

Indian Mountain Community Meeting -- Minutes
Organized by IMPOA & IMMD
Indian Mountain Community Center
May 26, 2013
1:00 to 3:00 pm

Indian Mountain Metropolitan District President Susan Stoval called the meeting to order at 1:04 p.m. and welcomed all attendees. She introduced Samantha Bertin, Business Manager; Charles Phillips, Maintenance; and the IMMD Board of Directors: Tom Odle, Glenn Haas, Bev Bushaw and Ronnie Lane.

1. Current Issues for Indian Mountain Metropolitan District

- Glenn Haas reviewed the IM Rec and Park District change to IM Metropolitan District by the Park County Board of County Commissioners in Dec. 2013.
 - Glenn described how the service plan was updated and added water services, hence the name changed from “Recreation and Parks District” to IMMD because of the 2 services now offered, the other being parks and recreation.
- Facilities Update:
 - Burn Pit – Bev Bushaw noted the new burn pit hours, based on volunteer staffers for the Saturday shifts of 9-1 and 1-5. The website will be kept current, posting notice if the burn pit will not be open on any given Saturday or hours, due to either weather or lack of volunteers. She also recapped the rationale for moving the burn pit to a Saturday only, and the need for full time monitoring (illegal dumping and other misuse of the burn pit).
 - Community Center and Lodge – Samantha Bertin reported usage plans for Summer 2013 as 3 weddings, 1 baby shower and the Parking Lot sale booked for the CC. She also noted there are 10 bookings through December paid at the lodge. CC open Summer Hours Thurs--Fri 9-1 and Sat 9-5. Sam recommended property owners get their rigs registered for the RV Lot for Fall 2013 as early as possible because there were 48 registries in 2012, bringing the lot to a near capacity status.
 - IM Trails and New Roads at RV Lot and Burn Pit – Tom Odle requested volunteers to help with the Indian Mountain trails, as they are in dire need of repair. He also explained about the rerouting of the entry roads into the RV Lot and the Burn Pit. This area is now separated from the ranchers who have leased the ranch and all the buildings on it.
- Volunteers Are Needed – Bev: Several projects require volunteers and a volunteer form was handed out to all attendees for consideration. The projects include Community Center Hosts to help keep the CC open more hours.
- Coming Events – Bev announced the 4th of July Picnic and the Parking Lot Sale (Sat., June 29, 9:30-2:00, rain day Sun., June 30). Interested sellers should contact Cyndi Burdick or Lou DeCarolus. Volunteers are also needed for the 4th of July Picnic.
- Questions and Answers – Susan
 - A property owner asked if the IMMD or Property Owners have ownership/title to all the facilities, buildings, etc. Glenn Haas responded that the IMMD board is empowered through the property owner election process to make decisions pertaining to all the IMMD facilities. He further stated that the IMMD board would be “foolish” to take an action as drastic as selling one of the facilities without engaging the property owners (i.e., via survey process).

2. Current Issues for Indian Mountain Property Owners (IMPOA)

- IMPOA President Roger Mattson introduced the Board of Directors: Sam Cox, Glenn Haas, Fred Whitaker and Gail Lane. Dennis Burke was on vacation.
- IMPOA Membership: Sam Cox presented that IMPOA annual dues are the only source of revenue for IMPOA to operate with and to represent property owners. He announced that about 610 property owners are now members. He noted that the issues the IMPOA board focuses on are “quality of life”

issues representing the property owners in these matters.

- IMPOA Annual Meeting & Election of Directors—Roger announced the August 24th annual meeting here in the Community Center and that there would be 4 open positions on the board as of August 24. There are potentially 6 candidates as of this date. IMPOA members are encouraged to communicate with a director if they are interested in serving.
- Dumpster Days, Merchandise Sales, Signage – Fred Whitaker announced Dumpster Day will be Sunday, July 7 with the dumpster positioned next to the Community Center on Keneu Court. Building materials and tires can be dumped but not appliances or anything containing toxic material or Freon. Fred reported that Park County assessed IM \$1200 to replace non-reflective street signs that are for emergency services, as well as property owner navigation. He also described work on the short stretch of “Spearpoint” being renamed to “Arrowhead” to eliminate the confusion of this interruption in the Arrowhead route.
- Roger reported on Firewise Community, Chipper Days, Fuels Reduction Grant and Fencing
 - State Forest Service serves as conduit to communities for fire mitigation/protection expertise and grant funding. In 2012, IM received recognition as a “Firewise Community” by the National Fire Protection Association. In 2011, IM developed and the County Commissioners approved a Community Wildfire Protection Plan. Because of these activities, we have received a \$10,000 matching grant from CUSP for 2013, which can be met by cash and volunteerism. The project will be a “fuels reduction” project, starting at the Southern edge of the Indian Mountain Park. This section was chosen because of its proximity to State Land Board land, which has permits for cutting out deadwood. This design would maximize the total area mitigated and provide a significant barrier to fire driven by a wind from the Southeast into the subdivision. Additionally, fire insurance companies are now expecting homes to be fire-mitigated before they will provide coverage.
 - A property owner asked about Mountain Pine Beetle infestation and Roger responded that recent information indicates the Pine Beetle infestation is dropping across Colorado and IM has a diverse conifer forest, so we should be OK.
 - Roger communicated that it is against the law for property owners to cut down fencing between their property and Forest Service land, BLM land or State Land Board land. It also is the law in Colorado for property owners to “fence out” cattle versus ranchers “fencing in” cattle. Thus, IMPOA has agreed with the neighboring Sportsmen’s Ranch to care for fencing between the Ranch and IM.
- Community Email Data Base – Roger announced there are now over 700 names. No one present indicated that the use of this database was offensive.
- Questions and Answers
 - Lou DeCarolis – is it possible to take the Indian Mountain property owner database and make it a “closed-loop” system to communicate with each other. Roger responded that we would be conducting a survey in Fall 2013 to ask about this and see how people feel.
 - Pete Weaver—folks are hesitant because they don’t want more e-mails but suggested free or low cost services instead.
 - Carol Nielsen-Alt mentioned that nextdoor.com would serve this purpose.
 - Question of “what does IMPOA do with its funds?” Roger referred to the website and to our monthly minutes, where balances and budgets are posted.
 - A property owner on Pathfinder asked how to get Internet service here. Several suggestions were offered.
 - A property owner asked “what would it take to make the dues mandatory?” Roger responded “consent from 75% of the property owners” and then described previous failed efforts to get 75%. The property owner requested “please include this on the survey.”

3. Jefferson-Como Fire Protection District representative Skip Wilson opened his discussion by commenting, “it is exciting to see the involvement in this community.” He then proceeded to offer

insight on the following fire protection topics:

- New Law on Prescribed Burns—Now an active fire protection person has to be on the scene vs. the previous process of leaving smoldering fires still active.
 - Bruce commended IMPOA for fire mitigation work, stating that there will be 500 fewer federal and state fire employees due to budget reductions, so making community efforts like ours is more important than ever.
 - Red flag flying at the fire station on Elkhorn Road means “No burning” of “natural combustibles”.
 - Fire Bans in Park County and JCFPD—Sheriff of Park County can impose any fire ban at his or her discretion. The Sheriff also will work with the fire protection districts to ensure that they are in agreement before lifting a fire ban.
 - Stage 1 = Propane ok but no Class A (wood combustibles). Chain saws prohibited if they don’t have a spark arrestor.
 - Stage 2 = Chain saws, fireworks, etc. all prohibited.
 - Burn permit applications require permit holder to call the number on the permit or the Park County Sheriff’s office to notify they are burning. Concerned neighbors can also call to validate the permit is in place.
 - A property owner asked, “what’s available to property owners with adjoining properties that have not been mitigated?” Skip recommended removing slash from the property. IMPOA encourages owners to not remove slash from any other owner’s lot without that other owner’s permission.
 - Fire station has reflective home address signs available for \$10.
4. Park County Deputy Sherriff David Leffler announced that there are 3 stages of fire bans...copies of their definitions are available at the Community Center as well as on the website.
- Drive-around Patrols in Indian Mountain – Sheriff’s officers are now spending at least 50% of their patrol time in Park County subdivisions.
 - ATV Rules on County Roads – not allowed on any county road.
 - Contact Information for Sheriff’s Department—dial 911 for fire or other emergency.
 - Property Owners asked the following questions of David:
 - What are the hours of patrols – David said “that’s a secret” but then commented that an officer was on patrol unless there was a need for them somewhere else—24 hour coverage in 12-hour shifts.
 - Firearms – under Colorado law, unless prohibited by subdivision covenants or city ordinance, you can shoot on your own property. However, you should have a good backstop to make sure you are not endangering anyone. Roger noted that IM’s Covenants prohibit the discharge of firearms in IM. If, by some chance, you violate that restriction and your shot ricochets and harms someone, Roger opined that you probably would lose any ensuing lawsuit. He hoped the new shooting range would reduce the frequency of shooting that has been heard in the past year in IM. What about the Shooting Range? David did not have information on its status. but IMMD director Tom Odle commented that he is a member of the shooting association and shared that 50-yd., 100-yd., and eventually 1000-yd. (for police, etc.) ranges will be available. The intent is to open the first of these ranges in July 2013.
5. Glenn Haas and Roger Mattson presented the status of the Indian Mountain Water Augmentation Plan. Glenn explained, “because we have wells here and draw water from them, we have to have a water augmentation plan.” He then referenced the “Water Augmentation” update document, handed out to all attendees and attached below.
- Glenn introduced Indian Mountain’s water attorney, Peter Ampe, who, as a property owner, was in the audience.
 - Recent Communications with Jim Campbell (Indian Mountain Developer) and Garver Brown (District 23 Water Commissioner)
 - 1) The Water Augmentation Plan is in compliance today.

- 2) Mr. Campbell is doing what the court has told him to do.
 - 3) The IMMD Service Plan is now in place so that the District can take over the Augmentation Plan.
 - 4) IMMD and IMPOA now have a Water Attorney on retainer.
 - 5) The recent snows are helping with restoration of water in Tarryall Ranch Reservoir.
- Questions and Answers
 - There were several questions from the audience about the water augmentation plan. They mainly concerned the impact that IMMD's assumption of responsibility for the plan would have on the District and the potential consequences of inadequate implementation of the plan, were it to occur.

The meeting adjourned a few minutes prior to 3 p.m.

Submitted May 26, 2013 by
Gail Lane, IMPOA Secretary

A handwritten signature in cursive script that reads "Gail Lane".

Attachment: Summary of Recent Water Augmentation Plan Communications

Summary of Recent Water Augmentation Plan Communications For Presentation at the IM Community Open House on May 26, 2013

1. **September 2, 2012 IM Community Meeting** – The Rec District reviewed its proposed service plan changes and recent discussions about the IM water augmentation plan. Attendees strongly encouraged securing legal counsel.
2. **November 12, 2012** -- IMPOA retained the services of Peter Ampe, water attorney with Hill and Robbins, P.C., for advice and assistance on the Indian Mountain Water Augmentation Plan. Mr. Ampe is an IM property owner.
3. **December 13, 2012** – Park County’s Board of County Commissioners (BOCC) held a hearing on the District’s proposed service plan changes. Unanimous approval was expressed by BOCC, County Attorney and County Administrator. Only one dissenting voice was heard from more than 2200 IM property owners.
4. **January 3, 2013** – The BOCC gave final approval of the Amended Service Plan for the renamed Indian Mountain Metropolitan District (IMMD), including the capability to own and implement a water augmentation plan.
5. **February 8, 2013** – The IMMD Board of Directors approved retention of Mr. Ampe, in cooperation with IMPOA, to provide legal counsel on water related issues.
6. **February 21, 2013** – Joe Tom Wood, private water resources engineer, wrote to Glenn Haas of IMMD and others to say, “Gentlemen, I am writing to you today on behalf of Jim Campbell to assist him in transitioning his water activities to the Indian Mountain Metropolitan District and the Elkhorn Ranch Owners Association (ROA). For almost four decades, Jim has undertaken these water activities without compensation from anyone. It is time for the Metropolitan District and the ROA to take over.... Dr. Haas, with the recent and successful conversion of the Indian Mountain Recreation and Park District into the Indian Mountain Metropolitan District, Jim believes that there finally exists an appropriate entity to which he can convey the Indian Mountain plan for augmentation decreed in Case No. W-7389, its underlying water rights in the Slater Ditch, and the associated storage space of 33.42 acre-feet in the Tarryall Ranch Reservoir... The storage capacity in Tarryall Ranch Reservoir... is in excess of the amounts reserved in it to the plan for augmentation for the Indian Mountain Subdivision and to the two Elkhorn plans for augmentation... On behalf of Jim, I am more than willing to help sort these matters out. Jim would like to do so this year (2013)... Jim Campbell does intend to dispose, by sale, the excess 68 acre-feet of capacity in Tarryall Ranch Reservoir, as well as the Tarryall Ranch Reservoir structure itself.”
7. **February 21 – May 1, 2013** – Dr. Haas responded to Mr. Wood promptly and affirmatively on behalf of the IMMD. Mr. Wood replied, in part, “We need to have discussions and or a meeting(s) with all involved to try to come to a common understanding of how all of the parts and parties can fit together. I shall be talking with Jim next week, and I intend to communicate with you thereafter.” The IMMD made two inquiries of Mr. Wood in March and April as to when a meeting would be held. On May 1, after receiving no response, IMPOA President Roger Mattson asked District 23 Water Commissioner Garver Brown for a status report on implementation of the IM augmentation plan.
8. **May 6, 2013** – Mr. Campbell wrote an Email to Mattson and others, saying in part, “It is my hope and intent to substantially refill the TRR this Spring... Once the refill has been completed and the delivery and release systems are in good working order, I will be more inclined to continue discussions with Indian Mtn. Metro and Elkhorn Ranch Owners.” That same day, Mr. Ampe sent a letter of introduction to Mr. Campbell and requested a meeting with his legal counsel to clarify issues and interests. Mr. Campbell responded to Mr. Ampe by Email on May 7, forwarding his May 6 Email to Mattson. Mr. Campbell neither identified his legal counsel nor suggested a meeting date.
9. **May 13, 2013** – Water Commissioner Brown wrote to Mattson saying, in part, “Currently the IM augmentation plan (as well as both Elkhorn plans) is in compliance... Mr. Campbell has contacted me and told me he plans this spring/summer to store the full amounts allocated to each of the 3 augmentation plans, which utilize the Tarryall Ranch Reservoir for storage.” Water began flowing in the Slater Ditch en route to TRR on or about May 21, 2013.

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