

INDIAN MOUNTAIN PROPERTY OWNERS ASSOCIATION  
ANNUAL MEETING MINUTES

August 8, 2015

Roger Mattson called the meeting to order at 1:10 p.m. at the Indian Mountain Community Center. IMPOA Board members present were Roger Mattson, Kim Novitch, Karen Goodman, Marcia Logan, Dennis McQuillan, Fred Whitaker, and Gail Lane. IMMD board members present were Glenn Haas, Louise Mark, and Susan Stovall. Others in attendance included Business Manager Samantha Bertin and a total of 48 owners from Indian Mountain.

The following agenda topics were discussed, with actions and decisions noted:

1. Welcome and Introductions: Roger Mattson, IMPOA President: Called for a show of hands of how many owners vs, non-owners and IMPOA members vs. non-member one person in attendance didn't own property in Indian Mountain and was not an IMPOA member.
2. IMPOA Financial Matters: Karen Goodman, IMPOA Treasurer:
  - 2014 Audited Financial Statement: per attachment.
  - 2015 Budget and Expenses to Date: per attachment.
  - 2016 Dues increase: Roger: An increase of dues would need to be approved by a quorum of dues paying members. A little history: IMPOA was established in 1985 as a non-profit. The dues were set at \$25 per year and remained at that amount until 2006. In 2006, IMPOA realized that the board of directors didn't have any liability insurance, so an increase to \$35 was approved to be effective in 2007. Now it's 2015 and we have more things that we could do, like fire mitigation, and there are increased legal fees related to the water litigation. A straw poll was taken to get a general feeling about a possible dues increase: at \$40 all hands went up, at \$45 all hands staid up, but at \$50, 3 people put their hands down. We need to have a quorum so any dues increase won't happen until next year. We can include this information in the newsletter.
  - Question on legal fees for water litigation so far? Roger: Total legal fees are approximately \$125,000. Of that \$25,000 is being covered by IMMD's insurance. The remainder is an agreed upon 60/40 split between IMMD and IMPOA. IMMD has covered about \$60,000, IMPOA close to \$40,000. As a Board we do not amend our budget, we have approved up to a maximum of \$50,000 in 2015 and we approve costs in \$5,000 increments to simplify administration.
  - Question on how much do other HOAs charge in this area: Kim said she lived in Stagestop and it was \$119; Roger noted that \$40 of this is for water to pay for a repair to their dam. Lost Park is pretty close to this amount. Elkhorn Ranch is \$40 a year.
3. IMPOA Membership Update: Gail Lane, IMPOA Membership Director: The current

membership count is 775; at this time last year we had 675 members. We are still well below ½ of all the property owners. A lot of the new members are brand new property owners. Gail's goal is to get to 800 members, but she'd rather see us get to 890. The email database now has 948 email addresses. This is critical for communication. By comparing our membership database with county records we see that 46% of our members have vacant lots. Of those 356 owners, 200 have less than 2 acres lots. These smaller lot owners are an important part of IMPOA; it's not just the cabin owners.

- Question: What is the % of IMPOA members that own cabins? 54%. Can we focus on those individuals? Send them a notice? Gail: Yes we can use a special note.
- Question: When will the membership renewal notice go out? Gail: We send out the mailing in November. Donations (in excess of dues) have totaled about \$5,000 this year. Thank you.
- Question: Why don't we make our HOA mandatory? Roger: This would require an approval by 75% of the property owners. We tried in about 2005 to get that fraction of the property owners to approve amendments to the Covenants and we failed.

4. Election of IMPOA Directors: Kim Novitch, IMPOA Secretary:

We received 17 proxy forms, but 4 were invalid as nothing was checked for another designee or the Board representing their vote. Also, we received 25 mailed ballots.

There are 3 positions up for election:

Karen Goodman has stated that she would like to continue as the Treasurer; this is a 3-year term. A call for the vote by hand: unanimous to re-elect Karen to the Board.

Marcia Logan has been filling in the position vacated by Glenn Haas, as he is also on the IMMD board; this is the remainder of that 2-year term. A call for the vote by hand: unanimous to elect Marcia to the Board.

Dennis McQuillan is up for a 3-year term. A call for the vote by hand: unanimous to elect Dennis to the Board.

5. Wildfire Protection measures: Roger Mattson: The burn pit is a great resource for fire mitigation. There are chips available at the burn pit, free for the taking. The primary thing that you can do to be *Firewise* is to create defensible space.

- We've made a lot of firebreaks in Indian Mountain, paid for by grants, mostly along the roads.
- We did not do chipping with CUSP this year. The reason is that Roger asked for volunteers to take the lead and no one stepped forward to take this on. We will again ask for a volunteer who would want to take this on for next year.
- Indian Mountain has again been awarded the designation of a *Firewise* community this year. Lost Park and Stagestop are also *Firewise* communities.

6. Covenant Compliance: Roger: We are creating a new website. I set out to compile a list of everyone who has ever been on the Board and along the way produced a simplified

historical timeline of major events in IMPOA. We are a Covenant community, but people outside perceive that we are not. As the original developers' filings were approved by the Park county Board of county Commissioners, each filing had a set of covenants approved. They are mandatory covenant associated with your property. This occurred long before IMPOA was created in 1985. The covenants are enforced by an owner bringing a suit against a non-compliant person. In the past, the Board has sent letters to non-compliant owners, usually people with trailers on their land beyond the customary time limit. Most of those people would fix the violation. We decided a couple of years ago that we would encourage owners to speak with their neighbor if there was a problem with compliance and that we would be open to help talk to the offender as well. The County is also available to help. The Covenants renew automatically every 10 years until 2049.

- Question: Aren't the covenants posted on the website? Roger: Yes, they are, as a composite because there are slight variations across the filings.

7. Water Augmentation: Glenn Haas, IMMD Secretary and ad hoc Water Committee: We won our court ruling March 16<sup>th</sup>. We won all 4 counts. We requested reimbursement of \$38,000 in legal fees, which was denied. We asked for reimbursement of court costs in the amount of \$8,000, which was awarded. Indian Mountain Corporation (IMC) has appealed all 4 counts. This appeal is heard by a panel of three judges in Denver. An appeal court reviews all of the paperwork. They look at technical errors by the judge. This process started in June; the appellant judges will then set a date for hearing the case, which has been set for September 23<sup>rd</sup>. Three judges review all of the transcripts and then they will either make a decision or call for the lawyers to clarify statements. It's not a re-trial.

Roger received an emailed letter today at 1230 from an Indian Mountain property owner. It is from IMC and states that they are going back to 1976 and charging for maintaining the water augmentation plan, including compound interest. It totals approximately \$2.6 million dollars and is split amongst 2500 lots; it comes out to about \$1000 per lot. Glenn stated that we will probably file a motion with the court to stop this.

- Question: Would IMC be able to put a lien against our property? We believe so.
- Comment from the audience: We might also contact the Attorney General on the letters that we are receiving. Glenn: We have some evidence that they are watering cattle on the augmentation water. They are making money off of our water; there are also some signs stating that they are a private fishing club.
- Another point: IMC is assuming that everyone has lived here for the 40 years. Glenn: This is a lack of logic. They are declaring that it is costing them \$12,000 a year to manage. There was testimony during the trial that it never cost more than \$5000 per year.
- Question: Is it true that the augmentation is only on wells that are in existence? Glenn: The invoice apparently is on all lots whether they have a well or not.
- Glenn: It has been documented and argued in trial that when one bought their land, it included the cost of the water augmentation.

8. Roads, Signage, and Speed Issues: Fred Whitaker, IMPOA Director introduced guests from Park County Public Works Department (formerly Road and Bridge), Tammy

Crawford and Greg Kasparek.

Tammy: We are working on the roads; our goal is to have CR36 (Albino, Chief and Stagestop) all re-worked. This includes spraying with Mag Chloride for dust control. We have had some weather issues so we are behind schedule. We've had the grader and drainage crews out here. The schedule is to spray the first segment on August 20<sup>th</sup>. When we dig, we have to get locations of underground utilities. There are only 2 people for Century Link in Park County; we're having trouble getting the utility locations done. We have been waiting for about 4 weeks. We want to get drainage and culverts in place. It will take another 3 weeks after we spray to get the remainder of the work done all the way to CR 77.

- Question: How long do the dust control and stabilization last? It's usually about a year. The mag chloride needs moisture to be effective. Trucks will spray water before the mag chloride is applied. Useful life of the surface also depends on the traffic load. The road will be on the calendar to get a mag chloride spray every year, once a year.
- Question: Are there any plans to continue down Arrowhead from the community center to the end? We have a grading schedule for interior roads. The problem is that we are 9 operators down. What is an interior road? Everything that isn't a project road. We do the highest traffic roads 1<sup>st</sup>. We have established criteria.
- Question: What are the chances of getting asphalt put down? There is a much higher cost with this, but we are considering a chip seal or an overlay. Everything has to already be done, drainage, culverts. The roadway has to be in the most perfect that it can be. Fred: You may have read about a Local Improvement District (LID) that was set-up that was underfunded once the work was bid and had to be canceled. The County has since stated it will support no more LIDs. LID costs are assessed to all property owners. Tammy: It was less than a mile and the cost estimate was over \$200,000.
- Question: To clarify, why was the decision made to stop at Chief instead of going all the way down Arrowhead. Greg: The traffic counts drop off dramatically at that point. We will put the traffic counters out again. Additionally, you'll see a bunch of new street signs pretty soon. As soon as the signs come in, my crews will be concentrating on that.

Tammy: I brought some maps in for Cindy in my department who couldn't make it. When you call for emergency services or to report an issue to the county, sheriff or fire department you need to make sure that you are clear about where you live; there are multiple examples of similar road names, i.e. there is a Bear Court, Bear Lane, etc.

9. Kolby Martin: Park County Sheriff's office: I am one of 2 deputies that cover this entire part of Park County. If I get called to Guffey, it's probably 45 minutes to an hour. I work Sunday - Wednesday and can make checks on speeders in Indian Mountain while I'm commuting. During the summer, Stagestop Road is the autobahn.
  - a. There was a motorcycle accident on top of Kenosha a little while ago that pulled us away from patrolling.
  - b. I haven't heard too many ATV calls here. My advice would be to get some of the signs that state that unregistered motor vehicles are not allowed on the road.
  - c. Question: Speeding, we've spoken about putting speed limits signs. We've also

talked about putting up radar trailers. Do they work? Kolby: On Tarryall Road, the speed limit is 40 mph, and the average is 60 mph. No, radar units don't really work. Maybe they would with better signage.

We have 4 new guys reporting at the Sheriff's office at the end of the month; we may get 2 more. We only have 19 officers for the County.

Questions: Shots that we hear? Kolby: Call it in and we do respond to nearly all "shots fired" reports. There are a lot of National Forest areas around here where shooting is legal if done properly. What about hunters? Hunting in the subdivision is illegal.

10. Indian Mountain Metropolitan District Current Affairs: Susan Stoval, IMMD President:

- a. Beverly Bushaw manages the burn pit. From May 9<sup>th</sup> to the end of July, we had 390-400 loads. Stagestop, Elkhorn, the Buffalo, and Lost Park have all used the burn pit. Thank you to all of the volunteers that staff the burn pit. There are some openings and volunteers are needed for staffing the burn pit through the end of the summer.
- b. The district owns the land across from the community center and will be adding another 52 parking spots.
- c. Louise is sponsoring an event for trail clearing at Indian Mountain Park; more info is available on website. Also there will be a spaghetti dinner at the community center on Saturday August 29<sup>th</sup> from 1600-1900. Please bring a side dish. The Bronco vs. 49ers football game will immediately follow the dinner. (Yes preseason)

11. Recognition of Volunteers: Roger recognized Rich Reindel as IMPOA's volunteer of the year with a certificate and cash reward. Rich has done a lot for us in the past year. He manages our website. Last year, it was suggested that we upgrade the IMPOA website. Rich has worked on getting it all together and it is complete and nearly ready to post

12. Open Forum for Questions and Concerns:

Roger: If you have outdoor lights, please try to help maintain our dark nighttime skies. Use a motion sensor or just turn lights off when not needed.

Question: Is there any money for property owners to do fire mitigation? Roger: We put in for a grant but haven't seen anything. What about tax credits for mitigation? Roger: There is a way to write-off up to I think around \$2500 on state taxes. There is information on the IMPOA website for how to do this.

Water: We have some items that we'll add to the website. Roger summarized the recent letter. Last year we adopted a resolution in regards to the water lawsuit.

Roger has a drafted a proposed new resolution that would need to be reviewed by legal. Glenn feels that it is important to post something on the web soon to inform people. Roger and Glenn will refine this resolution, have the lawyer take a look at it. Sonya Becker made a motion to approve this resolution in principle, have the lawyer review, and post it on the website; Carl Neu seconded the motion. Entire group unanimously agrees, no opposition. Absent a quorum, this was not an official IMPOA action but did indicate the general opinion of those present.

Questions: Could this letter and billing be considered harassment, a scam, or criminal action? Possibly. How did they get our addresses? They are probably using county records. Would it be beneficial to have everyone send a letter complaining about the "bill"? We don't have the knowledge to have the appropriate wording.

Roger motioned to adjourn the meeting, Fred seconded. Meeting adjourned at 15:26.