

**Date: February 7, 2013**

**From: Terry Miller and Joelle Miller**

**To: Mountain Side HOA Board of Directors**

**Subject: February 8, 2013 HOA Board of Directors Meeting Owner Input**

**Dear Mountain Side Board of Directors;**

Thank you for providing a copy of the minutes for the meeting held on 11/10/2012 and for sending a ballot for WIFI high speed internet.

As much as we would like complex-wide internet offered at Mountain Side and bundle the cost in our monthly dues, we **OBJECT** to your proposal involving a 3 year agreement with COMCAST for WIFI high speed internet service.

- 1) You didn't provide any specifics regarding what this proposal entails.
- 2) You didn't research or survey owners to fully understand what the owners'/guests' **NEEDS** are. Owners went ahead and conducted an informal survey back in June of 2012. Did you review it? Owners do not want a long term commitment for a technology that may change in a couple of years, nor do they want the service for a cost that is not competitive. We certainly **do not want to enter into a CONTRACT without knowing TERMS AND CONDITIONS**. As an individual owner, we have the option to contract individually with COMCAST without any type of commitment and COMCAST offers 6 to 1 year services at a rate that is very close to what they offered as a bulk. Why would anyone want to commit to something that is not to our benefit?
- 3) You didn't research all the options that are currently available in the area. Why focus solely on COMCAST and/or WIRELESS? There are several wireless internet options along with WIRED options available. Perhaps a WIRED option would be better for our intended purpose. If a wired service is chosen, owners can always turn it into WIRELESS if they so choose.

We urge you to survey owners and their guests before making any decisions. It is not in the best interest of us, owners, to select a proposal that has not been carefully reviewed.

The following are comments about several agenda items either discussed on 11/10/12 or to be discussed on 02/09/13. Please address them. Thank you.

### **7I unit entry**

The board and Mountain Managers has been working on the assumption that anyone can walk into anybody's unit for any reason whenever they want to and that owner's permission and accountability is purely optional. The board needs to stop these practices immediately as it puts owners, guests and personal property at risk. Such practices can no longer be tolerated.

- **owners are never notified when someone visits their unit.** Front door can be left unlocked, items can disappear in the unit, dirty footprints can be left behind.  
Owners need the assurance that their unit will remain the way it was when they locked their

door and left the area.

- **It doesn't appear that Mountain Manager keeps a log of unit entries.** It is impossible to know who visited the unit, for what purpose and when the entry occurred.
- **Owners have the right to know when someone needs to enter their unit** and should be given the opportunity to be present when this occurs. If this is not possible, two people should enter units together and clearly announce themselves. Owners need to have the opportunity to notify their guests that someone needs to enter their unit.
- **Board members or Mountain Managers employees should no longer walk in units when guests are present or do so unannounced.** In August of 2011, Will Woodard walked in unit G206 unannounced while guests were using the bathroom. The purpose for his visit was **NOT** an emergency (he was checking the unit for a suspected presence of an unauthorized washer/dryer in the unit. None was found). Guests asked him to leave immediately and contact the owners and receive permission before reentering. He disregarded the guest's request, never notified us and returned when the guests were out for the day and conducted a search. **This is unacceptable.**
- **Free security checks:** how many units are currently signed up for this service? What is this service providing to the owner exactly? We feel that security checks provide a false sense of security to the owners and that it has now become a liability rather than an asset. We opted out of this service a few years ago for various reasons: pipe freeze in first floor units still kept occurring; we still experienced dry toilets; we once found our front door unlocked and opened. If other owners no longer want this service, you should figure out why and change the current way it is done to make it better for those owners who still want it. If you have less units signed up for this service, you should be able to continue to provide it and assign a second person at no charge.

#### **Colorado Revised Statute 38-33.3-313 states:**

(1) Except to the extent provided by the declaration, subsection (2) of this section, or section 38-33.3-313 (9), **the association is responsible for maintenance, repair, and replacement of the common elements**, and each unit owner is responsible for maintenance, repair, and replacement of such owner's unit. Each unit owner shall afford to the association and the other unit owners, and to their agents or employees, **access through such owner's unit reasonably necessary for those purposes. If damage is inflicted, or a strong likelihood exists that it will be inflicted, on the common elements or any unit through which access is taken**, the unit owner responsible for the damage, or expense to avoid damage, or the association if it is responsible, is liable for the cost of prompt repair.

A belief that a "situation may exist that could affect other units" and "if damage can possibly occur, unit entry is authorized" **is much different than** the statute's definition allowing "reasonable access for maintenance, repair, and replacement of common elements if damage is inflicted or a strong likelihood exists that it will be inflicted, on the common elements or any unit through which access is taken, unit entry is authorized."

Further, "Code Violation Inspections" do not meet either the above existing rule, proposed new rule or statute. Nor does the HOA's definition of authorized entry meet the statute definition.

#### **SMOKING POLICY AT MOUNTAINSIDE**

We support a non-smoking policy at MountainSide. People smoking on decks and in units with their windows open prevent others from enjoying their own space during the summer months. Units also share common elements that channel smoke to units above when windows are closed during winter months.

## **COMCAST TV**

The agreement signed by the HOA on 07/25/2012 indicates that digital receivers are required to receive the complete programming (page 16, paragraph 2), that COMCAST shall provide receiver(s) and remote control(s) and lists the current programming on page 19.

We do not currently receive the programming listed on page 19 and were not contacted to receive these receivers and remote controls. Please let us know how to receive the programming the HOA is paying for and whether the HOA will coordinate with COMCAST or whether individual owners must contact COMCAST individually to receive these receivers. If so, please provide complete information so that we can obtain what is needed to view the channels the HOA is paying for.

Communication with owners on this type of thing is critical and in desperate need of improvement.

## **SUMMIT STAGE BUS ROUTE**

We would like to ask the board to support our request for the Summit Stage to return to the Mountain Side neighborhood. The free bus system stopped serving our area in 2003.

However, with two affordable housing developments close by (which didn't exist in 2003) and a much larger 'vacation rental' mindset (the revenue generated from taxes collected from this neighborhood is much different than it was in 2003), it would be valuable for the community to reevaluate the decision made in 2003.

As a vacation rental owner, we would like our guests to be able to benefit from a service they are directly subsidizing. We also believe that many owners would also like to be able to ride the bus instead of having to drive everywhere.

The next Summit Stage meeting is scheduled for February 22, 2013 and a request for a stop in our area is on the agenda.

Ken Willis is the board chair and can be contacted at:

**Kent Willis**

Council member

(970) 668-3712

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## **FROZEN PIPES AND GARAGE FURNACES**

Currently, the complex relies on staff doing security checks in first floor units and inspecting furnaces to prevent frozen pipes from occurring. This is not sufficient to prevent damage. We have had 3 major frozen pipes incidents recently (building D, A and G). When such damage occurs, water is shut off,

owners are inconvenienced, guests must be compensated and expensive costly repairs occur. We need a permanent solution to this problem. We would like the board to research permanent solutions that range from installing a 24/7 remote monitoring system of all furnaces in the garages with immediate notification if the temperature generated by these furnaces falls under the recommended temperature to a fully enclosed garage option.

### **5D MCR – Clubhouse**

Since the remodel of the restrooms is being planned for 2013, may we ask the board to consider allocating the current men restroom/shower/locker area to women and vice versa?

Currently, the men restroom/shower area is a lot larger than the women's. Women are the ones who come accompanied by children the most. The current layout in the women bathroom/shower area is not practical for families.

Current women restroom/shower area:

- 1) The entrance door to the restrooms faces the lockers where children usually stand when undressing and using the lockers. Someone trying to access this area can't see if someone is standing behind the door and may hurt a child who is standing there. Since there are lots of women coming with children, the area where someone can be potential hurt sees a lot of traffic and therefore presents a higher risk for injuries.
- 2) There is very little room in the dressing/undressing area by the showers for people getting in/out of the showers or waiting to take one. No privacy either as there is no other place to stand. The benches are too small to accommodate women who come with children. This is why most children get dressed in front of the lockers which is also the area facing the entrance door.
- 3) There is an exit door at the end of the hallway leading to the women lockers. Relocating the women lockers to the other side would ensure that anyone entering the women lockers can be seen from anyone located in the pool area. Currently, anyone can enter from the side door(outside) and go straight to the women lockers without being witnessed by anyone.

Current men restroom/shower area:

- 1) It is a lot larger and the front door opens to a wide open area with a lot of bench space and hooks to hang clothing.
- 2) Urinals take less room than bathroom stalls. By redesigning the current women bathrooms with urinals and reassigning it to male usage, you would gain more space and perhaps find a way to deal with the current entrance/door problem.

### **STAIRS IN BUILDING G**

When are the stairs going to be repaired/replaced? They have been boarded off many weeks ago, have been unusable since and we have not received any information/notification regarding this.

Thank you.

Joelle and Terry Miller  
D-317, E-279 and G-206