

Castle Pines Homes Association Board of Directors

Executive and Regular Meetings

Castle Pines Homes Association
688 W Happy Canyon Road Castle Rock, CO 80108
Friday, April 20, 2012

ATTENDEES: Directors Al Dugan, President; Linda Battin, Vice President; Len Jacob, Treasurer; Terry O'Connor, Secretary; Chuck Skinner, Director. Present from the CPHA staff: General Manager Mark Larson, Chief of Emergency Services Drew Grant, and Administrator Lisa Goodwin.

OTHERS PRESENT: Paul Dannels from the Metropolitan District; Jake Schroeder from Aslan/Riverdell; residents: Don Somsky, Steve Marks, Gene Roberts, Brian Hebbard, Kris Henry, Jackie Silvestro, Michael Strear, Walt Raynor, Susan Zimmerman.

EXCUSED: None

MEETING AGENDA: See attached.

I. EXECUTIVE SESSION

The Board of Directors met in two executive sessions (on 4/4 and 4/19) to discuss the following issues: R47/49, Gate 2, the budget for 2012, and the prioritization of capital projects.

II. CALL TO ORDER / MODIFICATION OF AGENDA

The general meeting was called to order at 8:00 a.m.

III. CONFLICT OF INTEREST DISCLOSURE

Board members were requested to disclose any conflict of interest related to items on this month's agenda, or at any time during the meeting should a conflict of interest arise.

No conflicts were identified.

IV. MINUTES

(See Tab #1 of the April, 2012 Board Package)

Motion Upon motion duly made and seconded, the Board approved the March 16, 2012 Board of Director meeting minutes with corrections as noted.

Director O'Connor abstained due to his partial absence at the March Board meeting.

VI. FINANCIAL REPORT – Director Jacob
(See Tab #2 of the April, 2012 Board Package)

Director Jacob presented the March, 2012 Financial Report.

- Accounts Receivable grew by \$37,000 in the first quarter – for an anticipated total of \$148,000 for the year. Once sold, the dues collected on the 19 lots in the Village Lake sub association will assist in reducing this amount.
- DRC fees are up due to the seasonal increase in landscaping activity.
- Transfer fees are positive due to recent home sales.
- Administrative Labor Expense is on budget.
- Administrative Operating Expenses, Community Signage Expense, is a timing issue and includes the costs for additional signs at Gates 1 and 2.
- Administrative Operating Expense is expected to come in on budget for the year.
- Contingency Expenses includes the cost for annual update to the employee salary benchmarking report commissioned from Peliton.
- Building M&R Expense includes the costs for the annual fire protection inspection – it is a timing issue, this area is expected to come in on budget for the year.
- ES Labor Expense, Payroll Expense is over budget due to (1) the payment of final payroll checks for employees that resigned, and (2) the overtime hours that needed to be scheduled to cover staffing shortages. ES Labor Expense, Payroll Expense is expected to come in on budget for the year.
- Emergency Services Operating Expense, Equipment Maintenance & Repair Expense is expected to come in on budget for the year. The cost incurred to repair the vehicle damage to a gate is anticipated to be recovered through the driver's insurance company.
- There was a reversal of accounts regarding the expense for the 911 service – an inadvertent omission of the maintenance expense for the mass calling system was turned into its own line item.
- Uniform Expense includes the cost to upgrade the uniforms for the Gate Officers.

Director Skinner asked the Long Range Planning and Finance Committee to include a report next month on both reserve and new capital.

Motion Upon motion duly made and seconded, the Board unanimously approved to accept the March, 2012 Financial Report as presented.

VII. HOMEOWNERS REQUEST TO BE HEARD: Items not on the agenda

Resident Kris Henry, of 440 Saxon Place, requested to be heard on the issue of the Gate 2 gate house. Ms. Henry stated that she was angry that none of the Board members responded to her e-mail regarding issues she experienced in getting several guests through gate 2. Ms. Henry further stated that she did not like the red and green lights at the gate entrances and stated that they were "offensive" to look at. Chief Grant responded the lights were installed to help prevent gate and vehicle damage. Chief Grant added that articles have been done repeatedly in the eblast and the Village Reporter on how to safely enter the gates, how the gate arms are programmed to operate, and the consequences of vehicle tail gating. Chief Grant stated he has

received many positive comments from residents about the lights, and they have been working very well to prevent gate damage.

Ms. Henry stated she made a call to ES last Saturday night to receive an access code that she distributed to her guests. Ms. Henry said she called back later that same day to get a "clear all" for the staffed gates. Ms. Henry stated that only 9 of her guests made it through gate 2 using the access code. Chief Grant reported that as Ms. Henry had requested, the code was made available until 6:30 pm, however several of Ms. Henry's guests attempted to use the code after 11 pm. Chief Grant reported there is a video showing a resident standing at Gate 2 with a transponder and opening the gate to let cars in. Ms. Henry stated she received a call from Officer Graham regarding this issue and said she is "tired of all the problems at Gate 2 being justified by Emergency Services".

The Board responded they are still exploring options for Gate 2, and are presently in discussions with Mr. Vickers regarding construction access into Gate 2 for the R47/49 project. The Board stated they anticipate being able to provide an update on this issue at the June Board meeting.

Director Skinner stated that per the minutes from the previous month, it was suggested to solicit a focus group or community forum to discuss the gate 2 issue. Director Skinner stated that a gate community is one of the reasons people move into the Village. Director Dugan stated the Board should establish a policy on staffed gates and send it out to the community for comments, and depending upon feedback, schedule a community forum to obtain feedback on this issue.

VI. MANAGEMENT REPORTS

A. Manager's Report – Mark Larson, General Manager

Mark Larson, General Manager of the Castle Pines Homes Association presented the Manager's Report.

(See Tab #3 of the April, 2012 Board Package)

Resident Don Somsky was present to provide an update on the train whistle issue. Mr. Somsky presented a slide on the preliminary plan for the railroad crossings. Mr. Somsky further reported that Sean Owens could not attend the Board meeting today but wanted to let us know that the project is moving along and he hopes to show the preliminary plan to the UP and then to the PUC within the next month. (See attached handout of slide)

(For previous discussion on this issue see the March, 2012 Board Packet, VII. Management Report, Item A. "Manager's Report".)

Resident Michael Strear, representing several residents affected by the R47/49 development stated that he had not signed in to be heard on a matter not on the agenda and asked to address the Board of Directors. Mr. Strear stated that he met with Directors Skinner and O'Connor to discuss his group's position in favor of a lower density development for the R47/R49 parcel. Mr. Strear stated his group felt that the

developer does not have the proper zoning and the development of that property would fragment the existing wildlife corridor. Mr. Strear stated that approximately 600 ponderosa pines would be removed from the area to allow the development to be built. Mr. Strear asked the Board of Directors to support their demand for a lower density development of 30 homes and not 50 homes, and requested the Board draft a letter on this position and send it to the Board of County Commissioners (BOCC) in advance of their next meeting.

Jake Schroeder from Mr. Vickers office stated he would ask the Board of Directors for the same type of letter in support of their development, particularly in light of the fact that Mr. Vickers is one of the largest property owners in the Village and is the original creator of Castle Pines Village. Mr. Schroeder stated that if the Board is going to represent Mr. Strear's group, then as a matter of principle it must also represent Mr. Vickers' position as well.

Resident Walt Raynor stated that at the last County Commissioner's meeting representatives of the CPHA and Board of Directors were seated on the "developer side" of the room giving the impression that the Board was in favor of the developer. Director Dugan responded that most of the Board members were at that meeting and it was not intentional for the members of the Board and the CPHA staff to give that impression. Director O'Connor reiterated this sentiment adding that they sat where the available seats were. Director O'Connor, on behalf of the Board, extended his apology to the residents. Director O'Connor further stated this is a jurisdictional issue and regardless of the Board's position must be ultimately decided upon by the Board of County Commissioners. Director O'Conner added the Board is here to represent all residents.

Mr. Strear stated he was told by various entities that Mr. Vickers has a right to this development because of prior zoning. Mr. Strear stated it is his understanding that the County Commissioners will look at the "character" of the neighborhood to see how it has changed since that zoning occurred. Mr. Strear further added there is a plat map demonstrating how Happy Canyon Road had originally been planned to directly access this development, but over time and due to other development in the Village, the R47/49 property is now considered to be located in the interior of the Village and therefore direct access from Happy Canyon Road is no longer possible. Mr. Strear stated that because the "character of the neighborhood" has changed the density should therefore be revisited.

Mr. Schroeder stated that the developer has Common Law vested rights as a result of spending millions of dollars to develop the Village. Mr. Schroeder stated that R47/49 is "clearly on the perimeter" of the Village, as can be seen on the Village map. Mr. Schroeder further stated that Mr. Vickers has both carefully and thoughtfully planned this development project and added there are several things they have done to enhance the safety of the vehicles and pedestrians in that area, including reducing the original planned density from 83 homes to 53 homes which will significantly reduce traffic in that area. Mr. Schroeder also stated that the current plan that is now before the BOCC has gone through 45 iterations in order to be considerate to the surrounding neighbors. Mr. Schroeder stated a road must be built to the property as a matter of access and as a

matter of safety. Mr. Schroeder reported that following BOCC approval they will be going to final plat as soon as possible.

Mr. Schroeder reported there are three homes that are most affected by the development, and they have come up with some options to help preserve the view corridors from those homes. Mr. Schreoder stated that roads and houses do not stop elk from "doing what they want to do"; there is wildlife everywhere in the Village and there is no wildlife corridor behind the residents' homes. Mr. Schroeder stated the development reduced the home density of 4 homes per acre to 2.6 homes per acre. Mr. Schroeder also stated there is no definitive plan as to how many trees will in fact be removed, and this number will not be finalized until a final plat is completed. Mr. Schroeder stated that Mr. Vickers has put much thought and effort into saving as many trees as possible, and wherever possible the builder will build the homes around mature trees on the lots. Following this discussion the Board of Directors stated that continued dialog between the residents in the area of R47/R49 would be beneficial.

Mr. Larson reported the Parks and Recreation Committee at their monthly meeting discussed providing a triathlon program design for Village children over the summer to include running, biking and swimming clinics and culminating in an actual triathlon event. Director Skinner added that resident Wendy Ingraham, world renown triathlete, developed the program and would be running it.

In regards to last month's question by the Board on the process for lot division and combining lots, Mr. Larson reported the CPHA's governing documents state that lots in the Village cannot be divided once they are owned by an end user (ie. Not a developer) Mr. Larson reported that in the event of a request to combine two lots, the CPHA sends a letter to the County stating the CPHA's approval to combine the lots and the prohibition against dividing the now combined lot at a later date. Mr. Larson reported that in regard to the lot that was combined earlier this year, and without the CPHA's knowledge, a letter from the CPHA has in fact been submitted to the County. Director Dugan asked for a copy of documentation from the County on the combined lot once it has been recorded.

B. Design Review Committee (DRC) Report – Mark Larson

Mr. Larson reported that due to scheduling issues, and in order to establish a quorum, the DRC will be meeting next Wednesday 5/16.

C. Emergency Services (ES) Report – Drew Grant, Chief of Emergency Services (ES)

Chief Grant presented the Emergency Services report. (See *Tab #3 of the April, 2012 Board Package.*)

Chief Grant reported:

- There were two medical assists – one was a child that drank a bottle of Triaminic and the other was an Emergency Services gate officer who fainted.

- The Annual Emergency Services Homeowner Update forms are still coming back. For those residents that do not return the update letter a second letter is sent and a phone call is placed to the resident with the notice their transponder will be deactivated if they don't respond within two weeks. Typically, each year, there are only two to three homeowners that end up having their transponders deactivated.
- Regarding staffing, two patrol officers were hired and two were promoted to the Field Training Officer (FTO) position. Two gate officer positions were also filled.
- The telephone system at Gate 2 will become fully functional on May 1st and ES has received positive feedback on this new system.
- The Fire Department did a training session for all of the ES personnel on response and evacuation in the event of a fire emergency.
- CPR training was conducted for the Golf Club and Country Club employees. The program was also offered to the Metro District.

Director Dugan reported he received five complaints about there being too long of a delay between the red and green lights at the gates. Chief Grant responded the delay is the same for all vehicles regardless of size and the lights are there to protect the vehicles.

Chief Grant reported he and Mr. Larson met with residents from the neighborhood regarding vandalism activities and other criminal mischief behavior that has been occurring in their area. There were twelve residents in attendance at the meeting. Chief Grant reported they gave the residents instruction on who to call should these activities occur and added that an article will go out in the June edition of the Village Reporter with the same information. Chief Grant reported the residents decided as a group to be an "informal" community watch.

Director Dugan stated the number of speeding and parking violations issued is too low. Chief Grant responded that despite recently losing two officers the number of violations has remained the same. Chief Grant reported that last month's numbers for traffic enforcement were the highest posted in ten years. Chief Grant stated that ES policy is to remain visible at all times when doing traffic enforcement, and with 88 miles of lane miles in the Village it is impossible to catch all speeding and illegal parking activity.

Chief Grant reported there must be a straight line of sight in order to successfully capture speeding on radar, and there are several locations within the Village that are not conducive to successful radar tracking including the roadway right inside Gate 2. Chief Grant reported the ES policy is to issue a warning for speeding up to 5 mph beyond the posted limit. Mr. Larson stated the four "E's" can reduce speeding: Engineering, Enforcement, Education and Enhancement.

Mr. Larson reported he and Chief Grant had met with Jeff Coufal at the Metro District on where to place their speed tracking devices. The device will indicate the speeding levels and what time of day the activity is occurring. Chief Grant reported the data from the device recently placed inside of Gate 2 indicated that 10% of the vehicles were exceeding the speed limit, and a total of 6,000 cars went through that gate in one week.

Mr. Larson reported ES has four, land based phone lines dedicated to the Reverse 911 (R911) system. Mr. Larson reported we can also "grab" more of our dispatch phone lines to make a reverse 911 call. Mr. Larson reported that using Reverse 911's internet based Mass Call system an emergency message can be sent out to the entire Village in several minutes. Mr. Larson reported ES has purchased a block of minutes that will never expire; all that needs to be done for an R911 call is log onto the Mass Call's internet site, send a message to Reverse 911, and then Mass Call will send the message out to all of the homes using our purchased minutes.

Director Dugan asked if there is a statistic on how many people would be reached if a call goes out. Chief Grant reported it is a "sign-in" system. Director Dugan suggested ES be proactive in confirming the registered 911 numbers. Director Battin suggested we put a notice in the next Village Reporter asking residents to confirm their registered numbers with ES. Director O'Connor suggested sending a test message to all residents to confirm their numbers, and review the report on which numbers did not work. The Board agreed this would be a good idea.

Resident and Emergency Services Committee member, Brian Hebbard, spoke to the Board regarding the request made by resident Terri Sunderman at the March Board meeting. Ms. Sunderman requested that bicyclists and pedestrians be given access through the berm in order to get out of the south side of the Village. Mr. Hebbard stated that security is a priority consideration along with how many people would potentially use this access. Chief Grant reported there was a resident that indicated they were opposed to a pedestrian/bicycle gate on the south side of the Village due to security concerns. Mr. Larson reported that Bob Gobel from the Town of Castle Rock informed him there would be a sidewalk on the north side of the interchange roadway, but it will not connect to the Plum Creek trail system.

Chief Grant reported the path by the little pond inside Gate 1 creates a direct access into the Village, and therefore no trespassing signs must be posted. Mr. Dannels indicated he would assist in getting the signs posted. Chief Grant reported there are people regularly going through Gate 9 on the north side of the Village, and installing an official bike access will create a "direct corridor into the Village resulting in a significant security breach". Director Dugan stated there should not be a gate up there and we must treat the south side the same as we treat the north side.

Director Jacob stated that one of the advantages of moving into a gated community is that everyone must enter through a gate. Director Battin stated that because of all the unknowns regarding the interchange on Castlegate, the Board should hold off on making a decision to create a bicycle/pedestrian gate on the south side of the Village. Mr. Larson stated he would send a letter to Ms. Sunderman regarding the Board's decision to not allow bicycle and pedestrian access through the berm on the south side of the Village.

Mr. Dannels asked who owns the bridge behind the Coldwell Banker realty office. Director Battin stated that in the 1980's the bridge was used by the real estate office to take prospective buyers in to see the available amenities in the Canyon Club area. Mr. Larson reported that residents use it as it is part of the trail system. Mr. Larson stated he would find out who owned the bridge and report back to the Board next month.

VII. ACTION ITEMS

A. Capital Expenditure Requests – Director Skinner

(1) Trail Resurfacing

(See Tab #4 of the April, 2012 Board Package.)

Director Skinner showed the Board a slide of the trail system in the Village. (see *attached handout of slide*).

Motion Upon motion duly made and seconded, the Board unanimously approved the expenditure of \$14,839 up to a maximum of \$20,000 for resurfacing the trails up to Red Pass Lane.

(2) New Trail Installation

(See Tab #5 of the April, 2012 Board Package.)

Director Skinner showed the Board a slide of the trails on either side of Happy Canyon Road, at Gates 1 and 2 and Gates 3 and 4. (see *attached handout of slide*).

Director Skinner reported the trail would connect across the street from the Kimball property for a total of 1,135 linear feet, and the second segment would go from the parking lot at the Summit Club to the entrance to the maintenance facility at the Country Club.

Motion Upon motion duly made and seconded, the Board unanimously approved the expenditure of up to \$85,000 for the installation of new trails as presented.

(3) Landscaping Ground Cover (Mulch)

(See Tab #6 of the April, 2012 Board Package.)

Motion Upon motion duly made and seconded, the Board unanimously approved the expenditure of \$6,680 for the replacement of ground cover (mulch) in the areas as presented.

Following this motion and vote the Board discussed the issue of ground cover (mulch) being a capital expense. The Board asked the Long Range Planning and Finance Committee to review the issue and report back to the Board.

(4) Installation of Metal Swing Gates at Gates 1 and 2

(See Tab #7 of the April, 2012 Board Package.)

Mr. Larson reported the price on the bid does not include the stone work. Mr. Larson reported that construction would begin in six weeks.

Motion Upon motion duly made and seconded, the Board unanimously approved the expenditure as presented, and not to exceed \$110,000, for the installation of metal swing gates at gates 1 and 2.

B. Final Payment on Gate 1 Gate House Construction – Mark Larson
(See Tab #8 of the April, 2012 Board Package.)

Mr. Larson reported that the work at Gate 1 has been completed and requested final payment be made to the builder.

Motion Upon motion duly made and seconded, the Board unanimously approved the expenditure of \$9,724.55 to Sterling Estates for the Gate 1 gate house construction.

C. Request for Right of Entry from the Town of Castle Rock – Mark Larson
(See Tab #9 of the April, 2012 Board Package.)

Mr. Larson presented a Right of Entry request from the Town of Castle Rock for surveying several areas along the south boundary of the Village to establish the final alignment of the North Meadows extension. Mr. Larson reported that some of the areas the Town of Castle Rock is requesting access to are at a distance of approximately ten feet away from our fence line. Mr. Larson reported the Town of Castle Rock plans to conduct an engineering survey that will allow them to determine if there are any properties that need to be purchased or condemned to facilitate the construction of the North Meadows Extension along Castlegate Drive. Mr. Larson further reported that he had discussed this request and had it reviewed by legal counsel and appropriate modifications to the document had been made following that review. Director O'Connor stated he was okay with the agreement, and it was clear that none of these grants would be on private property, but only on CPHA property.

Motion Upon motion duly made and seconded, the Board unanimously approved to authorize Mark Larson as the General Manager of the CPHA to sign the proposed right of entry agreement between the CPHA and the Town of Castle Rock.

VIII. Information/Direction

D. Metropolitan District Items – Paul Dannels
(advanced on the agenda)

Mr. Dannels reported the following:

- They are currently doing a traffic study inside of Gate 2 to evaluate what measures can be taken to enhance traffic and pedestrian traffic in that area.
- They are doing some work at Gate 4 to evaluate options to facilitate safe pedestrian foot traffic across the bridge there.
- This week they will be placing stickers over the “No Truck” signs on the Roundabouts.

- The landscaping at Gates 1 and 2 will be completed soon.

VII. ACTION ITEMS

D. Proposed Resolutions to the CPHA Rules and Regulations

1. Employee Relations

(See Tab #10 of the April, 2012 Board Package.)

The Board deferred discussion on this item to the June Board meeting in order to allow for the new Board members to have more time to review the issues.

2. Policy Regarding Firearms

(See Tab #11 of the April, 2012 Board Package.)

The Board deferred discussion on this item to the June Board meeting in order to allow for the new Board members to have more time to review the issues.

VIII. Information/Direction

A. Access Control Update – Mark Larson

Mr. Larson presented a slide presentation to the Board (*see attached handout of slides*) showing the access through the gates from January to March of this year. Mr. Larson reported on March 19th the gate hours for all staffed gates changed to 6:30 am to 10:00 pm.

Director Dugan asked to see the gate traffic by gate for the same time last year. Director Battin reported that parents encourage their children who drive, to go through the Village to get to school in order to avoid the highway thereby leading to more traffic through Gate 5.

B. Board/Committee Liaison Program – Director Skinner

(See Tab #12 of the April, 2012 Board Package.)

Director Skinner reported the Board has assigned one of its members as a liaison to each of the committees for the purpose of helping the committee with projects they are working on, and to be cognizant of the committee's agenda and minutes. Director Skinner requested that each committee forward to their assigned Board member the committee's agenda and minutes; the Board member would also be expected to attend one of the committee's meetings at least once a quarter.

Director O'Connor recommended that all of the Committee Chairs be invited to a Board working session at least twice a year. Director Dugan stated that the best time for this would be in August or September when the budgeting project for the following year is underway. Director Dugan suggested each Chairperson provide a five minute

presentation to the Board about what the Committee is currently doing and what they are planning to do the following year.

The Board asked Mr. Larson to organize this meeting.

C. Roundabout/Gate 1 and Gate 2 Landscaping Update – Mark Larson

(For previous discussion on this issue see the March 2012 Board Packet, IX.

Information/Direction, Item B, “Roundabout/Gate 1 and Gate 2 Landscaping Update”)

Mr. Larson reported the trees went into the Gate 1 roundabout yesterday, and without the use of a crane. The installer built a ramp out of road base and this saved the CPHA approximately \$2,000 in additional installation costs.

Director Dugan suggested we light up the trees beginning at Thanksgiving. Mr. Larson reported he is presently working at getting the rest of the irrigation system installed.

X. IMPORTANT MEETING DATES

Mr. Larson reported the May, 2012 Board Meeting will be held in the Castle Pines Homes Association Conference Room located at 688 W Happy Canyon Road, Castle Rock on Friday, May 25, 2012, 7:00 am Executive Session, 8:00 am Regular Meeting.

The next Castle Pines Metropolitan District Board meeting will be held on Thursday, May 17, 2012 at 7:30 am.

XI. ADJOURNMENT

Motion Upon motion duly made and seconded, the Board unanimously approved to adjourn the April Board of Directors Meeting at 11:43 am.

Respectfully Submitted by,

Lisa Goodwin