

INDIAN MOUNTAIN PROPERTY OWNERS ASSOCIATION
ANNUAL MEETING MINUTES

August 13, 2016

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, Jim Scherrer, Keith Crump, Karen Goodman, Marcia Logan and Dennis McQuillan. IMMD board members present were Susan Stovall. Others in attendance included Business Manager Samantha Bertin and a total of 65 owners and families 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 presented the following reports:
 - 2015 Audited Financial Statement: per attachment.
 - 2016 Budget Expenses to Date: per attachment.
3. IMPOA Membership Update: Marcia Logan, IMPOA Membership Director reported that the current membership count is 782; at this time last year we had 775 members.
4. Election of IMPOA Directors: Marcia Logan, IMPOA Membership Director:
We received 36 proxy forms, all were valid. We received a like number of ballots for directors. All ballots were cast for the slate proposed by the IMPOA board. There are 3 positions up for election: Keith Crump (3-year term), Roger Mattson (3-year term), and Jim Scherrer (2-year term). Roger Mattson asked for a show of hands by the 65 dues-paying members in attendance. All but one voted for the slate.
Keith Crump has been filling the director's position of Gail Lane, which ended in 2016.
Roger Mattson served as IMPOA's President since 2012, and his current term ended in 2016.
Jim Scherrer was recently selected as a potential board member. Jim will fill the director's position of Kim Novitch who resigned from the board and whose term ends in 2017.
5. New Business: Roger Mattson, IMPOA President
 - 2016 Dues increase: Roger: Reiterated the fact that a quorum was established as there were 65 IMPOA members in attendance as well as 36 valid proxy statements received. (Per the Bylaws, a quorum is 10% of the paid membership.) 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. The community continues to have ongoing needs such as the ongoing water litigation and fencing project in order to keep the cows out of Indian Mountain. The eastside boundary is forest service land, which most likely will need repair as will the side of Gold Pan Park and our border with the Buffalo and Elkhorn. Six to seven cattle guards will need to be purchased at a cost \$8,000 each for the south boundary. Roger moved that IMPOA dues should be increased to \$45. Carl Neu seconded the motion. 60 agreed; 5 disagreed; motion passed with the voted proxies 96 to 5. The 2017 Fiscal Year dues will be increased to \$45.

- Change in IMPOA Fiscal Year: Roger: Explained the rationale from changing the fiscal year from January 1 to December 31 to September 1 to August 31, which was based upon aligning the accounting reporting year to the membership year in order to adopt a strict cash accounting method.

6. New County Rules on Camping: Dennis McQuillan, IMPOA Vice President
Dennis explained that the regulations are about health and safety and protecting the environment. For any period of time a driveway that complies with regulations so that it can be accessed is required as well as a posted address (the green and white address signs that can be obtained from the Jefferson Como Fire Protection District are preferred). Any vehicles at the residence must be licensed and vehicles cannot remain outside of the permit dates. The regulations state that the first 14 days does not require permit to camp but for more than 30 days there are only two campers per lot allowed. A third 30-day permit requires a licensed sewage system. For sewage, using the IMMMD dump station probably is acceptable but interpretations are not clear because the rules are new. There is also a requirement for a trash removal plan and vehicles must be licensed. In May, Park County did not have an application for the camping permit but it is now on the Park County website.

Storage containers- The county clarified the rule governing such containers. If there is a permitted house on the lot, storage containers can be used but must be permitted and comply with the regulations and have visual mitigation. Storage containers must complement the environment. The mitigation needs to be decided with the County planning department. We are still unsure of the fee.

Questions:

- Are tents allowed – yes?
- Who is going to enforce? Probably will be enforced through complaints. There used to be one person who had responsibility for enforcement and now there are two.
- Do you need to be concerned with these regulations if you have a permanent dwelling? – No

7. Wildfire Protection measures: Roger Mattson, IMPOA President
Roger discussed the fact that Indian Mountain is a *Firewise Community*, as are Stagesstop and Lost Park Ranch. As a *Firewise Community* our community needs to actively

participate in qualified fire mitigation activities to maintain the status. In order to qualify we need to spend \$2 per property owner, which is easily accomplished with our community programs, particularly the IMMD burn pit and the work that people do to prepare and deliver slash and to monitor the pit. Indian Mountain has a Community Wildfire Protection Plan on the IMPOA website that is a great resource when a property owner wants to know what they can do to make their property *Firewise*. The easiest way for us to comply with requirements and obtain the annual renewal of our *Firewise* status is to use the burn pit. The burn pit is a great resource for fire mitigation and if property owners do use it please volunteer to work at least one shift at the burn pit. A *Firewise* checklist was provided to all attendees.

Questions:

- Will the burn pit would make it through the season? – Yes, if it fills up, a front end loader is hired to stack up the slash. Additionally, users of the burn pit should try to put the slash onto the pile and keep it more consolidated.
- Are we using a chipper? – We did not do chipping this year because the chips were not used much last year when funds were put into chipping. If members are interested they should send an email to the District.

8. Indian Mountain Water Issues: Roger Mattson, IMPOA President

Roger discussed what has been occurring in the ongoing water dispute. Last summer Indian Mountain Corp “IMC” sent invoices to property owners for \$1,000 with a discount of \$500 if it was paid within a certain amount of time. After the letters were sent, IMMD filed a contempt of court case which was won. When IMC did not pay the court costs as ordered by the Judge, IMMD put a lien on IMC’s property. Recently the \$15,600 of court costs were recovered from IMC; the reimbursement will be split 60%/40% between IMMD and IMPOA.

Some history – Elkhorn Ranch was one of the earliest communities to be deeded an augmentation plan and was responsible for operating the plan. The Indian Mountain and Elkhorn Ranch augmentation plans were serviced by Jim Campbell since the 1970s. Elkhorn Ranch wanted to implement the plan solely but did not reach an agreement with Bar Star Land prior to its purchase of IMC. Elkhorn Ranch Owners Association has filed a law suit against IMC so it can access the reservoir and ditch to administer its plan.

IMC appealed the decision issued by the district court in regards to the ongoing litigation with IMMD. The appeals court hearing was on June 14th. We just learned that IMC won the appeal on two counts and lost on a couple others. The court concluded that IMMD was in compliance with its service plan, IMC could not bill property owners prior to 2012, and there was no constructive trust. The court also concluded that IMC could charge whatever the market will bear to Indian Mountain property owners. Roger then discussed that there is a waiting period that will be in place before additional actions could occur.

Roger then explained that there is alternative water augmentation available. Organizations such as HASP (Headwater Authority of the South Platte) can provide such services, so Indian Mountain property owners do have alternatives for water augmentation if they

wish. Roger mentioned that with HASP there currently is a \$2,000 a one-time fee, a \$200 application fee with an ongoing expense of approximately \$150 a year.

Questions:

- Why aren't we saying if we are going to appeal? – We have not determined what our next actions will be and are reviewing the options. We can apply to be reconsidered to be reheard by the District Court or the Colorado Supreme Court.
- Why can't we ask the 1972 law to be retrofitted? – It is not likely to get a current legislature to correct the errors of the legislature 44 years ago.
- If IMC owns the augmentation plan and the only thing they can do is Augment in Indian Mountain what can they do with the plan? – The plan requires that the water has to be used by the plan, but it does not require that IMPOA well owners use the plan.
- Do we have a choice of who we can use? – Yes
- Could the ad hoc water committee put out a RFP to find water for the community? – Yes
- What do I do if IMC starts sending out bills? – If you get a bill, consult the IMPOA and IMMD websites to get the most current information.

9. Indian Mountain Metropolitan District Activities: Susan Stoval, IMMD President

- IMMD went to Park County to get approval to construct a 52-space parking lot and expects to have approval by the end of the month to start that project.
- October 29th we will be having a craft fair and if people are interested they need to let Susan or Bev Bushaw know
- Volunteer luncheon will be November 12th.
- Christmas party and cookie exchange on December 10th.

10. Recognition of Volunteers: Roger Mattson, IMPOA President

- The IMPOA board recognized Keith Crump as IMPOA's volunteer of the year with a certificate and cash reward. Keith has done a lot for us in the past two years as Indian Mountain's Chief Fence mender. Keith has repaired seven miles of fencing on the west and north boundaries.

11. Road and Signage Issues: Roger Mattson, IMPOA President introduced IMPOA member Maria Benetti.

- Roger explained that road revenue comes mainly from gasoline taxes, which are collected by the state. Last year IMPOA spent funds hiring off-duty police who issued about 50 warnings for speeding. There are various areas of concerns; the main roads where people speed frequently, medium traveled roads and least traveled roads that haven't been touched by the county in years. In 2004, a volunteer lead a discussion of a LID and there was a lot of pushback from property owners regarding fixing the roads. The IMPOA board backed away from the idea at that time. The current board's position is if a group of people could come up with a viable plan the board would support it.
- Maria discussed the upcoming meeting with the County to discuss preliminary plans and to design a proposal for a Limited Improvement District. Maria

explained that the cost is estimated at \$100,000 a mile and the focus is currently to pave (chip seal) 3.5 miles of road from the fire station to Chief which comes down to \$210 per Property Owner if all IM properties were to be included in the LID.

Questions:

- Can we get support from the Buffalo and Elkhorn for the roads? How will road maintenance such as potholes, sanding and paving be handled? – These questions will be asked at the meeting as this initiative is in its preliminary phase.

Roger then conducted an informal straw vote as to the number of property owners who would support the Limited Improvement District: About 90% of the people in the room raised their hands to answer yes to the question.

12. Open Forum for Questions and Concerns:

Roger asked if there were any other comments or concerns. None were raised.

Roger moved to adjourn the meeting. Dennis seconded. Meeting adjourned at 14:57.

After the meeting, the board convened to elect officers for the next fiscal year and unanimously agreed as follows:

President - Dennis McQuillan
Vice President - Roger Mattson
Membership Director - Marcia Logan
Secretary - Karen Goodman
Treasurer - Keith Crump
Director- Jim Scherrer
Director- Fred Whitaker

Minutes Submitted by Karen Goodman