



*Winter Issue: January 2014*

## **Indian Mountain Metropolitan District (IMMD) News**

### **\$100,000 Pledge to Protect Our Water**

The saga over the past two decades of who owns the Indian Mountain water augmentation plan has gone to a new level. The Boards of the Indian Mountain Metropolitan District and the Indian Mountain Property Owners Association each approved a motion on December 14th to commit \$50,000 towards the legal costs to reach a declaratory judgment from the District Court as to who owns the IM water augmentation plan. Work will begin immediately towards investigating the best strategy and process towards a favorable decision and subsequent transfer of the plan to the IM community.

Indian Mountain Corporation (IMC), formerly owned by the original IM developer Jim Campbell, and purchased last summer by Mark Goosmann and Jim Ingalls of Bar Star Land, has made an offer to IMMD for the transfer of the plan. IMC believes it is the rightful owner of the augmentation plan and that IM property owners should pay for it. In September, IMC offered to transfer the plan for a one-time payment of \$550,000 plus an annual sum of \$19.95 per well per year to manage the plan. On October 18th, IMC sent a bill to IMMD for \$143,000 for the "Water Augmentation Plan and its Management 2012." On November 1, IMC sent a second bill for \$143,000 for the "Water Augmentation Plan and its Management 2013." Three IMMD counteroffers have not been acknowledged or responded to by IMC, thus the decision by the Boards on December 14 to move towards legal action.

The core issue here is whether the IM property owners paid the Indian Mountain Corporation for the IM water augmentation plan as part of the original purchase price for the IM residential lots. Stated otherwise, did the price of the residential lots include the value and condition that purchasers could secure a well permit and thus water for their residential use as decreed in the IM water augmentation plan? Both IMMD and IMPOA believe that the IM property owners have already paid IMC for the IM water augmentation plan and that IMC has been remiss over the past four decades in not transferring the plan to the IM community.

It is important to note that the \$100,000 now allocated to this legal action comes from monies we now have or will have available in 2014. Thus, there will be no new cost to the IM property owners; that is, there will be no increase in the District's mill levy or any increase in the annual IMPOA membership fee to finance the legal action.

The Boards want to keep the community informed. The best real-time information will be posted on the IMMD and IMPOA websites, and there will likely be a public open house(s) along the way. Of course, the regular business meetings of the Boards are held on the second Saturday of each month beginning at 9 am, and you are welcomed to get an update on our progress at that time.

## **Flume Flops!!**

The December 6<sup>th</sup> edition of the Park County Flume had an extended article on the dilemma we face with the IM water augmentation plan. The article was 80% fair and balanced, but did cause some property owners alarm. The article suggested that IMMD was considering the sale of the Frisbee disc golf course which we all know is located in IM Mountain Park. That was not correct. What is correct is that we are surveying all IM property owners about their support/opposition of the sale of the pasture golf course located adjacent to the burn pit and RV lot in the event IMMD needs money to secure the IM water augmentation plan. Results of the survey will be available in February.

With the pending sale of the Recreation Building discussed elsewhere in this newsletter, it appears at this time that there will be no need to sell the pasture golf course.

## **Volunteer Luncheon**



Upwards of 70 people gathered for a buffet luncheon in the IM Community Center on December 14, 2013 that was sponsored by the IMMD to recognize volunteers that served the community in the past year. In an unprecedented surge of volunteerism, there were more than 150 people involved in community activities in 2013. People that

monitored the IMMD burn pit, including owners from IM, Stagestop and Elkhorn Ranch, were the largest group. The next largest group was made up of people that volunteered for the wildfire mitigation



project managed by IMPOA and sponsored by CSFS and CUSP.

Then there were the volunteers of the Jefferson Como Fire Protection District and the boards for the two community associations. IMPOA and IMMD provided raffle prizes that included logo merchandise and selected beverages.



## **2013 Indian Mountain Survey**

Surveys continue to be received from IM property owners with the total count at this time being 413. The 2006 community survey generated 687 responses and the 2008 survey generated 254 responses, so it looks like we will fall somewhere in between. The data is being entered into an excel spreadsheet and preliminary findings should be posted in February. It is not too late to send in your survey. We would appreciate as much input as possible and will duly consider over the next 5 years.

## **Sale of the Recreation Hall**

As you drive towards the Jefferson-Como Fire Station from Indian Mountain, there is a cluster of red buildings on the left side known as the Sportsman Ranch. The ranch buildings are adjacent to our RV lot, burn pit and pasture golf course. One of the red buildings is known as the Recreation Hall.

Several decades ago the building served the IM community but in the last decade it fell into disrepair and served no purpose. The routine maintenance began to cost us money. Two years ago IMMD entered into a “lease to purchase” agreement with Indian Mountain Corporation (IMC) whereby they were to lease the building for \$1K per year for up to three years, after which they could purchase the property for \$75K.

IMMD received a letter on December 11 from IMC that they would like to exercise their option to purchase the Recreation Hall, and on December 14<sup>th</sup> the Board approved the sale of the building for \$75K.

The sale of the building and the ¼ acre it sits on will have no effect on the ownership and operations of the RV lot, burn pit, and pasture golf course. Furthermore, the \$75K will be set in a reserve account to cover legal fees associated with the IM water augmentation plan.

## **Indian Mountain Property Owners’ Association (IMPOA) News**

### **2014 Indian Mountain Wildfire Mitigation Grants**

IMPOA invites property owners to participate in grant-funded wildfire mitigation projects in 2014, either on your property or others. In 2013, IM received a \$10,000 wildfire mitigation grant from the Colorado State Forest Service through the Coalition for the Upper South Platte. A cash match of \$6000 was provided by IMPOA and IMMD. The \$16,000 paid for cutting and chipping of forest slash by contractors. Volunteers supplied more than \$10,000 of in-kind work. Thus, the project accomplished about \$26,000 in wildfire mitigation. The project created a 150-foot-wide fuel break and firebreak along 1.1 miles of county road in the SE corner of IM. Twenty private properties and a swath of the IM Park were included in the project. The break



increases the fire protection of the individual properties

and provides a defensible corridor for firefighters to prevent a wildfire from going up the Mountain from the southeast. The 2013 project demonstrates landscape-scale fuels reduction that could be created in other areas of IM. More grant money will be available from CUSP in 2014 to assist with such efforts.

IMPOA urges individual property owners or groups of owners with adjoining properties to apply for a share of the grant money to create fuel and firebreaks in their neighborhoods in 2014. The work must be completed by November 2014 to qualify for the grant money. IMPOA will assist in developing the grant applications. Then IMPOA and CUSP will evaluate the applications, award the money and assist in the completion of the most promising projects. Owners can elect whether to transport the slash to the IM burn pit or to have contractors chip the slash on their properties. Useful firewood can be claimed by the property owners or given to the community.

IMPOA and CUSP will use the following criteria in allocating 2014 grant money in Indian Mountain:

1. Priority for funding will be given to groups of property owners that organize landscape-scale fuels reduction and firebreak projects, using the 2013 project as a model.
2. Funding will be provided to individuals and neighborhoods that provide 50% cash match of the grant money and organize volunteer labor to provide 50% in-kind match.
3. IMPOA will provide guidance to property owners on how to apply CSFS/CUSP criteria for fuel and firebreaks on their lands and how to structure an acceptable grant application.
4. IMPOA and CUSP will consider requests for assistance from individual property owners that are unable to create defensible space for their homes on their own volition.
5. Property owners that adjoin IM Park, public land or private land outside IM are encouraged to consider teaming with those landowners in creating landscape-scale projects.

Roger Mattson, President of IMPOA, must receive your expression of interest in obtaining grant money for individual properties or organized groups of properties by April 1, 2014 in order for you to be considered for the 2014 projects. You can reach him at [rdmattson@comcast.net](mailto:rdmattson@comcast.net) or 303-278-1406.

### **2014 Indian Mountain Chipping Projects**

IMPOA has organized a number of chipping projects over the past three years and might do so again in 2014. In these projects, property owners clear their own property, create their own slash and contribute to CUSP for



providing its chipper and crew at a rate of about \$75 per hour. In prior years, IMPOA has organized volunteer labor in support of these chipping projects in order to encourage this type of slash disposal and may do so in the future, depending on interest and volunteer support. Priority will be given to property owners that organize volunteer labor to support chipping on their property. If you have an interest in having chipping done on your property in 2014, please contact Roger Mattson as soon as you can so times can be reserved on CUSP's calendar.

## **Indian Mountain Named *Firewise Community* again in 2013**

Indian Mountain has been recognized as a *Firewise Community* once again in 2013. The *Firewise Communities* program is a project of the National Fire Protection Association and is sponsored by the US Forest Service and Department of the Interior. It empowers neighbors to work together in reducing their wildfire risk. Indian Mountain is one of about 1000 *Firewise Communities* in the United States (~70 in Colorado) that are acting to protect themselves against the threat of wildfire in the wildland/ urban interface. The IMPOA board of directors serves as the board of directors for *Firewise Community* activities in Indian Mountain and is pleased to announce this second annual recognition of the community's efforts. Any property owners that are interested in helping with *Firewise Community* activities should contact a member of the IMPOA board of directors.



## **Indian Mountain Covenants**

When we bought our properties in Indian Mountain we should have received a copy of Indian Mountain Covenants at our real estate closing. If you are not aware that there are protective covenants for our subdivision or if you do not have a copy of them, you may find them on our website at [www.impoa.net](http://www.impoa.net)

“GENERAL PURPOSES: These covenants are made for the purpose of creating and keeping the subdivision, insofar as possible, desirable, attractive, beneficial and suitable in architectural design, materials and appearance; and guarding against fires and unnecessary interference with the natural beauty of the subdivision; all for the mutual benefit and protection of the owners of lots in the subdivision.”

Here are some reasons for complying with our covenants:

- Honoring the vision for our community created by our founders.
- Respecting the land we are entrusted with.
- Respecting our neighbors.
- Upholding property values in the entire community.
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“ENFORCEMENT: If any person shall violate or threaten to violate any of the provisions of this instrument, it shall be lawful for any person or persons owning real property in the subdivision or any duly elected or appointed official of Park County of the Town of Fairplay, to institute proceedings at law or in equity to enforce the provisions of this instrument, to restrain the person violating or threatening to violate them, and to recover damages, actual and punitive, together with reasonable attorneys' fees, for such violation.”

## **IMPOA 2014 Membership Update**

As reported throughout this Indian Mountain Newsletter, property owners' interest in building and sustaining our healthy neighborhood is growing. Further evidence can be seen by the 2013 Indian Mountain Property Owners Association, where more than 650 property owners voluntarily contributed the annual membership dues of \$35. IMPOA membership is promising to be even stronger for 2014, with paid memberships as of our December 14 board meeting significantly greater than the same period previous year. 2014 membership is on track to over-deliver the 700 member goal set for the year and is currently more than 40% greater than December 2012.

On behalf the entire IMPOA, we thank you for your timely membership renewal and with a special thank-you to those who contributed well above the requested \$35. We also want to thank and welcome the 50+ new property owner members in their inaugural year of membership.

If you have not yet sent in your 2014 membership, you can do so at anytime. Just mail your check for \$35 made out to IMPOA to PO Box 196, Jefferson, CO 80456. Please include a completed membership form which you can find posted on [www.impoa.net](http://www.impoa.net) under "Membership".

Remember IMPOA's mission is to benefit all IM Property Owners, regardless residency status (full, part-time, camper, etc.): ***IMPOA acts, informs, educates and advocates on issues of concern to property owners to maintain the quality of life in Indian Mountain***

## IMPOA Board of Directors Contact Information

Name	Position	Term	Phone	e-Mail	Mailing Address
Tina Bogani	Secretary	2014	719-836-9016	<a href="mailto:tina@dtcfp.com">tina@dtcfp.com</a>	
Dennis Burke	Director	2014	719-836-7008	<a href="mailto:burklings@yahoo.com">burklings@yahoo.com</a>	144 Travois Rd. SSB-2 Jefferson, CO 80456
Karen Goodman	Treasurer	2015	303-912-1063	<a href="mailto:kkmbg1@comcast.net">kkmbg1@comcast.net</a>	5192 S Laredo Ct. Centennial, CO 80015
Glenn Haas	Vice President	2015	970-498-9350	<a href="mailto:glennehaas@comcast.net">glennehaas@comcast.net</a>	3403 Green Wing Ct. Fort Collins, CO 80524
Gail Lane	Membership Director	2016	719-836-3154	<a href="mailto:Gaillane2013@gmail.com">Gaillane2013@gmail.com</a>	PO Box 32 Como, CO 80432
Roger Mattson	President	2016	303-278-1406	<a href="mailto:rdmattson@comcast.net">rdmattson@comcast.net</a>	2511 Fossil Trace Ct. Golden, CO 80401
Fred Whitaker	Director	2014	719-836-1702	<a href="mailto:whitakerfc@gmail.com">whitakerfc@gmail.com</a>	PO Box 255 Como, CO 80432
Samantha Bertin	Business Manager	---	719-836-9043	<a href="mailto:cloudnineranch@hughes.net">cloudnineranch@hughes.net</a>	---
IMPOA Contacts	---	---	IMPOA.net	<a href="mailto:IMPOA01@hotmail.com">IMPOA01@hotmail.com</a>	PO Box 196 Jefferson, CO 80456

## IMMD Board of Directors Contact Information

Name	Position	Phone	e-Mail	Mailing Address
Beverly Bushaw	Treasurer	303-990-0459	<a href="mailto:bbushaw@comcast.net">bbushaw@comcast.net</a>	PO Box 25 Como, CO 80432
Glenn Haas	Secretary	970-498-9350	<a href="mailto:glennehaas@comcast.net">glennehaas@comcast.net</a>	3403 Green Wing Ct Fort Collins, CO 80524
Ronnie Lane	Director	719-836-3154	<a href="mailto:ronniedlane@me.com">ronniedlane@me.com</a>	PO Box 32 Como, CO 80432
Tom Odle	Vice President	303-683-9812	<a href="mailto:thodle99@q.com">thodle99@q.com</a>	2855 Clairton Dr Highlands Ranch, CO 80126
Susan Stoval	President	719-836-0138	<a href="mailto:stoval@peoplepc.com">stoval@peoplepc.com</a>	PO Box 25 Como, CO 80432
Samantha Bertin	Business Manager	719-836-9043	<a href="mailto:indianmtn@hotmail.com">indianmtn@hotmail.com</a>	---
IMMD Contacts	---	indianmountain.info	<a href="mailto:indianmtn@hotmail.com">indianmtn@hotmail.com</a>	PO Box 25 Como, CO 80432

### TRANSPARENCY NOTICE

Pursuant to State Law, IMMD needs to post a transparency notice, which lists the time and places for meetings and other information. The 2014 Transparency Notice may be viewed at <http://www.sdaco.org/transparency/>. Go to “search now” tab and look under the index at “I”. You may also view it on our website: [indianmountain.info](http://indianmountain.info) under governance. Any questions please call our business office: 719-836-9043 and talk to Samantha Bertin

# Comparison of IMMD and IMPOA

Feature	IMMD	IMPOA
Nickname	Rec District	IMPOA
Web Page	<a href="http://www.indianmountain.info">www.indianmountain.info</a>	<a href="http://www.impoa.net">www.impoa.net</a>
Year Established	1972	1985
Mission/Purpose	IMMD develops and maintains recreation, park and water facilities. Its functions are limited to a Service Plan that was last updated in 2012.	IMPOA promotes the health, welfare, safety and interests of Indian Mountain property owners. Its functions are broad.
Statutory Basis	Special District of the State of Colorado	Non-profit Corporation of the State of Colorado and Federal 501(c)(4) social welfare organization
Members	All Indian Mountain property owners (~ 2000 in 2012)	Indian Mountain property owners (~600 in 2012) that pay annual dues
How Financed and Audited	Mandatory property tax of 6.94 mills since 2006; annual internal audit of financial statements	Voluntary annual dues of \$35/member since 2007; annual internal audit of financial statements
Projected Income in 2013	About \$148,000	About \$24,000
Property Owned	About 418 acres of land, Community Center, Burn Pit, Park Facilities, Comfort Station, Dump Station, RV Storage Lot, Sand-green Golf Course	None
Governance	Five elected directors, Bylaws	Seven elected directors, Bylaws
Current Programs	<ul style="list-style-type: none"> <li>• IM Community Center activities and social events</li> <li>• IM Park with trails, Frisbee golf, playground, picnic facilities</li> <li>• IM Lodge for guests</li> <li>• Gold Pan Park</li> <li>• Sand-green golf course</li> <li>• Archery target range</li>   <li>• RV storage administration</li> <li>• Burn pit administration</li> <li>• Annual picnic with IMPOA</li> <li>• Newsletter with IMPOA</li> <li>• Long-term water service assurance</li> </ul>	<ul style="list-style-type: none"> <li>• Indian Mountain road signage</li> <li>• Advocacy for covenant &amp; regulatory compliance &amp; conflict resolution</li> <li>• Community Wildfire Protection Plan</li> <li>• Cattle grazing control &amp; fencing</li> <li>• Annual Dumpster Day for trash</li> <li>• Advocacy for Indian Mountain issues with Federal, State &amp; County officials</li> <li>• Neighborhood Watch</li> <li>• Maintain community E-mail list</li> <li>• Annual picnic with IMMD</li> <li>• Newsletter with IMMD</li> <li>• Long-term water service assurance</li> </ul>