

**Indian Mountain Property Owners Association**  
**Annual Meeting**  
**August 9, 2014**  
**Indian Mountain Community Center**  
**Meeting Minutes**

Welcome and Introduction - The meeting was called to order at 1pm by Roger Mattson, IMPOA President. Current Board of Directors, including Vice President Glenn Haas, Secretary Tina Bogani, Treasurer Karen Goodman, Signage, Roads and Merchandise Director Fred Whitaker and Membership Director Gail Lane, were introduced. Roger indicated that 137 members in good standing were attending, either in person or by proxy (23), sufficient attendance to represent a voting quorum. He asked that when voting, attendees adhere to the honor system by using the colored cards issued at registration. He also asked that during the Question and Answer session, all comments be limited to three minutes per person.

IMPOA Financial Matters – Treasurer Karen Goodman discussed the:

- 2013 financial statement and audit, and
- 2014 budget and current status of expenditures.

IMPOA Membership – President Roger Mattson reported the current membership is 675 members, an all-time high! He stated that Indian Mountain currently has approximately 2,400 property lots, 2,200 property owners and 650 homes.

IMPOA Election of Board of Directors – Roger indicated that the Board of Directors recommends the election of both of the following to the position of Director:

- Fred Whitaker – re-election to a 3-year term. Fred, having served six years on the IMPOA BOD (two 3-year terms), is an Army veteran, retired machinist, professional engineer, full-time Indian Mountain resident, grandfather and world traveler. His dedicated service as the IMPOA Director with cognizance of Roads, Signage and Merchandise has been exemplary.
- Kim Novitch – election to a 3-year expired term. Kim is a new arrival to Indian Mountain and a part-time resident. She was previously Secretary of the Stagestop Property Owners Association, Secretary of the Early Mustang Club of Colorado, is currently Materials Manager at Denver Int'l Airport and formerly Operational Supervisor & Budget Analyst for the City and County of Denver, a sheet metal mechanic and cargo agent for Continental Airlines. Kim is excited to be a positive contributor to the Indian Mountain community!

A vote was held and both Fred and Kim were unanimously elected by the members in good standing that were in attendance and the proxies exercised by the board.

Roger said that Dennis Burke, previous IMPOA Director with cognizance of Fencing, Cattle, Land Use and Covenants, whose seat Kim will fill, will be spending part of his time in the future in Arizona and will remain a part-time resident in Indian Mountain for the next year or so. His diligent and hard work will be greatly missed! Roger also singled out Susan Stoval, president of the board of the Indian Mountain Metropolitan District, praising her hard work, especially on water issues, this past year.

Question and Answer Session – Questions were asked regarding:

- The condition of the roads – Fred responded that IMPOA is working with the Park County Roads and Bridges Department to consider a Limited Improvement District to chip seal some of the more traveled roads in Indian Mountain. Grading and other improvements will be forthcoming in the interim.
- The status of our *Firewise Community* projects – Roger responded that the Burn Pit and other efforts in the community have earned us that status. We have received \$25,000 in grants this year from CUSP for mitigation projects. Chipper Days are upcoming on August 15-16.
- Who should be called in case of fire – Roger responded that 911 should be called immediately.
- What is the Burn Pit status – Due to the heavy rains this season, the Burn Pit is currently closed. It may open next weekend, but check with the business office before you load your trailers. Bev Bushaw added that if the heavy rains continue, the Burn Pit will be open later into the season.
- How do residents receive information in emergency situations – Make sure you have signed up with the Park County Reverse 911 system. You will be contacted by Park County in case of emergency. (<http://www.parkco.us/index.aspx?nid=97>)
- Rules for campfires – Jefferson/Como Fire District lists fire bans in effect. Campfires are currently allowed that are no more than 2 feet high that must be attended at all times and with a water source to extinguish the fire readily available. Charcoal in an enclosed grill is OK. Check the various firehouse signs or the JCFPD website for burn-ban status.
- Shooting guns – It is against IMPOA Covenants to shoot a gun in the subdivision. However, Park County Sgt. Frank Conner responded that Park County does not enforce the covenant, and per the county rules, as long as a proper backstop is in use, it is not illegal. Please consider the safety and noise level of your neighbors. Tom Odle indicated that the gun range off of the Hwy 15 Elkhorn Road, while not currently managed, is a safe alternative for target practice.
- ATV's on Indian Mountain roads – ATV's are not allowed on public roads and Indian Mountain roads are public roads. ATV's can be operated on private land and on designated trails in the US Forest. The cost of a ticket for illegally operating an ATV on a Park County road is \$50-\$75.
- Cell towers and phone service – South Park Telephone has improved service on the southeast side of the subdivision. Our County Commissioners indicate that as the population increases, more services will be added.
- Trash – A resident indicated that a neighbor had left their trash out and a bear had spread it throughout the neighborhood. Please do not leave trash out as bears and other wildlife find it quite palatable and it leaves a mess for neighbors!
- Trailers – Residents are requested to remove trailers, campers and RVs by November 1<sup>st</sup> if they have no permanent residence on their property. This is the long-standing way for IM campers to demonstrate compliance with the covenants.

Water Issue – Vice President Glenn Haas summarized the Indian Mountain water issue to date:

- Bar Star Land the new owners of Indian Mountain Corp. (IMC), the company founded by the original developer, has recently sued the Indian Mountain Metropolitan District (IMMD) in District Court.
- IMC additionally has posted signs, sent letters and constructed a website that demands \$300/yr per resident for well water use.
- “We” are IMPOA, a voluntary property owners association, and are not named in the lawsuit.
- Our county taxes include an appropriation for IMMD.
- IMMD was reorganized in January 2013 and granted authority by the County Commission and the District Court to manage our water augmentation plan.

- IMMD was involved in negotiations with IMC to obtain clear title to the water augmentation plan, but earlier this year, negotiations stalled.
- As mentioned previously, IMC has filed a Complaint against IMMD, which is posted on the IMPOA website. IMMD responded to the Complaint on July 25<sup>th</sup>, which Response is also posted on the IMPOA website. IMC has 21 days until it must file its response (August 15<sup>th</sup>). A judge will then decide:
  - 1) the legality of the Complaint and whether the Court should hear the case,
  - 2) whether a jury trial is required,
  - 3) whether an injunction against IMC to stop its request for fees and to remove signs and threats to curtail water use is warranted,
  - 4) if all of the above is affirmed, to set a date for trial and begin the discovery process.
- Mr. Peter Ampe of the Hill & Robbins firm in Denver represents IMMD in the litigation. He and his firm have excellent reputations in water issues.

Roger then asked for a discussion and input from the members on the water situation. The intent was to develop a Resolution of the Members of IMPOA. Roger asked first if the members felt we should pay the fees requested by IMC. The attendees unanimously answered “NO”. Based on the ensuing hour of discussion and input from members, the following Resolution was developed:

### **"JUST SAY NO to Indian Mountain Corp."**

Whereas,

1. Indian Mountain property owners have paid Indian Mountain Corp. (IMC) and its predecessors for the community's water augmentation plan as reflected in the price the property owners paid for the subdivision's 2,500 lots, which were marketed and valued with access to well water;
2. IMC implemented the community's water augmentation plan for 40 years at no cost to the property owners and never formally notified the property owners that a fee would be charged for future water augmentation;
3. IMC paid less than \$1,000 per year during those 40 years to implement the augmentation plan;
4. In July 2014, the new owners of IMC began seeking more than \$200,000 per year for the same task;
5. Well owners in other subdivisions in Park County typically pay an annual fee of \$40 a year or less for implementation of their water augmentation plans;
6. IMC has frightened the community's current and future property owners with its excessive and exorbitant charge that has no basis in real, actual and verifiable costs;
7. Curtailment of well privileges in Indian Mountain would endanger the health and safety of residents while undermining property values in the community;
8. The property owners remain willing and able to manage the community's water augmentation plan with no increase in IMPOA dues or Metropolitan District taxes; and

9. IMC has sued the Indian Mountain Metropolitan District (IMMD), which has responded by asking the State District Court to rule that IMC is not the rightful owner of the Indian Mountain water augmentation plan.

Therefore,

The members of IMPOA stand united and publically declare:

- Their opposition to the water augmentation fees attempting to be imposed by IMC;
- Their resistance to the threat by IMC to curtail Indian Mountain water augmentation if monies are not received by September 1, 2014; and
- Their resolve to support IMMD and pursue the ongoing litigation to conclusion.

**A quorum of the Indian Mountain Property Owners Association unanimously approved this resolution at the Association's Annual Meeting in the Indian Mountain Community Center on August 9, 2014.**

The foregoing resolution was subsequently signed by Roger Mattson, IMPOA president, and distributed widely in the community.

Roger further queried the members to determine if the BOD had the members' approval to share legal costs evenly with IMMD. The members unanimously approved that action. Roger said that the above-referenced Resolution will be sent to the *Fairplay Flume* and posted on the IMPOA website.

At 3:00 pm, a motion was made by member Sonja Becker to adjourn the meeting, it was seconded by member Susan Holman, and with unanimous approval by the members, the meeting was adjourned.

Submitted August 18, 2014, by:

*/s/ Tina Bogani*

Tina Bogani  
IMPOA Secretary