

**Indian Mountain Metropolitan District  
General Board Meeting  
Indian Mountain Community Center  
September 12, 2020 9:00 am**

**Board Members:** Bret Crouch, Karen Goodman, Glenn Haas, Marcia Logan, Carol Darland (to be sworn in at this meeting), Samantha Bertin, Business Manager

**Guests:** Larry Siverson, Tim Mousley, Chad Wilcox, Jeanie Campbell, Jim Scherrer, Pat Smith, Jackie Middlehoek, Dwight Cates, Rhonda Cates, Gene Nagle, Debbie Nagle, Julie Barlock (Disclaimer: *This list may not contain everyone's name*)

**Call to Order – Welcome to all:**

Bret Crouch called the meeting to order at 9:00 am and introduced new Board member, Carol Darland.

**Additions to and Approval of Agenda: MOTION: Marcia Logan moved and Glenn Haas seconded a motion to approve the agenda as presented. Motion approved unanimously.**

**Secretary's Report: MOTION: Marcia Logan moved and Karen Goodman seconded a motion to approve the Minutes of the August 8, 2020 Board Meeting. Motion approved unanimously.**

**Treasurer's Report:** Karen Goodman reviewed the balances in the accounts as noted on the Agenda, which are:

General Fund=	\$110,482.98
Special Conservation Fund=	\$ 2,083.84
Reserves Fund=	\$ 6,008.74
IMWSP Admin=	<u>\$ 96,139.03</u> (\$60,486.48)
Total=	\$214,714.59

**MOTION: Karen Goodman moved and Bret Crouch seconded a motion to approve the Treasurer's Report as presented. Motion approved.**

**District Manager:** Samantha Bertin had nothing to report at this point in the Agenda.

**Maintenance Report:** Larry Siverson reported that a new garbage disposal had been installed in the kitchen. The new decking at the Lodge will be installed the week of September 14<sup>th</sup>.

**Unfinished Business:**

**Swearing in of newest board member:** Bret Crouch performed the swearing in of Carol Darland, the IMMD's newest board member. Welcome Carol!

**Old Rec Hall Sale Update:** Samantha Bertin reported that she had sent all the relevant documents to the attorneys who determined how complex the title situation with property is and offered to try to untangle it which would come at a significant cost. Samantha recommended dropping the entire sale process and have IMMD just continue paying the insurance on the building. MOTION: Glenn Haas moved and Bret Crouch seconded a motion to retain the Rec Hall and close negotiations with Bar Star. Motion approved unanimously.

**Website Update – ADA specific:** Marcia Logan reported that the SDA did not have any information on other smaller organizations that had completed the process of converting their websites to ADA compliance for IMMD to contact for information on their process. The organization previously recommended, *ADA Compliance*, is still available but Marcia recommended not contacting them yet as more information needs to be gathered about the current IMMD website in order to speak them effectively. She reported that she'd researched some companies offering to migrate existing websites to ADA-compliant status and also the products available separately. Her recommendation is to do some in-house work first with Rich Reindel and others (Jackie Middlehoek, Rhonda Cates, Carol Darland) that have some web experience to evaluate the options available. She believes that IMMD would be able to develop a compliant website internally utilizing free ADA compliant templates that are available from Word Press and technical support also available from Word Press. Samantha will organize a special subcommittee meeting to further discuss and develop a recommendation on how to move this project forward.

**Cows on IMMD properties / RV storage fence:** Larry Siverson spoke with Sean (Bar Star foreman) about the fence and the need to get it fixed. More discussion needs to happen to resolve this issue.

**Update on Comfort Station Repairs:** Larry Siverson and Bret Crouch have monitored the situation and Bret has offered to write up summary of what was done for future reference. For now, the Comfort Station is operational but because of Covid19 restrictions will be kept closed.

**WSP Update / Approval of Reminder wording / Manual Amendment:** Samantha suggested tabling the Manual Amendment for the time being as other updates and changes are completed. Glenn Haas agreed this should be done. Glenn also reported that he had a meeting with Dave Wissel and reviewed the current status. Dave was complimentary of Samantha's good work in submitting the information needed by HASP. All is good with HASP.

Dan Windmueller is a Real Estate person from Evergreen and follows the property transactions in Indian Mountain. Glenn talked with Dan and obtained a listing of recent IM closings with names and addresses of new owners. Dan could provide a monthly list of new buyers, which Glenn thinks could help with "welcome" information and to potentially help with WSP administration. Glenn would like IMMD to work with him to see how the information received could help IMMD. However, Glenn doesn't have the time to do this and would like someone to take this on. The "someone?" has to be determined.

Glenn also reviewed new measures that will be taken to deal with WSP non-compliance issues. A stern email will be sent to try to determine the reason for non-compliance and how to resolve the issue. Monthly water reporting will be modified to increase the number of reminders that are sent in the first days of each month. There will be three notices sent and will contain a highlighted note applying to those who already reported to ignore the additional notices. There isn't a way to effectively segregate sending emails only to those that have not reported, so everyone will get the three reminders. Carol Darland requested a meeting with Samantha to try to resolve the "multiple reminder" issue. Glenn will be on stand-by for the possible fix.

**Splitting of IMMD/IMWSP duties:** Samantha has informed the Board that she will be retiring in a few years and would like to split the IMMD and IMWSP responsibilities. Pat Smith and Jackie

Middlehoek have been in conversations to work out the details to make it possible for them to take over the IMWSP responsibilities. A time line will be developed on how to move forward on the complete transition. **MOTION: Bret Crouch moved and Karen Goodman seconded a motion to work with Pat Smith and Jackie Middlehoek to transition them into IMWSP and future IMMD responsibilities. Motion approved unanimously.**

**Remove and redo Account signers at TBK Bank: MOTION: Bret Crouch moved and Glenn Haas seconded a motion to remove Roger Mattson and Bev Bushaw from the five TBK bank accounts and to add Bret Crouch, Carol Darland, Pat Smith, and Samantha Bertin as the new signers to the five accounts. Motion approved unanimously.**

**Cleaning Bids / Vote to Approve: MOTION: Bret Crouch moved and Glenn Haas seconded a motion to accept the three bids received from Samantha Bertin's company for cleaning services through 2022 for the Community Center, the Comfort Station, and the Lodge. Motion approved unanimously.**

**Maintenance Tech Update on applicants:** Samantha reported that she had talked to four people and requested a resume' from them. So far nothing has been received. She will repost the ad on Nextdoor and will submit a notice to include in the upcoming IMMD/IMPOA newsletter.

**Vote to approve budget as proposed and post for public comment:** Samantha reviewed a revision to the IMWSP budget to include a possible purchase of more water next year. The Burn Pit line was also increased to allow for the rental expenses for a skid loader. **MOTION: Brett Crouch moved and Carol Darland seconded a motion to make these revisions to the IMWSP and IMMD proposed budgets. Motion approved unanimously.**

**MOTION: Karen Goodman moved and Bret Crouch seconded a motion to include \$300 IREA rebate as an income item to the IMMD budget. Motion approved unanimously.**

**MOTION: Glenn Haas moved and Bret Crouch seconded a motion to approve the 2021 proposed IMMD and IMWSP budgets as modified today. Motion approved unanimously.**

#### **New Business:**

**Update on CC rentals and going forward into the year:** Samantha reported that the September event went well and the 10-day waiting period has not yet passed to determine if there were any Covid19 issues. Samantha also reported that in order to keep control over the status of the Community Center meeting Covid19 requirements, she retrieved all the outstanding key cards from the Pool group and other users. Discussion ensued on how to move forward and the decision was to limit use of the Community Center to only events scheduled through Samantha and to review on a monthly basis. **MOTION: Bret Crouch moved and Glenn Haas moved to limit use of the Community Center to only scheduled events for October that agree to follow the Covid-19 requirements and pay the requisite sanitation fee. Motion approved unanimously.**

**Water leak in men's bathroom at the Comfort Station:** Issue resolved.

**Work at burn pit in spring, renting of tracked equipment:** Bret Crouch reported that he and Karla will handle all the details of the work to be done at the Burn Pit in the Spring and requested Samantha to ensure that the propane tanks are filled in anticipation of being able to burn the pit.

**Park trails and Frisbee golf course:** Some trees that are classified as “widow makers” need to be attended to before they fall and will be flagged for identification. Also maps of the Frisbee golf course need to be made available.

**Noxious weeds sprayed:** Bret Crouch reported that the heads were cut off the thistles, but the work done was too late for effective spraying this year. Will be done sooner next spring.

**Update on RV storage permits 2020/2021:** Pat Smith reported that the lot has 29 RVs stored; there are 83 permits with only a few that have expired.

**IMPOA Chipping program update:** Dwight Cates reported that there have been 68 signups and chipping is in progress. The IMPOA program is well ahead of the CUSP appointments of last year. Bret conveyed appreciation and thanks to IMPOA for sponsoring this program.

**DLOU News / IM Water battles:** Glenn Haas provided an update on the current on-going water issues with Bar Star. A full recap is attached to these minutes.

**Property Rentals / Camping regs opinion/thoughts about:** Marcia Logan reported on the proliferation of property owners of unimproved lots placing ads on websites in order to rent camping privileges to non-owners or guests of owners for fees of varying amounts. Most of the properties that have been brought to her attention do not adhere to the Park County Regulations (i.e. no trespassing on private property, ATVs, burn bans, etc), or LURs as far as camping permits, some driveway issues, lack of sanitation facilities, and the general public health issues involved in this behavior. Instances have been reported that utilize private IMMD amenities (paid for exclusively by IM property owners) as a “benefit” to entice the public to rent the camping site. This is an important issue and needs to be stopped. Suggested actions to be discussed and implemented include filing Code Compliance violations, letters to County Departments, contacting County Commissioners, attending County Commissioner meetings, etc. Even though a number of these suggestions have been done, Park County doesn’t respond. Something needs to change.

**Public Comment:** None

Next Meeting: October 10, 2020 9:00 am

Respectfully submitted: /Marcia Logan, Secretary

*(Agenda and other documents are included on the next pages)*

Indian Mountain Metropolitan District  
Agenda for Regular Board Meeting

September 12, 2020

Call to Order-Welcome to all

Additions to and Approval of Agenda

Board Attendance: Karen Goodman, Bret Crouch, Marcia Logan, Glenn Haas

Guests in Attendance: see sign in list

Secretary's Report

**Motion:** The Board approves the minutes of the Aug 8, 2020 Regular Board Meeting

Treasurer's Report

**Motion:** The Board approves the Treasurer's report for Aug 2020, balances include:

General Fund=\$110,482.98

Special Conservation Fund=\$2,083.84

Reserves Fund=\$6,008.74

IMWSP Admin. =\$96,139.03 (\$60,486.48 of this held in reserve)

Total=\$ 214,714.59

District Manager Report

Maintenance Report

**Unfinished Business**

- Swearing in of newest board member
- Old Rec Hall Sale Update
- Website Update- ADA specific
- Cows on IMMD properties/RV storage fence
- Update on Comfort Station Repairs
- WSP Update/Approval of reminder wording/Manual Amendment
- Splitting of IMMD/IMWSP duties
- Remove and redo Account signers at TBK Bank
- Cleaning Bids/Vote to approve
- Maintenance Tech Update on applicants
- Vote to approve budget as proposed and post for public comment

**New Business**

- Update on CC rentals and going forward into the year
- Water leak in men's bathroom at CS
- Work at burn pit in spring, renting of tracked equipment?
- Park trails and frisbee golf course?
- Noxious weeds sprayed
- Update on RV storage permits 2020/2021
- IMPOA Chipping program update
- DLOU News/ IM Water battles
- Property Rentals/Camping regs opinion/thoughts about

Public Comment

Meeting Adjourned

Next meeting: October 10, 2020

## The Quiet IM Water Battle Continues

Submitted 9-3-2020

All has been quiet on the Indian Mountain water-front, but scratch the surface and you will find hundreds of residents feeling harassed, victimized, stressed, angered, and exhausted. Bar Star contends that it is owed money from IM well owners for their labor and services to manage the IM water augmentation plan between 2012 and 2018. Many of us disagree. The Courts will settle this dispute.

In the meantime, I thought the IM community would benefit from an update on how Bar Star has and is employing five tactics to collect their alleged fees.

1. **LIENS.** In July 2018, Bar Star sent a “Statement of Lien” to up to 600 IM well owners threatening to initiate a lien process if the stated fees were not paid by August 1, 2018. The animosity and distrust for Bar Star was evident as a large number of well owners quickly agreed to coalesce, pool financial resources, and form a Colorado non-profit group called “Don’t Lien on Us “ (DLOU). The Bar Star threat was hollow and no liens were filed with Park County. DLOU went on to bring legal action against Bar Star’s lien action and won their case at the State District Court level on December 11, 2019. Bar Star appealed the ruling to the Colorado Court of Appeals where it is still pending.
2. **COUNTY COURT.** In 2019, Bar Star changed to a tactic of bringing suit against a single IM well owner in a County court versus their large-scale lien tactic above. Bar Star brought legal action against IM well owner Jeff Mason in the Jefferson County Court for non-payment of the alleged 2012-2018 augmentation fees. DLOU stepped in to lend support. Mason won his case in the County Court. Bar Star appealed the ruling to the Jeffco County District Court where it is still pending.
3. **INVOICES.** Periodically, Bar Star sends invoices to IM well owners who have not paid their alleged 2012-2018 water augmentation fees. I presume Bar Star believes this tactic will convince some well owners to pay the alleged fees out of fear and exhaustion. My last invoice from Bar Star in January 2020 was just over \$2,300, so if ten well owners like me relent to Bar Star then this would bring them a tidy sum of \$23,000.
4. **COLLECTORS.** In early July 2020, Bar Star retained the services of NSF Collectors, Inc. To date, we are aware of at least ten IM well owners who have received outstanding debt collection notices that require a 30-day response, and we suspect there are more. Again, DLOU has stepped in to help protect the interest of the IM well owners. If you and someone you know receives a collection notice, it would help our collective effort to inform me or Jim Scherrer at eagle43470@gmail.com.
5. **PROPERTY SALE CLOSINGS.** Lastly, we have received anecdotal information that the Bar Star 2012-2018 augmentation fees are being collected at sale closings of IM property or people are being required to sign affidavits. If you plan to sell your property in the next year or so, it may be wise to ask your realtor early on if they or the title company will require that the Bar Star fees be settled at closing. With this foresight, you may opt for another realtor or title company.

The quiet water battles between IM well owners and Bar Star continues. It has been hurtful to the community in so many ways. For many of us, this battle is no longer a financial one with Bar Star but rather is an issue of principle, integrity, and moral decency.

Glenn Haas, IM resident  
glennehaas@comcast.net

SPECIAL DISTRICT  
TRANSPARENCY INFORMATION

Pursuant to section 32-1-809, Colorado Revised Statutes, this information must  
be provided annually to the eligible electors of the district no later than January 15.  
Updated September 12, 2020

Note that some information provided herein may be subject to change after the notice is posted.

User Name: Indian Mountain

District's Name: Indian Mountain Metropolitan District

District's Principal Business Office:

Indian Mountain Metropolitan District  
31 Keneu Ct.  
P.O. Box 25, Como, CO 80432

Phone: 719-836-9043

District's Physical Location: Park County, CO

Primary Contact Person or District Manager: Samantha Bertin, 719-836-9043

Regular Board Meeting Information: Second Saturday of every month; 9:00 am; Indian  
Mountain Community Center, 31 Keneu Ct., Como, Co 80432

Posting Place for Meeting Notice: Indianmountain.info website

Bulletin Board inside Community Center, 31 Keneu Court

Current District Mill Levy: 6.943 Mills

Ad Valorem Tax Revenue (Revenue reported may be incomplete or unaudited as of the date this  
Notice was posted.): Amount = \$148,000.00

Name of District Board Members

Board Member No. 1: Bret Crouch, [indianmtn@hotmail.com](mailto:indianmtn@hotmail.com)  
Election May 5, 2020, 3-year term, Board President and Chair  
Will this office be on the ballot at the next regular election: No

Board Member No. 2: Glenn Haas, [indianmtn@hotmail.com](mailto:indianmtn@hotmail.com)  
Election May 5, 2020, 2-year term, Vice President  
Will this office be on the ballot at the next regular election: Yes, 2022

Board Member No. 3: Marcia Logan, [indianmtn@hotmail.com](mailto:indianmtn@hotmail.com)  
Election May 5, 2020, 3-year term, Secretary  
Will this office be on the ballot at the next regular election: No

Board Member No. 4: Carol Darland, [indianmtn@hotmail.com](mailto:indianmtn@hotmail.com)  
Appointed September 12, 2020, 2-year term, 2<sup>nd</sup> Vice President  
Will this office be on the ballot at the next regular election: Yes, 2022

Board Member No. 5: Karen Goodman, [indianmtn@hotmail.com](mailto:indianmtn@hotmail.com)  
Elected May 5, 2020, 3-year term, Treasurer  
Will this office be on the ballot at the next regular election: No

Next Election will be held in May 2022.

Self-Nomination and Acceptance forms are available from Samantha Bertin, the Designated Election Official for the District, at 31 Keneu Court, Como, Colorado. Self-Nomination and Acceptance forms must be filed with the Designated Election Official for the District at the above address not less than 67 days prior to the election.