

INDIAN MOUNTAIN METROPOLITAN DISTRICT
DRAFT MINUTES OF REGULAR BOARD MEETING

December 14, 2013
Office and Board Meeting Facility
31 Keneu Ct.

Call to Order-----Welcome to all 9:01am
Additions to and Approval of Agenda None
Board Attendance: Susan Stoval, Glenn Haas, Bev Bushaw, Ronnie Lane, Tom Odle

Guests in Attendance: Dave and Joy Hines, Pete Ambrose, Louise Mark, Tim Higgins, Charles Phillipps, Nelson Silver, Marcella Wells, Don Frye, Larry Siverson

Secretary's Report

Motion: The Board approves the minutes of the November 9, 2013 Regular Board Meeting.
Unanimously approved.

Treasurer's Report

Motion: The Board approves the Treasurer's report. Balances include:
General Fund=\$136,880 Special Conservation Fund=\$3,215 Total=\$140,096
Unanimously approved.

Currently, YTD we are \$33K under budget for 2013.

Business Manager Report: Samantha

- Insurance bill has been received---\$200 more than last year
- Newsletter articles due Jan 1
- Burn pit opening May 3rd

Maintenance Report: Charles

All facilities working and in good shape.

Unfinished Business

- Mailing/Survey---353 returned to date; 88 undeliverable out of some 2100 mailings; the survey due date is Dec 15 so another hundred or so is expected into January; data entry will begin with hopes of preliminary results in late January. FYI---the 2008 survey had 254 responses and the 2006 survey had 687.

- Water/Flume Article---the Dec 6th Flume article was deemed 80% accurate; there was concern about the erroneous statement that the golf course under consideration to be sold was the Frisbee disc course on the IM Mountain Park rather than the pasture golf course adjacent to burn pit and RV lot; the concern did not warrant a submittal to the paper
- Glenn updated Board and guests on the status of the water augmentation discussions. IMC did not respond to the Nov IMMD offer by the set date of Dec 11th. IMC did send a letter to exercise their option to purchase the Recreation Hall out at the Sportsman Ranch----this will generate some 75K for the District which will be set in reserve for anticipated legal costs against IMC regarding ownership of the IM water augmentation plan. There was considerable board and public discussion on the matter.

A concern was expressed that since the IMMD has no authority or responsibility to bill the two bills received by Indian Mountain Corporation for the water augmentation plan and its management in 2012 and 2013, might IMC then send bills to each property owner? The concern was raised about the precedent and message that might be sent if any property owners pay these bill while litigation is underway---that perhaps there is a need to communicate to IM property owners to NOT pay any bills received from IMC at this time. Glenn expressed concern that IMMD providing legal advice might be beyond its charge and put the District at risk. It was decided to ask our legal counsel for advice on how to proceed.

Motion 1: The Board agrees to accept the offer from Indian Mountain Corporation to purchase the IMMD Recreation Hall and associated property as set forth in the current lease to purchase agreement between IMMD and IMC. The property to be sold does not include the 80+ acres of the pasture golf course, burn pit or RV lot. *Approved 4-1. Approved by Susan, Bev, Tom and Glenn. Opposed by Ronnie*

Motion 2: The Board agrees to investigate the merits and process to seek a declarative judgment by the Court to settle the matter of the ownership of the Indian Mountain Water Augmentation Plan, and further agrees to spend up to \$50,000.00 on this legal matter in accordance to the contract with Peter Ampe, IMMD water counselor, at the law firm of Hill and Robbins, Denver, CO, and other such counselors approved by the Board. *Unanimously approved.*

It was agreed to ask the IMPOA Board to approve a similar motion. (IMPOA did approve a similar motion later the morning of Dec 14th). These two Board decisions result is a \$100K fund to pursue a court ruling on the ownership of the IM water augmentation plan---i.e., the IMC or IM property owners.

A class action suit involving IMMD, IMPOA, several property owners, and Elkhorn was discussed and will be considered.

New Business

- 2014 Board Meeting Times

Motion 3: The Board approves a calendar of meetings for it's regular monthly Board meeting. Meetings will be held the second Saturday of each month in 2014. November will be the budget meeting. *Unanimously approved.*

Motion 4: The Board agrees to post the Board meeting notices at the Kiosk and the Comfort Station.
No Action. Postponed until January meeting.

New Business

- 2014 Regular Board Election Resolution. *No Action. Will be addressed in January.*

Public Comments taken during meeting.

Meeting Adjourned at 10:10AM. Minutes taken by IMMD Secretary Glenn Haas and approved by the Board on January , 2014.

Next Meeting January 11, 2014 (9am-11am)