



Photo courtesy of Kevin Copeland

**INDIAN MOUNTAIN NEWS FALL 2016**  
**A JOINT NEWSLETTER OF**  
**Indian Mountain Property Owners Association (IMPOA)**  
**And**  
**Indian Mountain Metropolitan District (IMMD)**

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**COMMUNITY CALENDAR OF EVENTS FOR 2016**

*Craft Fair* - Saturday, October 29, 10:00 am – 3:00 pm at Community Center  
*Volunteer Appreciation Luncheon* - Saturday, November 12, 1:00 pm – 3:00 pm at Community Center  
*Cookie Exchange* – Saturday, December 12, 1:00 pm – 3:00 pm at Community Center

## **ANNUAL VOLUNTEER APPRECIATION LUNCHEON**

Saturday, November 12, 1:00 p.m. to 3:00 p.m.; sponsored by IMMD & IMPOA with lunch, beverages and raffle prizes. This is a special opportunity to thank all those volunteers who commit their time and efforts to the community.

## **CRAFT FAIR**

We're pleased to announce our second Indian Mountain Craft Fair. This wonderful event will be held at the Community Center on Saturday, October 29 from 10:00 am to 3:00 pm. We will be bringing together 15 or more local artists who will be making their gifts and crafts available for sale. It will be a great time for shoppers to get a head start on their holiday shopping! Lunch will be available and \$3.00 will buy you a hot dog, chips, cookies and a drink, and a wonderful shopping experience!

Interested vendors, please contact Bev Bushaw at [bbushaw@comcast.net](mailto:bbushaw@comcast.net) or 303-990-0459. We are currently at vendor capacity, but feel free to have your name put on a waiting list, should there be any cancellations.

We are looking forward to a successful day at the IM Community Center. Please pass this announcement along to your vendor friends and other potential shoppers.

## **COOKIE EXCHANGE**

Come join us for some holiday fun on Saturday, December 12, from 1:00 to 3:00 pm at the Community Center. This is the perfect opportunity to bake some of your favorite homemade holiday treats and swap them for a variety of holiday goodies made by other Indian Mountain property owners. Please bring two dozen homemade cookies or holiday bars to share. Refreshments will be provided.

## **MESSAGE FROM IMPOA PRESIDENT**

The third week of August brought two days of rain to Indian Mountain. When the clouds lifted there was a bright new cap of snow on Mount Silverheels! Change is always happening in Indian Mountain and this early snow promises the coming change of seasons. Another change in Indian Mountain is the recently elected board of directors of IMPOA (see the separate article). Following the election, the board selected new officers. I am humbled to have been entrusted with the role of president of IMPOA for the 2017 fiscal year. My name is Dennis McQuillan. My wife Jan and I first came to Indian Mountain in 1997 and soon after that bought our first lot. Our next four years were filled with weekend do-it-yourself construction resulting in completion of our part time home in 2001. After many years of enjoying Indian Mountain and the surrounding areas, I finally found a way to give back a little bit by joining the IMPOA board in 2016. IMPOA will be busy again this year with all of the fun community events, and we will also continue to press for resolution of the water litigation, provide more wildfire mitigation, assist with road improvements, continue fencing out livestock and other issues yet to be identified. Happily, Roger Mattson, our leader for the past five years is still on the board and will continue to provide his knowledgeable and skilled guidance to help see us through these issues. For that, and for the expertise, talents, and energy of all of our board members and volunteers, I am extremely grateful.

## **2016 IMPOA ANNUAL MEETING RECAP**

The annual meeting of Indian Mountain Property Owners Association occurred on August 13, 2016. There were 65 dues-paying members in attendance, and the board received 31 proxies in advance from other members in good standing, constituting a quorum of the members in good standing. All told, there were about 100 people in attendance. The main business of the meeting included the election of three directors, the announcement of a new fiscal year for the association, a vote to raise the annual dues, and discussions of road improvements, water augmentation litigation, new County rules governing camping on residential

lots, and wildfire mitigation. Minutes of the meeting are posted on the IMPOA website, and these topics are addressed elsewhere in this Newsletter.

### **IMPOA VOLUNTEER OF THE YEAR**

At the August 13 IMPOA annual meeting the IMPOA board recognized Keith Crump as its Volunteer of the Year. The board presented Keith a certificate and a cash award. The certificate read, “The Indian Mountain Property Owners Association awards this certificate to Keith Crump. Thank you for the talent and commitment to excellence you have provided for the past two years as Indian Mountain’s Chief Fence Mender. It is hard to imagine the work that went into your repair of seven miles of fence and gates to help keep cows from coming into the subdivision from ranches on our west and north sides. These services rendered to the property owners of Indian Mountain make a difference in our comfort, safety and property values. Thank you.”

### **IMPOA NEW FISCAL YEAR AND DUES**

At the August 13 annual meeting the board announced that it was changing the association’s fiscal year from January through December to September through August, beginning September 1, 2016, the start of what will be called fiscal year 2017. The rationale for changing the fiscal year is to align the accounting year to the membership year in order to adopt an improved cash accounting method. There was also a vote of the members in good standing to raise the annual dues of the association from \$35 to \$45. The rationale for the dues increase was presented in an historical context. IMPOA was established in 1985 as a non-profit corporation. The dues were set at \$25 per year and remained at that amount until 2006 when the IMPOA board realized it didn’t have liability insurance, so an increase to \$35 was approved to be effective in 2007. Because the community continues to have ongoing needs for community projects, such as the ongoing water litigation and fencing projects to keep the cows out, it was proposed that the dues be increased. The motion passed by a large majority. The 2017 fiscal year dues will be increased to \$45.

### **IMPOA ELECTION RESULTS**

There were three positions on the board of directors up for election at this year’s annual meeting. The IMPOA board proposed a slate of candidates to fill those positions, namely, Keith Crump (3-year term), Roger Mattson (3-year term), and Jim Scherrer (2-year term). They were elected by a significant majority of dues-paying members at the meeting and by mail-in ballot. Here are some facts about these three directors.

**Keith Crump** worked in scientific and business computing systems. He is retired, a full time Indian Mountain resident and dabbles in computer and software problems, skiing, hiking 14ers, biking, chess, dancing, and mending fences.

**Roger Mattson** is a mechanical engineer, nuclear safety consultant, part-time Indian Mountain resident, grandfather, fly fisher, pianist, and *Firewise Community* advocate. He served as IMPOA president from 2003 to 2006 and from 2011 to 2016.

**Jim Scherrer** is a retired project manager, master electrician, part time Indian Mountain resident, former boy scout leader, and armed services veteran. He enjoys woodworking with native materials.

### **WILD FIRE MITIGATION**

Right now is a great time to renew your dedication to wildfire mitigation. Monsoon rains have ended, the forest is dry and the burn pit will be open for another six weeks. You can get out in the woods and go to work. What should I be doing you ask. If you are an old hand at mitigation, take a look at the defensible space you created around your house. Is it still viable or do you need to do some thinning? How about your firewood, is it stacked too close to the house? How about your rain gutters, are they full of pine needles? If these are new concepts to you and you want to learn more about how you can protect your house and your

neighbors from wildfire, please go to [www.IMPOA.net](http://www.IMPOA.net) and look at Indian Mountain's "Community Wildfire Protection Plan." It has a wealth of information about our forest and how to protect it. The plan will help you decide what to do to mitigate your property, from the creation of defensible space near your cabin, to providing our local firemen a place to turn their trucks if they come in to save your house from a fire, to how to reduce fuel in the forest near your home. The National Fire Protection Association has designated us as a *Firewise Community* for five years in a row. Let's continue our work to deserve that honor.

## **LIVING WITH BEARS**

As the cooler weather approaches we need to keep in mind that most bears in Colorado are active from mid-March through early November. Until food sources dwindle and they head for winter dens, bears will need 20,000 calories a day to gain enough weight to survive the winter without eating or drinking. Bears are curious, smart and very adaptable; they will eat just about anything with calories. When people allow bears to find food, whether it's human food, pet food, garbage, bird seed, or other attractants, a bear's natural drive to eat can overcome its wariness of humans.

Disposing of trash is a real challenge. Much of what we throw away smells like food to a hungry bear, including empty cans and boxes. Once bears learn where it is easy to get at garbage they will come back again and again. Try freezing as much of your food waste as possible and put it out with the trash the day of your trash pickup. Keep your cans clean with bleach or ammonia, or invest in a bear proof container. Mountain View Waste serves Indian Mountain and offers bear-proof containers for a few dollars more a month. Once a bear learns that garbage equals food they may break into a home, garage or car in an effort to find more food. Do not leave trash or food outside or in your car, and lock all bear accessible doors and windows.

If a bear comes near your home, do your best to chase it away: yell, blow a whistle, clap your hands, bang some pots together. A habituated bear or one that feels it is safe to come close to people or homes looking for food will get you and him/her into trouble and must often be destroyed.

Please don't let our bears here in Indian Mountain die needlessly. Bear proof your home and property. It is our responsibility to help keep our bears alive and wild.

## **FEEDING WILDLIFE**

Here in Indian Mountain we are incredibly fortunate to have a wide variety of wildlife, including deer and recently a lone moose who found its way into the community. Unfortunately, some people are compelled to feed the wildlife, thinking the animals don't have enough food to eat, especially in the winter, or to attract them to watch or photograph. It is illegal in Colorado to intentionally place or distribute feed, salt blocks, or other attractants for big game animals.



People who feed the wildlife actually do more harm than good. Artificial feeding disrupts their natural behavior to graze and encourages deer to crowd together. This concentration of deer can increase stress and hasten the spread of disease. Deer and moose graze on grasses, leaves, bark, pinecones, twigs, and buds of trees and shrubs when available. They have a complex digestive system that is not adapted to hay, wildlife pellets, salt-mineral blocks, grains, veggies, birdseed, or pet food. Habituating them to artificial feed that does not meet their nutritional needs, often results in animals that are in poor condition and contributes to their death. They can become dependent on food provided by humans and starve when it is not available. Let's enjoy their presence and not interfere with their natural diets.

## **ROAD IMPROVEMENTS**

For many years, the condition and maintenance of our Indian Mountain roads has been a recurring issue. It's no surprise to anyone who has driven our roads in the last several months that they are in poor condition. While Fred Whitaker has been diligent in bringing issues to the Park County Public Works Department, we have seen little progress this year. Some enthusiastic Indian Mountain residents have decided to take on this issue and are trying to find a way to get a portion of Albino and Arrowhead upgraded with a hard surface called "chip seal". The county has provided estimates of the costs. Chip seal from the end of pavement near the fire station along Albino and Arrowhead to Chief is estimated to cost a little under \$700,000. Continuing the chip seal on Arrowhead past the Community Center to Pinto would raise the project cost to just over \$1 million.

This ad-hoc effort is being led by Kelly Halligan and Maria Benetti, both full time residents of Indian Mountain. They have met with county officials to learn how we, as owners and residents, can improve our roads. They have considered using the Local Improvement District (LID) process that is defined by the state and enables owners to agree to a tax increase to finance the improvements. They have also investigated an entirely private funding approach whereby owners, local businesses, etc. would simply contribute to a fund that would be dedicated to a specific road improvement project.

This effort is still in the formative stage. However, Kelly and Maria hosted a meeting at the Community Center on September 17 and have summarized below their plans for proceeding. Our thanks to Kelly and Maria for taking on this important issue. Stay tuned for more information as this develops. The following meeting summary and other information was provided by them.

Maria and Kelly presented the results of their research into chip sealing the roads to about 50 property owners on September 17. They also presented information regarding the formation of an LID. The property owners that were present (with an overwhelming majority) supported a fundraising effort to raise the money to chip seal. Additionally, the majority of those property owners would like the entire road chip sealed (to Pinto), with an estimated completion date of July, 2017. Maria and Kelly are eager to raise the money and believe they will succeed.

Maria and Kelly will establish an escrow account for property owners to deposit contributions. Assuming there are about 2000 lot owners in Indian Mountain, the cost to chip seal the entire road would average about \$500.00 per lot owner (not per lot). This funding approach is completely voluntary. The money donated will be refunded in full if they can't raise enough money to chip seal. All donations will be properly accounted for by the holder of the escrow account and the bank.

The County has agreed to maintain the new road once it's completed and to devote its attention to the side roads.

Maria and Kelly will be reaching out to property owners and businesses to seek donations. Many businesses, full time home owners and some part time home owners expressed a desire to contribute more, if needed, to help those who can't afford to contribute.

Maria and Kelly would like those interested in donating to email Kelly at [kellyhalligan@icloud.com](mailto:kellyhalligan@icloud.com). Those

interested in volunteering to help contact property owners and businesses please email Maria at [smbenetti@msn.com](mailto:smbenetti@msn.com). Feel free to email either one if you have any questions. They will be posting the donation process on the website Nextdoor.

## **CAMPING IN INDIAN MOUNTAIN**

IMPOA has spoken and written several times about the new Park County Land Use Regulations (LURs) regarding camping on residential property. Interestingly, this is far from a new topic in Park County. As far back as 1984 the county restricted the duration of camping on residential lots and issued \$35 permits. The 1990s brought changes to the rules and also active enforcement and warning letters from IMPOA for covenant violations. That era also saw the establishment of the RV storage lot near the burn pit to provide a easy way for people to comply with the rules. Campers were required to be removed from lots by November 1. Periodic inspection tours and warning letters continued until the mid-2000s with the result that junked, unused and over wintering campers became increasingly rare. In 2006, legal counsel advised that IMPOA had no actual enforcement authority, so its active effort to promote compliance with the covenants ended. IMPOA's role since then has been to generally encourage compliance with covenants and to help owners negotiate particularly troublesome cases.

In May of 2016, Park County passed new LURs which restrict the duration of camping on undeveloped residential lots, impose requirements for camping on such lots and provide a new permit process. With this action, the county took on the duties of enforcement, which IMPOA believes is where the responsibility should be. Under the new LURs, camping is essentially unrestricted for up to 14 days per year. Beyond that, free permits are required for up to 30 days with a 30-day renewal. These regulations require a permitted driveway, an address sign, provisions for sanitation and trash management, among others. Note that if a camper is on a lot that also has a permitted structure (house) these regulations do not apply.

As the end of camping season approaches, another important provision in the new county regulations is that campers must be removed from lots if there is no current, active building permit or permitted structure. In addition, the new LURs state that six months after passage, campers that were in place at the time of passage (May 26, 2016) will be declared "a non-conforming use and must be removed from that property." That would bring us to November 26, not far from the historic November 1 date for camper removals that has been an Indian Mountain tradition for many years. Please remove your campers for the winter and consider taking advantage of the inexpensive storage lot managed by IMMD. Visit [www.impoa.net](http://www.impoa.net) or [www.indian-mountain.info](http://www.indian-mountain.info) for details.

## **DUMPSTER DAY 2016 RECAP**

Dumpster Day on July 3 was a success with 46 IMPOA members completely filling the two dumpsters. IMPOA supplied the two dumpsters at a cost of \$1900 and gained 8 new members during the day.

## **INDIAN MOUNTAIN STREET SIGNS**

IMPOA has worked with the County's Department of Public Works to install additional speed limit signs in the subdivision. At this time, eight 25-mph signs are in stock at Public Works, six of which have been assigned spots on Indian Mountain roads in an effort to reduce speeding. Speeding is a major contributor to the wash boarding on our roads. It also raises a lot of dust and occasionally puts pedestrians and animals in jeopardy. Please be kind to your neighbors and obey the speed limit. If you enter Indian Mountain via Antler Ridge you may have noticed some of the letters on our entrance sign have fallen off. IMPOA plans to replace them with a different method soon.

## **PLEASE STOP CUTTING THE FENCES**

IMPOA spent over \$400.00 for fencing materials and its volunteers put in hundreds of hours of labor to repair perimeter fences on the north and west sides of Indian Mountain in the past year. These fences help to keep cows and cow patties off the properties and prevent property damage. These repairs were made in

response to complaints from property owners about cows on their property. We recently discovered that someone has cut all strands of the repaired fences at two different locations on the west side of the subdivision. We contacted the neighboring ranch and learned it was not their cowboys that cut the fence. They like the fence. We learned in the past that some people cut fences to move cattle back off of Indian Mountain properties. Again, that is not what happened here. We also know that some people cut fences to move their ATV's to and from private property. Other misguided individuals believe that cutting fences helps wildlife. That is wrong. A cut fence is more harmful to wildlife than a standing fence. Animals can see strands of a standing fence. They get tangled in the loose wire from a cut fence they cannot see, get seriously injured and even starve to death. Last, and importantly, cutting property line fences is against the law. Please stop cutting the fences.

## **BURN PIT 2016 RECAP**

This marks our fourth year with a successful volunteer program of maintaining a "forest slash only" environment at the Indian Mountain Burn Pit. We have experienced Red Flag Warning days throughout the summer, so wildfire is an ever present danger in the dry season. We highly encourage wildfire mitigation (defensible space around cabins and fuel reduction in the woods), which is aided by use of the burn pit.

The burn pit for forest slash is located on IMMD's property adjoining Sportsman's Ranch on CR 32. It has operated for a number of years. IMMD administers the pit, and the Jefferson-Como Fire Protection District (JCFPD) periodically burns the slash in the pit when there is adequate snow on the ground to keep the fire from jumping the pit. Five subdivisions share in the costs of operation of the pit and assist in its oversight, namely, the Indian Mountain, Elkhorn Ranch, Lost Park Ranch, Buffalo and Stagesstop subdivisions.

The objective of the burn pit is to provide a place for disposal of forest wood slash. This objective serves to encourage thinning of trees around structures and removal of dead and down or overcrowded trees to promote wildfire management in these subdivisions. This objective has been met with resounding success with nearly 700 truckloads of forest slash being safely disposed so far this year.

Signage at the locked, gated entrance to the burn pit serves to limit the materials dumped in the pit to forest slash. No other materials are to be dumped in the burn pit. The pit is open on Saturdays from 9:00 a.m. to 5:00 p.m. through the end of October, depending on weather conditions. Volunteers from the participating subdivisions monitor dumping in the pit to assure that no materials other than forest slash are taken into the pit. Chain saws are not allowed to be operated in the pit.

Please contact the IMMD office in the Community Center or reach the IMMD business manager via Email at [Indianmtn@hotmail.com](mailto:Indianmtn@hotmail.com) or by phone at 719-836-9043 to obtain a permit to dump in the burn pit or to volunteer to take a shift monitoring the pit operations. It seems only fair that those who use the burn pit should aid in its monitoring. You may also contact Bev Bushaw, Burn Pit Coordinator, via Email at [bbushaw@comcast.net](mailto:bbushaw@comcast.net) or by phone at 303-990-0459 to reserve your volunteer spot.

## **NEW OVERFLOW PARKING LOT**

IMMD is happy to announce that Park County has approved its construction of an overflow parking area on the South side of Keneu Court across from the Community Center. Many of the events at the Community Center are drawing more cars than the original lot can handle. Consequently, people are having to park on the road and across Arrowhead on Apache Trail. This new parking lot will accommodate approximately 50 cars, will be covered with gravel, and will make access to the Community Center safer and more convenient.

## **STATUS OF WATER AUGMENTATION LITIGATION (AS OF SEPTEMBER 1, 2016)**

There have been several important developments in the water litigation this summer.

1. Recall that Indian Mountain Corporation (IMC) was found in contempt of the District Court in Fall 2015. IMMD has recently received IMC's payment of legal costs of approximately \$15,600.00. These monies will be distributed back to IMMD and IMPOA on a 60/40% split.

2. The Colorado Appeals Court, on August 11, 2016, reversed some but not all elements of the District Court's March 2015 decision.
  - a) The water rights and augmentation plan were found to not be held by IMC in a "constructive trust" for Indian Mountain property owners.
  - b) IMC can charge Indian Mountain property owners whatever the "market will bear" for augmenting water wells in Indian Mountain.
  - c) IMC cannot charge for augmentation services prior to 2012.
  - d) IMMD is in compliance with its Service Plan.
3. On August 25, 2016, IMMD filed a Petition with the Colorado Appeals Court for Rehearing by the District Court. Since the District Court in March 2015 ruled that the Indian Mountain water rights and augmentation plan are held in a constructive trust for Indian Mountain property owners, the District Court did not have to rule on the question of whether the pricing should be established under the rules of the Public Utility Commission. Now that the Appeals Court has ruled that the water rights and augmentation plan are not held in a constructive trust for Indian Mountain property owners, IMMD is asking that the District Court rule on the question about the Public Utilities Commission.

The ad hoc water committee and IMMD Board are discussing further legal action. Please stay abreast of these dealings by attending an IMMD or IMPOA Board meeting or by checking the respective websites.

### IMPOA Contact Information

<b>Name</b>	<b>Position</b>	<b>Term</b>	<b>Phone</b>	<b>Email Address</b>	<b>Mailing Address</b>
Dennis McQuillan	President	2018	303-881-5091	<a href="mailto:dmcqtech@gmail.com">dmcqtech@gmail.com</a>	6179 S. Fenton Ct. Littleton, CO 80123
Roger Mattson	Vice President	2019	303-278-1406	<a href="mailto:rdmattson@comcast.net">rdmattson@comcast.net</a>	2511 Fossil Trace Ct. Golden, CO 80401
Karen Goodman	Secretary	2018	303-912-1063	<a href="mailto:kkmbg1@comcast.net">kkmbg1@comcast.net</a>	PO Box 203 Como, CO 80432
Keith Crump	Treasurer	2019	303-941-6190	<a href="mailto:keith00x@gmail.com">keith00x@gmail.com</a>	17079 E. 106th Way Commerce City, CO 80022
Marcia Logan	Membership Director	2017	970-586-9194	<a href="mailto:ep.mjlogan@yahoo.com">ep.mjlogan@yahoo.com</a>	1360-C Raven Circle Estes Park, CO 80517
Fred Whitaker	Director	2017	719-836-1702	<a href="mailto:whitakerfc@gmail.com">whitakerfc@gmail.com</a>	PO Box 255 Como, CO 80432
Jim Scherrer	Director	2018	303-986-1224	<a href="mailto:jjscsch@aol.com">jjscsch@aol.com</a>	1394 S. Simms St. Lakewood, CO 80232
Samantha Bertin	Business Manager	---	719-836-9043	<a href="mailto:impoa01@hotmail.com">impoa01@hotmail.com</a>	---
IMPOA Contacts	---	---	www.impoa.net	<a href="mailto:IMPOA01@hotmail.com">IMPOA01@hotmail.com</a>	PO Box 196 Jefferson, CO 80456

### IMMD Contact Information

<b>Name</b>	<b>Position</b>	<b>Phone</b>	<b>Email Address</b>	<b>Mailing Address</b>
Bret Crouch	Vice President II	719-836-3431	<a href="mailto:bcrouchk@gmail.com">bcrouchk@gmail.com</a>	PO Box 171 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
Louise Mark	Vice Pres- ident	719-836-2481	<a href="mailto:lfmark43@gmail.com">lfmark43@gmail.com</a>	PO Box 28 Como, CO 80432
Tom Odle	Treasurer	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:sdstoval@gmail.com">sdstoval@gmail.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