

2004

## Mountain Valley Homeowners Minutes of Annual Meeting

The annual meeting of the Mountain Valley Homeowners Association was called to order by President Evan Boenning at 6:20 PM on August 26, 2004 at the Chateau Roaring Fork. Board members present were: Evan Boenning, Rich Haberman, Al Fiorello, Carla Peltonen, Keith Hatanaka.

The financial report: We take in about \$13,000 per year, and we have over \$50,000 in our account. In a poll of homeowner's associations, others may have higher balances but our roads are taken care of, so we have fewer expenses. We need to keep our revenues up in case of future projects. Mountain Valley needs to remain a credible, active subdivision, so that we have recognition when we need to go before the county commissioners to ask for something.

The guest speaker, introduced by Grafton Smith, was Jonathan Lowsky, six years the director of wildlife programs for Pitkin County. The subject was bears. Mountain Valley and other parts of Pitkin County have been identified by researchers as some of the best bear habitats in the whole U.S. All the shrubs provide them with berries, which are extremely important to bear survival. The history of black bear population in our area, based on settlers' records, shows that their population now is the same as pre-settlement. Early settlers killed them, later sheep ranchers killed them. There was a federal program to poison and eliminate predators. In 92 the spring bear hunt was eliminated, but it's questionable how much effect that has had on the population, because the fall hunt brings in the same numbers as previously both spring and fall hunts combined. The main reason for the surge in population is that people aren't killing them anymore. The bears that live here can't be hunted anyway because they live in private land. Their behavior has become very unusual, out in daylight, not afraid of humans. The Division of Wildlife hates to kill bears, so they're asking the community to help. However, they are now actively trapping and killing bears in the upper Roaring Fork Valley.

The problem is how to train bears not to see garbage as a normal source of food. Until November the law says it's all right to put garbage out the morning of pickup and bring it in by 6 PM. At some point within the next year this will change to garbage having to be in bear-proof cans at all times. Jonathan made several suggestions for the bear problem. The Living with Bears Wildlife organization has tested containers that meet the minimum standard. They cost around \$200. When the law goes into effect, there will be a \$350 fine after one warning of leaving garbage out in non-bear-proof container.

Another solution is to have one or more centralized dumpsters. Evan noted that we tried this, but the county warned that it obstructed Dial a Ride's view and had to be moved.

Another suggestion: Put out bids for only one trash pickup company, the key being pickup only one day a week, thereby reducing the time bears can get at garbage.

The question was asked, when exactly do bears hibernate? Jonathan said it depends on the year. Young males and females go down first, impregnated females last, around

November 15. Grafton Smith asked about injuries from black bears. There have been two fatalities in the last hundred years. The only injuries in Colorado have been from accident or error. Noise and commotion will scare bears away. Carla Peltonen noted that dogs can be effective at scaring them away.

The bear proof containers are available at BMC West and Glenwood Springs True Value Hardware. The cans will be replaced if a bear gets into them, and they work for different trash companies as far as pickup methods are concerned.

Evan stated that the board will make a request for proposals from trash companies for pickup. He strongly encouraged everyone to consider going with one company. Don Wrigley suggested that people will vote with their pocketbooks, and that if one trash company's proposal is the cheapest, homeowners will go with that one. Rick Haberman mentioned that you can take trash to the dump for free if the amount of recyclables is equal to the amount of trash. Underground trash receptacles was another suggestion.

Everyone thanked Jonathan for his most interesting presentation. He can be reached at 920 5395 for questions.

Evan, president of the East Aspen Metro District, which is the mosquito control district, reported. Beginning the third week in April, 4 to 6 guys, working 50 hours per week, work at mosquito control from the Northstar Preserve to Difficult Campground. We pay a mil levy for this as it's a tax district. They do great work. The Aspen Club is possibly making a \$1000 donation to this district. Anyone wanting to make a donation contact Evan. There is no West Nile Virus in our metro district.

Architectural Committee: Rich Haberman gave his report. Two duplexes are going in at the Kelly and Bathke sites. Phil Colver built a garage. Don Horowitz is remodeling at 238 Lupine. There will be another duplex but Rich doesn't have plans yet. Rich gave an overview of the new county 1041 review process, which states you have to remove all vegetation within 10 feet of your house for fire mitigation and different degrees of removal up to 30 feet. On a slope of more than 30% grade, you have to go through the 1041 review. For the purposes of 1041, Mountain Valley is considered a brand new subdivision, so plans have to go through the 1041 if there are any issues relating to the new rules. Evan added that there is a mandatory posting of your plans for 30 days in the newspaper. You're not guaranteed of your allowed square footage if you have over 30% grade.

Al Fiorello asked if we had any input in the new 1041. Evan said we did not. He reminds people that when you post your plans for 30 days in the paper, anyone can object to your building during this time.

Brig Young noted that there was dawn till dusk work going on at the duplex on highway 82 and wondered about county rules for work hours. Erik Peltonen, building inspector, said the rule is 7 to 7 and you can't work on Sunday. You can call ComDev to file a complaint. After checking the building site out, a stop work order is the next step. The

question was asked about workers parking in private driveways and in dangerous spots on the street. Again, for complaints go to the contractor first, if no result, call Com Dev.

Mrs. Haberman brought up the steep slope below her driveway on Mt. Laurel Court. It erodes when there's rain. Evan noted that Rich would look at it and make a recommendation as to how to fix it.

Landscaping report: Al Fiorello discussed the entry landscaping, which is now 7 years old. A few things need to be replaced, probably next spring. The light conduits may also be replaced. Phyllis Smith brought up the point that on the east side there's no water, which has caused some plants to die. Al will look into water for that side. A tap fee is prohibitive, at \$11,000 to 12,000. Evan will talk to Ken Moore, the builder of the new duplex, to see if we can get some water or electricity use from him. Al was thanked for his good care of the entrance. The Smiths were thanked for replacing some dead trees.

After 10 years as secretary, Carla Peltonen will be replaced by Phyllis Smith. Dave Epstein made a motion to approve a new secretary. It was seconded and passed unanimously.

Signs: Evan pointed out that Brian Pettit at County Roads provided us with new signs, very nice wooden look. Call Evan when you feel the speed bumps need repainting, and he will call Brian.

Old business: Maryann Neiley asked if there was any more talk about burying utilities. Those on the 3<sup>rd</sup> filing don't wish to participate, as their lines are buried. Evan discussed the possibility of creating a metro district, which is a taxing entity, a way of getting it done. It would alleviate annual dues because you pay a tax instead. However, Evan distrusts this method because the homeowner's association then loses power. Al Fiorello remarked that burying cables is very expensive. Holy Cross won't do it again because of cost overruns were outta sight on their last project.

New Business: Judy Wrigley wondered why duplex owners only pay half the annual dues when duplexes are no longer smaller than single family homes. We should all bear the same burden. Dave Epstein wondered about whether small units attached to big ones (mother in law units or rental units) should pay a separate but smaller fee. Evan felt that Judy's comment was appropriate. The new duplexes are bigger and should be paying equally. There are 28 duplex lots on the subdivision. It's a subject to work on.

Al Fiorello said that homeowners asked for the county to grant them the right to have ABU apartments. It was voted on by the county and okayed. Many of these have turned into rental units. Density is impacted by these units. He noted that Shelley Harper, now running for county commissioner, voted for these units, despite promising to listen to our homeowner association, which was against them. Evan said that if he gets complaints about renters in units, he calls the owner and tells them that the next call will be to Joanna Shaffner, head of county zoning. It has so far sufficed.

Don Wrigley thought that every duplex should be charged the same annual dues as single family homes, or possibly, charge a fee based on the square footage of the abode. Al pointed out that we had this discussion some years ago, and our legal representative, Rick Neiley, said then that the by-laws required half a fee for half a lot. The board will need to explore this matter and ask Rick Neiley about it again. As of now, we pay per lot, even those duplexes with separate ownership are paying half dues. Grafton Smith suggested that all duplex owners be notified of this matter. It needs more discussion.

Evan asked for an informal straw vote on the subject of every half duplex paying the same annual dues as a single family home. It seemed a majority were in favor. Judy Wrigley, David Epstein and Grafton Smith are on a committee to explore this subject.

Rich Haberman suggested that all new duplexes coming on line be treated as single family homes.

A motion was made to adjourn the meeting at 8 PM. It was seconded and so passed.

Respectfully submitted,

Carla Peltonen, secretary