gary Weissman made a motion that when bids are solicited, that numbers be solicited concerning the following options: an exact replacement of a balcony, the removal of a balcony, and making a balcony smaller; Tom Rau seconded, and there was no objection.

Dick Morgenstern made a motion that the following option be included in the bids: that if a balcony is removed, the sliding glass door is left or a window is installed, but there was no seconded.

Moe Mellion said the issue with moving forward with the replacement of the other balconies and railings is the potential of a special assessment occurring to cover costs. Fred Harness said the HOA should work with the money they have and defer the rest of the work until more money is received.

Gary Weissman read the following resolution to the members as a motion:

Axiom: Balconies are the “amphibians” within the Eagles Rest taxonomy of peropy: According to Paragraphs 1(e)&(f) and 4 of the Declaration of Condominium (“CC&Rs”), balconies are both part of the “General Common Elements” and at the same time “limited common elements” reserved for the *exclusive use* by the owners of the units to which the balconies are affixed.

Postulate: Precisely because the balconies are reserved for the exclusive use and benefit of the owners of the balconies units, it is unreasonable and unfair for the owners of the four units (Nos. 1,2,3 & 8) which have no balconies to be required to share in the expense of re-building, repairing, construction of rails, and/or brining up to current code the balconies of the 12 units which *do* have balconies.

RESOLUTION: The Eagles Rest Home Owners Association (“ERHOA”), at its annual meeting in January, 2015, hereby resolves as follows:

Notwithstanding the requirement in Paragraph 38 of the CC&Rs that each homeowner shall pay for all maintenance and repairs to the general common elements of the Eagles Rest

complex in proportion to the number of square feet which his/her/their unit bears to the total footprint of the Eagles Rest complex, the HOA hereby directs the Management Committee to apportion the costs of rebuilding, repairing, construction of rails, and/or bringing up to code repairs of all balconies affixed to the units in a way so as to exempt from such payments the owners of those units which do not have balconies.

Should a court of competent jurisdiction ever hold that this resolution requires an amendment to the CC&Rs, then the Management Committee shall submit to the owners a proposed amendment to the CC&Rs, which proposal shall conform in purpose and form to the language of the resolution set forth above.”

Gary Weissman said the person who wrote the CC&Rs made an error in including the balconies in the general and limited common elements. Because of the ambiguity by the authors, everyone has to pay, even if they don't have a balcony.

Moe Mellion ruled this motion out of order for two reasons:

1. It asks the HOA to skirt the CC&Rs
2. The issue has been brought up without notice. All homeowners need to be given advance notice.

Gary Weissman made a motion to appeal, and used Andrew Lindberg's proxy to second the appeal.

Tina Korpi said the resolution needs to go to all owners to vote on, and CC&Rs would need to be amended.

Dick Morgenstern said that there are a lot of differences in units. By introducing differentiations, it opens up a lot of things the condos have never done before.

Gary Weissman modified his motion to send the motion to all owners, Devra Lee Davis said she would seconded his motion as long as he would be willing to have a discussion about amending the motion before sending it out. Gary Weissman agreed to amend the motion. Dick Morgenstern said a competing proposal should be presented alongside this motion.

5. Old Business

- ***Completed Projects:***

The following projects were completed in 2014:

- Installation of railings & wooden steps on back decks
- Front walkway replacement – Unit 12
- Chimney repair – Unit 15

6. New Business

- ***Potential Construction behind Eagles Rest***

Crystal Springs presented a plan in fall 2014 to build a condominium complex of 36 units behind Eagles Rest. The HOA went to the Town Planning meeting, Town Council meeting, and other meetings to object to the proposed plan. Eagles Rest was the only HOA

represented at the meetings. Devra Lee Davis thanked the Management Committee for representing the HOA.

- ***Replacement of Garage Lights***

The garage light fixtures will need to be replaced. The cost will be around \$1,600.

7. Other Business

Dick Morgenstern asked why some units have gutters and other units do not. Moe Mellion responded that gutters are homeowner installed.

Moe Mellion announced that the Management Committee approved \$200 bonuses for Rob Bacani, Tina Korpi, and Brealyn Landis as a thank you for all their work.

8. Election of Directors – 3 year terms

a. Gary Weissman's term expiring

Susan Barr moved to re-elect Gary Weissman onto the Management Committee, Tom Rau seconded, and there was no objection.

b. Moe Mellion resigning – term ends in 2016

Tom Rau was nominated to fulfill Moe Mellion's remaining term, Irene Mellion seconded, and there was no objection.

The Management Committee consists of the following:

Fred Harness – term expiring in 2015

Tom Rau – term expiring in 2016

Gary Weissman – term expiring in 2017

9. Adjournment

With no further business, the meeting was adjourned at 5:45pm.

Respectfully submitted,

Brealyn Landis, Homeowner Association Manager
Grand Teton Property Management