



## RECORD OF PROCEEDINGS

### OBERMEYER PLACE CONDOMINIUM ASSOCIATION

**Held:** 5:30 pm on Tuesday, June 30, 2009  
Held at the Offices of Beach Resource Management, Aspen, Colorado.

**Call to Order:** Dir. Obermeyer called the special working meeting to order at 5:40 pm and a quorum of Directors was present.

The following Directors were present:

Wally Obermeyer, President  
Walther Ramos, Treasurer  
Steve Seyffert, Secretary

Gary L. Beach, Manager  
Landis Greathouse, Recording Secretary  
Jim Korpela, Board Consultant

Members of the Public in attendance:  
Sandra Sattler

#### **Discussion of Board Nominations**

Although not an agenda item, a question arose as to whether Directors Belinski and Carpenter had resigned, and the response from management was they had both recently resigned. It was asked when they would be replaced and what Board positions carried what terms. Mr. Beach stated that the board member terms were staggered in order to ensure continuity on the Board. Management will confirm the expiration date of all board member terms and report back to the Board. Dir. Ramos stated that it may be best to allow all members to vote for the two Board positions at the annual meeting in December. Dir. Seyffert asked if a nominating committee would need to be formed. Mr. Beach replied that it may be simpler and more effective to send an email to Association members seeking interest in serving on the Board. Dir. Obermeyer brought up the question of what type of ownership should be represented by the BOD. Dir. Ramos asked if the Board was inclined to remain at five members. Mr. Beach said his recollection was that the Board required a minimum of three members, one from commercial, one from free market residential and one from deed restricted residential. That is the current make up of the Board but it would be prudent to keep the Board at

five members to allow for more input and an ease of securing a quorum at each meeting.

**Approval of  
November 7, 2008**

**Minutes:**

Mr. Beach asked for a motion to approve the August 7, 2008 meeting minutes.

**Motion:**

Dir. Seyffert moved and Dir. Ramos seconded the motion to approve the minutes of the meeting. Dir. Obermeyer pointed out the misspelling of his name on page one of the minutes and the minutes will be changed to reflect this error. Being no further discussion, Mr. Beach called for a vote and the motion passed by unanimous voice vote.

**Discussion of**

**Warranty Issues:**

Mr. Korpela led a discussion on continued warranty issues related to the CDARA notice filed against the contractor/developer:

Since last meeting, the Association has sought proposals from qualified firms that could provide the Association with access and control of the mechanical controls system. The Carrier West proposal for access and license to the Staefa system, which is a system that is being phased out by the manufacturer, is \$32,000.00 and provides training and limited support. Jim has also pursued the direct purchase of the license and software but neither can be purchased from any entity other than a licensed dealer (such as Carrier West). A second proposal was less expensive but still required the purchase of the license and software from a dealer.

Mr. Beach asked what the consequences would be from taking the “no action” approach. Mr. Korpela replied that the Association could continue to run the system manually and could essentially take the automation out of the system but that building staff, would always have to be there to reset the chiller and other equipment when it went into default. This would require staffing at all hours every day and would not be a cost effective approach. We had also asked for a proposal from Johnson Controls but have yet to receive anything.

Mr. Korpela was asked for his recommendation and he replied, there are some logic errors in the system that we cannot access the system to fix. In addition, because we cannot access the system to change control parameters, we cannot make improvements to operating sequences and ranges of operation, we cannot reset default controls, et cetera. Management is pursuing another option, which would completely scrap the Staefa system and go with an open source system such as the “Opto 22” system. The Opto system is widely used and could still use some components of current system. Management would send staff to a training session in August and would do an install of the system in August and September. Several outfits are interested in providing a new controls system: cost to provide approx. \$60-70,000.00. Dir. Ramos pointed out that Don Carpenter attempted to reduce

Carrier West's proposal cost but was apparently unsuccessful. When asked about the Opto system Mr. Beach replied that it was similar to the difference between the open source Linux computer operating system which costs \$39, versus the proprietary Windows operating system, which costs several hundred dollars. Dir. Ramos suggested that staying with the Staefa system would be like staying with Windows Version 98, we're already four generations beyond that and no one supports Windows 98 anymore. Dir. Ramos reported that the biggest dispute remaining is the control systems and the Association has been offered \$10,000.00 as a settlement. A discussion ensued and it was agreed a counter offer would be made at a higher settlement amount and this would be communicated to the Attorney.

Dir. Seyffert asked what entity is offering to settle with the Association, is it the contractor or the developer? Dir. Ramos replied that it will come down to a financial decision; some issues have been resolved by the contractor and are off the table. The Association filed the notice and now are working backwards to resolve with both parties. The four remaining major issues are: snowmelt; building automation; garage leaks and gas venting.

Mr. Korpela reported on the gas line venting issue: After speaking to experts re: inadequacy of the gas venting lines, and being warned that it presented a dangerous condition, Beach immediately fixed the problem by dismantling the existing vents and installing larger correct diameter vents. Dir. Ramos stated that the cost to repair vents was added to the claim and the contractor has agreed to reimburse the Association.

Dir. Seyffert asked if these costs were reflected in the overrun for mechanical in the budget. Mr. Beach replied that the overrun in the budget was due to the time spent on the overall warranty notice. Approximately \$15,000.00 was spent in materials and labor for the gas line venting project. Dir. Seyffert pointed out that the revised exterior run of gas vent line to exterior of Spring Street Bldg. was not aesthetically acceptable and should be addressed. Mr. Beach suggested that pipes be patinaed so they don't stand out as much. Dir. Ramos asked that the board acknowledge that the repair was an emergency and needed to be made immediately for safety reasons. Dir. Seyffert agreed, but felt that the rest of the board should have been advised as a courtesy. Dir. Seyffert asked if we could construct a chase around the exterior gas vent pipes. Mr. Beach replied that a decorative sheet metal cover could work and likely would not be a big expense.

Mr. Korpela reported on the status of the garage leaks: as they occur and reoccur, the contractor is called to repair the leaks. The contractor has been responding and has repaired some leaks but not all. Warranty for leaks has been extended until May 1, 2010 as part of the snowmelt warranty extension.

Dir. Seyffert asked if ground water at elevator pits in Bldgs. 3 & 4 should be added as warranty item. Mr. Korpela replied that AAA Waterproofing sealed pits last year and that pump system is in place to evacuate water. Mr. Ceja added that pumps are still working and Association will continue to monitor.

Mr. Beach asked board to consider & respond to each settlement offer before them; and to authorize the Treasurer to sign a settlement counter proposal on behalf of the Association. Dir. Ramos agreed to sign the counter proposal and Dir. Seyffert supported moving forward.

**Motion:**

Dir. Seyffert moved and Dir. Ramos seconded to adopt the Scott Ross recommendations and amend the gas vent line reimbursement to include decorative cover for exterior building lines, a counter offer to the settlement of the controls claim and to authorize Dir. Ramos to execute the counter-proposal. Being no further discussion, Mr. Beach called for a vote and the motion passed with Dirs. Ramos and Seyffert voting aye and Dir. Obermeyer abstaining.

**Financial Report**

**Budget:**

Dir. Ramos provided a financial report beginning with an explanation of mechanical overruns as a result of time expended on warranty issues and elevators. Capital expenses, unless recurring, will not be categorized as operational costs. Mr. Beach reported that part of capital expense is due to battery back-up for UPS for elevator at Building 3 and re-keying project. Mr. Ceja replied that only new merchants coming in received new locks. Mr. Beach asked that we check into who has been re-keyed and what has been paid.

Dir. Ramos reported that Association has filed a lien on Ski Service Center for non-payment and will increase the lien amount in the near future. Dir. Seyffert asked about other past 90 days violators, and when liens would be filed. Dir. Ramos replied that Association will follow up with letters asking for immediate payment. A discussion ensued as to whether a member who is past 30 days in assessments should be allowed to vote in the Association. The board agreed that a member past 30 days should not be entitled to vote.

**Motion:**

Dir. Ramos moved and Dir. Obermeyer seconded to bar any member from an Association vote who is past due by 30 days or more in their homeowner's assessments. Being no further discussion, Mr. Beach called for a vote and the motion passed by unanimous voice vote.

**Manager's Report:**

Dir. Ramos asked for a report on the cooling system. Mr. Korpela replied that he has met with 2 companies on site for proposals but they are not interested in assisting. Mr. Beach reported that we have discovered that the boiler return temperature can be lowered to 140 degrees which can have a positive impact on some units.

Mr. Korpela reported that although Associations CO sensors in Smith unit had no recent readings, developer's sensors read 4 pm last week. Action is being taken by contractor to solve. Dir. Seyffert asked about CO flow from garage into units and whether sealing is required. He also asked about fans

running all night. Mr. Ceja replied that fan will run if CO sensors fail. Mr. Korpela suggested upgrading sensors.

Dir. Seyffert asked about lack of landscaping by the Crescent Bldg. columns. Mr. Ceja replied that he is seeking advice. Mr. Beach added that there is still time to add landscaping this year and he will meet with Ms. Gosda on budget.

**Future Meeting:** A discussion ensued regarding setting the date for the annual members meeting. Ms. Sattler pointed out that the bylaws require an annual meeting in January. Management will check bylaws and schedule accordingly. The board will look into a directors meeting sometime in August when individual schedules are checked.

**Adjournment** Upon a motion made by Dir. Seyffert, and seconded by Dir. Ramos, the meeting was adjourned at 7:32 pm, by unanimous voice vote.

The foregoing minutes constitute a true and correct copy of the above-referred meeting and the Executive Board of the Obermeyer Place Condominium Association approved said minutes on the date below.

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Gary L. Beach, Manager  
Obermeyer Place Condominium Association

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Date of Approval

Seal: