

**Castle Pines Homes Association  
Board of Directors**

*Executive and Regular Meetings*

Castle Pines Homes Association  
688 W Happy Canyon Road Castle Rock, CO 80108

**Thursday, October 27, 2016**

**ATTENDEES:** Directors Terry O'Connor, President; Chuck Skinner, Vice President; Len Jacob, Treasurer; Linda Battin, Secretary; Al Dugan, Director. Present from the CPHA staff: General Manager Mark Larson, Director of Emergency Services Rick Plotke, Accountant Carol Tilton, and Senior Administrator Lisa Goodwin.

**OTHERS PRESENT:** Jeff Coufal, Castle Pines Metropolitan District General Manager; residents: Doug Cooper, Tim Ostrowski, Jim Jepson, Joyce Simon, Jim Kelly and John and Gretchen Owens.

**EXCUSED:** N/A

**MEETING AGENDA:** See attached.

**EXECUTIVE SESSION:** The Board of Directors met in an executive session prior to the Board meeting and discussed legal and personnel issues.

**I. CALL TO ORDER / MODIFICATION OF AGENDA**

The general meeting was called to order at 8:04 a.m.

**II. 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.

**III. SEPTEMBER 2016 MEETING MINUTES**

*(See Tab #1 of the October 2016 Board Package)*

**Motion**

Upon motion duly made and seconded, the Board approved the September 2016 Board of Director meeting minutes with corrections as noted. Director Dugan voted in favor of Board minute approval for the portion of the minutes where he was in attendance at the meeting. Due to prior commitments Director Dugan left the September meeting early.

#### **IV. FINANCIAL REPORT: SEPTEMBER 2016**

Mr. Larson presented the September 2016 Financial Report and reported the following:  
(See Tab #2 of the October 2016 Board Package)

- Regarding the Balance Sheet: there are two operational fund Certificates of Deposit (CD's) with RBC Bank; one has been reinvested for three months and the other has been transferred to the operational account.
- Regarding the Income Statement: the adjustment in Alternative Lots was due to a billing error for Northstar.
- Regarding DRC Expenses: there are several new homes under review and the review fees are anticipated to be paid before the end of the year.
- Regarding Fines and Violations: there is one home that continues to accrue fees for an ongoing violation.
- Administrative Labor Expense reflects a timing issue in administrative payroll.
- Building Operating Expense is anticipated to show a negative variance at year end.
- The Emergency Services Labor Expense budget was reviewed by a member of the Long Range Planning and Finance Committee for budgeting next year. Director Dugan asked for an Emergency Services Committee member to be involved in the labor budgeting process.

Chief Plotke presented the Financial Report for Emergency Services Operating Expenses, and reported the following:

- Gate repairs were needed last month to include replacement of a computer board and wiring repair at one of the gates.
- Printing Expense has exceeded the budget; additional policy and procedure manuals and citations needed to be printed.
- The variance in Medical Supplies Expense is due to a timing issue

Mr. Larson continued the Financial Report, and reported the following:

- One of the VLFC part time employees continues to be out on maternity leave.
- Regarding Village Lake Operating Expense, the negative variance under Pool Operating Expense is being reviewed for incorrect billing by our pool contractor.
- Canyon Club Operations Expense, Building M&R Expense will run a slight negative variance for the year due to electrical repairs to the building.

- Parks and Recreation Expense is anticipated to be approximately \$3,000 over budget for the year due to event expenses resulting from increased resident attendance.
- Village Landscape and Maintenance Expense, Village Beautification Expense ran over budget from the summer due to the additional landscaping installed.
- North Meadows Extension Expense includes the cost for watering the new trees installed.

**Motion** Upon motion duly made and seconded, the Board unanimously approved to accept the September 2016 Financial Report as presented.

#### **V. HOMEOWNERS REQUEST TO BE HEARD**

Residents Tim Ostrowski, of 570 Tolland Drive, and Jim Jepson, of 591 Tolland Court, were present before the Board to discuss the issue of noise from I-25 traffic. Mr. Ostrowski requested that the Board approve and fund a noise study of the I-25 traffic noise along the boundary of the community.

Regarding noise studies for the area, Mr. Larson reported that he had a meeting with several Douglas County staff members to discuss the issue of traffic noise along I-25. At the meeting Mr. Larson reported that he delivered from the Board of Directors to the Douglas County Administrator Doug DeBord a request for Douglas County to fund a noise study along the portion of the Village that borders I-25. Also at the meeting was Fred Koch, Douglas County Director of Engineering and Art Griffith, Douglas County staff engineer. While the Board's request for the noise study was not rejected, the County staff members felt the issue of noise along the I-25 corridor where the interstate borders the Village had been studied and those studies indicated that noise levels in that area did not exceed Federal Highway Administration (FHWA) standards. The final decision on the funding of a noise study would be made by the County Commissioners, however, Mr. Larson stated he was not confident that the County would agree to conducting and funding a new noise study. Mr. Larson went on to report that he was provided copies of two noise study reports, one conducted as part of the Environmental Impact study conducted as a requirement for the addition of the North Meadows Extension project, and a study completed by Taylor Morrison prior to the construction of the their new development along I-25. Both studies reported that the noise levels recorded do not exceed the FHWA standards. Mr. Larson further reported the he had met with Mr. Ostrowski, Mr. Jepson, and Director O'Connor earlier this week to review the results of these studies.

Mr. Ostrowski stated that he felt the studies did not reflect the true noise levels for several reasons. He went on to state that noise levels recorded were at time periods

between 11 am and 1 pm and 3 pm and 5 pm – and not during the heaviest traffic periods. Mr. Ostrowski also reported the studies took readings in Mr. Jepson’s backyard and showed decibel levels below 60, but sound readings Mr. Ostrowski took with his own sound meter had readings in excess of 60 at Tolland Drive/Court, and up to 80 decibels (dbs) at the Northstar development. Mr. Ostrowski reported that resident Dan Price, who could not be present at today’s meeting, has an engineering background and would like to approach the County with the information they have gathered in order to propose that there were problems with the noise studies conducted, specifically regarding the times during which the studies were conducted. Mr. Ostrowski stated he would like for the County to fund a new noise study, and added that if they will not do so then it is in the best interest of the residents impacted that the CPHA hire an independent study for a cost of approximately \$20 – 25,000 to do a noise study.

Mr. Larson reported that he has already spoken to the County about the times in which the noise studies were taken. Mr. Larson added that the three studies done are valid studies taken by professional engineering firms and the studies were completed in accordance with Federal Highway Administration standards.

Director Jacob asked what would happen if we did a study; if the County would accept it. Mr. Larson replied as follows:

- It is imperative that the study be accepted as a valid study so it must be done within the standards that they will accept.
- Noise studies are done when there is a structural change like a new lane, but not when traffic volume increases or when the surface of the roadway is changed.
- If you want to do improvements on CDOT property, CDOT has to accept those improvements because they would be on their right-of-way. For example, we wanted to change the guard rail on the exit to the NME to a cement wall which would have provided a 3 decibel mitigation, but CDOT did not approve the change because a 3 decibel mitigation does not qualify as a significant reduction.
- Mr. Larson reported we are waiting for a formal response from the County regarding our request for an additional noise study.

Mr. Ostrowski stated that his sound meter is reflecting greater than 66 dbs during peak driving time hours. Director O’Connor stated that during the peak hours the vehicles are going slower and according to CDOT the decibel readings are not as high during those times as when vehicles can travel at 70 mph or higher. Mr. Larson reported that CDOT will not post a “Jake Brakes not permitted” sign, but they could post signs that mufflers are required on Jake Brakes. Mr. Larson reported there is still a discussion within CDOT about lowering the speed limit on I-25 to 65 mph.

Mr. Ostrowski stated he would be happy to take additional measurements and provide an email to the Board with his findings, and then forward it to the County. Mr. Larson

read from one of the County's noise study reports that peak traffic volumes are used within the study. Mr. Larson reported the Board has looked at this in extensive detail and is not sure where else we want to go with this issue. Director Battin stated that the new Happy Canyon interchange will require a new noise study. Mr. Larson replied that the noise study will be for Happy Canyon Road noise and not I-25 traffic noise. Mr. Larson reported the traffic reports were very clear as to how they were done in compliance with CDOT and federal regulations. Mr. Larson added that it is going to be hard to argue the process when it is done in accordance with the required standards. Mr. Larson reported that Taylor Morrison had actually contracted for a two part study – one on the noise levels and then an analysis of what can be done to mitigate the noise – the engineer did not complete the second part of the study as the first part of the study determined that mitigation was not warranted.

Mr. Larson reported an additional 85 trees are going to be installed, and now that the drainage behind Ms. Simon's home is done we can begin to install some of those trees on CPHA property. Mr. Larson offered to go with Ms. Simon to speak with Bob Goebel, Town of Castle Rock Director of Public Works about the noise issue at her home.

Gary Kirschke, of 493 Tolland Drive, stated the berm was shaved down and a wall went up but was shorter than the original berm height. Mr. Kirschke asked if the bulldozers that were on top of that berm were shaving off earth that was CPHA property. Mr. Kirschke reported that now he can see the traffic from his home, and the noise level has increased. Director Battin reported the Town of Castle Rock came back with the new elevation report and they are going to add dirt to raise that part of the berm that was reduced during construction work.

After further discussion, the Board agreed that as a result of the information reviewed they were not in favor of funding a noise study along the I-25 corridor. Director Skinner asked that we at least convey Mr. Ostrowski's concerns to the County. Director Dugan stated that we should not be a nuisance to the County since they have made it pretty clear that they are not likely to provide funding for a further study. Director Skinner stated that we should not presuppose the County's response.

## **VIII. INFORMATION/DIRECTION**

### **A. North Meadows Extension (NME) Update**

*Discussion of the Berm, Advanced on the agenda*

Mr. Larson presented a slide presentation (*see attached handout of slides*) and reported the following regarding the berm along the I-25 Corridor where it borders the Village;

- The berm was originally installed around 2002 when I-25 expanded.
- The berm ended on the south end where the CPHA property ended.

- To accommodate the exit ramp for the North Meadows Extension (NME) project the berm was reduced to install a support wall. The requirement was to restore the berm to its preconstruction elevation as part of the construction process.
- Surveys were taken as a part of the “punch list” items for the NME because the contractor was required to bring the berm back to its pre-construction height.
- The berm is presently above the pre-construction height in several areas on the south end of the berm.
- Approximately 200 feet of the berm, on the north end, is lower than pre-construction height by between one and two feet.
- The Town of Castle Rock has agreed to restore the berm to the pre-construction height in the areas on the north end as required.

The Board agreed the Homes Association can look at filling in the small indentation area on the north side of the berm, where a tree died and was removed, as this is creating a line of sight to the traffic from several homes on Tolland Drive. Mr. Larson stated he would research the possibility of filling that area and report back to the Board.

## **VI. MANAGEMENT/LIAISON REPORTS**

### **B. Emergency Services (ES) Report**

*Advanced on the agenda*

#### **Meritorious Service Award Presentation**

Director O’Connor, on behalf of the Board, awarded a Meritorious Service Award to the following Emergency Services personnel.

- Patrol Officer Brianna Roske
- Patrol Officer Will Davis
- Corporal Steve Camino
- Dispatcher Sherri Allen

Director O’Connor reported these ES Officers were receiving this award for their actions on September 27, 2016 including establishing a perimeter and securing an area during an incident in the Village. The Board thanked the officers for their service.

## **VI. MANAGEMENT/LIAISON 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 October 2016 Board Package*).

Mr. Larson reported the annual ES Pancake Breakfast event will be held this Saturday, October 29 from 8 am to 11 am in the Community Room of the Castle Pines Homes Association building.

Mr. Larson continued his Management Report and reported the following:

The Volunteer Recognition Dinner was held last Sunday at Cielo at Castle Pines and attendance was higher than in previous years. Director Dugan asked for an attendance report and requested that at next year's event guests also be provided with a prepared name tag. Director Dugan commented that the magician did not go over as well as in the previous year as he could not get a seat at the various tables; it was suggested that this was probably due to the shorter duration of the event which meant that people were not getting up and moving around the room as much as last year. The Board stated the western band was exceptional, however it was very loud and hard to hear conversation; it was suggested that the band be moved to the back of the room and farther away from the tables next year.

Regarding the Community Pavilion and the Gate 3 remodel: Both projects will start on November 7. Mr. Larson, representatives from the CPMD and the contractor for the project met last week to discuss the timeline. Gate 3 will need to close for approximately 8 weeks - over Thanksgiving and through the Christmas holiday. The school bus will be provided entrance during construction. Director Dugan asked if the Happy Canyon sewer line project will be done by November 7. Mr. Larson reported the road work has already passed Gates 1 and 2. People can access the north side without having to go through the Happy Canyon Road construction. Gate 4 will be remodeled next September. We are replacing all of the loops, the interior islands, the road surface, and curb and gutter, so we won't have power to keep the gate operational. The Board asked the Metro District to pay special attention to road clearing (snow removal) on Castle Pines Drive North while Gate 3 is closed.

Regarding the issue of the home in the Village with marijuana plants, The Tenants of the home and several neighboring residents appeared before the Enforcement Committee (EC) at the October hearing for potentially causing an unreasonable nuisance. A letter regarding the EC's finding was sent to the tenants and the owners of the home. As a matter of Homes Association policy, EC hearing findings are not made

public to the community. Resident Gretchen Owens reported that there is a pickup truck and another vehicle making repeated trips to and from the home, and it appears to her as if they are conducting a business from the home.

Director Skinner asked Chief Plotke if it is possible to determine how many guests are visiting the home and how often. Mr. Larson reported we can enforce our covenants which prohibits running a business out of the home. Chief Plotke reported he would share Mrs. Owens' concern with the Douglas County's Sheriff's office. Director Dugan asked that we request the Sheriff provided "more aggressive attention" to this issue.

**B. Emergency Services (ES) Report** – Rick Plotke, Director of Emergency Services, presented the Emergency Services report. (*See Tab #3 of the October 2016 Board Package.*)

Chief Plotke reported the following:

- ES had 15 medical assists, and a total of 611 incidents for the month of September.
- Two Officers deployed an Automated External Defibrillator (AED) to a guest and successfully resumed her pulse; she was then transported to Sky Ridge Hospital.
- Patrol Officer Veronica Tetric has completed her Emergency Medical Technician (EMT) certification.
- ES was short two Officers last month – one Gate Officer and one Patrol Officer.
- In the month of September we had 29 previously un-cleared brokers access the Village. Director Dugan asked if we have any information as to whether any of these brokers have sold a home within the Village. Chief Plotke reported that "Pineco" is erroneously listed as a broker but is instead a tree installation company. Director Dugan asked about one broker that did three separate visits. Director Dugan added that he is interested to know if home sales are being generated.
- ES issued 43 traffic related NOV's in the month of September – 21 to homeowners, 12 to guests and 10 to contractors.
- Director Dugan asked about the number of hours dedicated to traffic control. Chief Plotke replied that the current report indicates all traffic enforcement hours.

Resident John Owens appeared before the Board to ask about the Enforcement Committee hearing involving the home growing marijuana. Mr. Larson reported a decision was made by the Enforcement Committee and a letter was sent to the tenants and the owner of the home. Director Dugan reported we have asked the Sheriff's department to provide more review of the activity within the home. Mr. Owens reported that in regards to a noxious or offensive smell from the home he is calling ES for an Officer to respond. Chief Plotke responded that if a marijuana/noxious smell is validated by ES then the Sheriff's office is called. Director Dugan asked the Board to have a special meeting every week until this issue is resolved. Chief Plotke asked that

the Sheriff come and speak to the Board during an Executive Session meeting in order for the Homes Association Board to have a better understanding of the enforcement side of the issue. The Board agreed that this would be a good idea and a meeting date and time would be set.

*Due to another scheduled appointment Director Dugan left the meeting at approximately 10:40 am*

### **C. Metropolitan District Items – Jeff Coufal, District Manager**

Mr. Coufal provided an update from the Castle Pines Metropolitan District (CPMD). Mr. Coufal reported the following:

- The CPMD Board approved the contract to design the new water storage tank at the Summit Club. Work will begin in March of 2017 at the earliest and will continue throughout the year.
- Curb and gutter will be installed within the next two weeks on Castle Pines Drive South all the way down to Mirage in order to allow for storm water to be effectively managed in that area.
- The detention pond, also called the “offsite pond”, near the Northstar/Taylor Morrison development requires additional work to effectively control storm water in that area. Taylor Morrison is currently completing that work.
- The CPMD is planning to install a sand storage facility on one of three possible locations. The first and preferred location is on property that would be acquired from a landowner on Happy Canyon Road, however, additional screening of the facility would need to be installed. The second option would be inside of Gate 3, and the third option would be off of Argosy Way. The Board reviewed several preliminary 3D renderings of the three possible locations for the new sand storage facility (see *attached copy of handouts*).

## **VII. ACTION ITEMS**

### **A. Resolution for Outside Burning Rules Modification**

Regarding the Resolution for Outside Burning Rules, Mr. Larson reported during his visits around the community for the NME mitigation work he has seen a lot of the new Trager wood pellet grills. Resident and Emergency Services Committee (ESC) member Doug Cooper reported that Trager grills are permitted if they are used primarily for cooking.

Mr. Cooper added that at the Board’s direction the ESC limited non-liquid gas devices to only those devices that are used primarily for cooking. Chimineas are prohibited. Mr.

Cooper reported that after reading the comments returned from the community, the ESC does not recommend any additional changes to the wording of the resolution.

**Motion**

**Upon motion duly made and seconded, the Board unanimously approved the proposed modifications, as presented, to the Castle Pines Homes Association's Public Safety and Fire Prevention Rules and Regulations.**

Mr. Cooper stated the current Rules and Regulations have not been evaluated since 2008 and recommended that there be a comprehensive look at the rules to ensure they are updated and in compliance with current laws. Mr. Larson suggested that a representative from each of the Committees be included for their input. Mr. Cooper suggested that the Rules and Regulations on the website show where amendments have occurred.

**B. Confirmation of Email Vote Establishing Banking Relationship**

Mr. Larson reported that the resolution to establish a banking relationship with Bank of the West which was voted on by e-mail is in the Board package for confirmation of the e-mail vote. Mr. Jacob reported that when a Certificate of Deposit (CD) comes due the Long Range Planning and Finance Committee will not select a bank for reinvestment until we get closer to the maturity date of the CD so that we know what the interest rates will be.

**Motion**

**Upon motion duly made and seconded, the Board unanimously confirmed the e-mail votes to approve the Resolution to Establish a Banking Relationship with Bank of the West as presented.**

**C. Establish Annual Meeting of the Members Date/Location**

Mr. Larson presented a slide showing the timeline for the CPHA election (*see attached handout of slide*). Mr. Larson reported we are once again working with ComputerShare to conduct the election at the Annual Meeting of the Members.

Homes Association governing documents require the Annual Meeting of the Members be held within the first 90 days of the calendar year. Mr. Larson proposed the Annual Meeting be held on Monday, March 13, 2017, 7:00 pm at Cielo at Castle Pines.

**Motion**

**Upon motion duly made and seconded, the Board unanimously approved the date of March 13, 2017 and the location of Cielo at Castle Pines for the 2017 Annual Meeting of the Members.**

#### **D. Appointment of Board Election Nominating Committee**

Mr. Larson reported in accordance with the governing documents of the Homes Association the Board of Directors is required to appoint a Nominating Committee for the Board of Directors election. The task of the Nominating Committee is to review the qualifications of interested candidates for the open Board position and to make recommendations to the Board of Directors on potential candidates for inclusion on the election ballot. Mr. Larson added that historically the Nominating Committee has consisted of the Board members whose seats are not up for election; this year the Nominating Committee would include Directors O'Connor, Skinner and Jacob.

**Motion** Upon motion duly made and seconded, the Board unanimously approved the motion to appoint Directors Terry O'Connor, Chuck Skinner and Len Jacob to the Nominating Committee.

*Due to another scheduled appointment Director Jacob left the meeting at approximately 11:10 am*

#### **VIII. INFORMATION/DIRECTION**

##### **C. North Meadows Extension (NME) Update**

The majority of the discussion on this issue was done earlier on the Agenda.

Mr. Larson presented a slide presentation (*see attached handout of slide*) and reported that 115 trees have been installed to date, and the berm along Castle Pines Drive South is scheduled to begin construction in November.

##### **D. Lagae Development Update**

Mr. Larson provided an update on the Lagae development project outside of Gate 5 and within the City of Castle Pines, Mr. Larson presented a slide presentation (*see attached handout of slides*) and reported the following:

- Mr. Larson met with Sam Bishop from the City of Castle Pines. There are currently three builders for the area: Taylor Morrison, Lennar and Wonderland Homes.
- Next year's Homes Association budget includes funding for mitigation that may be needed for the homes in the Summit area that will be closest to the new development.
- We asked the City of Castle Pines for a 75 foot, open space boundary and we received even more than that in most of the development areas that border our community.

- Regarding the re-construction of the Happy Canyon exit at I-25: there will be a roundabout on the west side, the bridge will be expanded to allow for two lanes in each direction, a portion of Happy Canyon Road will be abandoned, and a new portion will be installed to connect to Lagae road.

#### **IX. IMPORTANT MEETING DATES**

Mr. Larson reported the November 2016 Board Meeting will be held on Wednesday, November 16, 2016 in the Castle Pines Homes Association Conference Room located at 688 W Happy Canyon Road; 7:00 a.m. Executive Session, 8:00 a.m. Regular Meeting.

The next Castle Pines Metropolitan District Board meeting will be held on Monday, November 21, 2016 at 7:30 a.m.

#### **X. ADJOURNMENT**

**Motion**

**Upon motion duly made and seconded, the Board unanimously approved to adjourn the October Board of Directors Meeting at 11:34 am.**

Respectfully Submitted by,

Lisa Goodwin  
Senior Administrator