

**Castle Pines Homes Association
Board of Directors**

Executive and Regular Meetings

Castle Pines Homes Association
688 Happy Canyon Road Castle Rock, CO 80108
Friday, February 19, 2010

ATTENDEES: Directors Ed Will, President; Al Dugan, Vice President; Dan Roth, Treasurer; Jim Walker, Secretary; Kim Wagner, Director. Present from the CPHA staff: General Manager Mark Larson, Chief of Emergency Services Drew Grant, Accountant Carol Tilton, and Administrator Lisa Goodwin.

OTHERS PRESENT: Douglas County Commissioner Steve Board: Paul Dannels and Jon Gray from the Metropolitan District; Jake Schroeder from Aslan/Riverdell; Residents: Len Jacob, Marti Jones, Gene Roberts, Don Somsy, Monica Flinner-Ross, Linda Battin.

EXCUSED: None

MEETING AGENDA: See attached.

I. EXECUTIVE SESSION

The Board of Directors met in an executive session and discussed legal and personnel matters and other topics. Several of these topics were discussed during the open session.

II. CALL TO ORDER

The general meeting was called to order at 8:09 a.m. Mr. Larson requested that an item be added to the agenda as item 'D' under Section 10, Information and Direction – "FMLA Provisions within the Employee Manual".

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

Motion Upon motion duly made and seconded, the Board approved to accept the January 15, 2010 Board of Director meeting minutes with modifications as noted.

V. FINANCIAL REPORT – Len Jacob, Chair of the Long Range Planning & Finance Committee

Mr. Jacob presented the January Financial Report. (*See Tab #2 of the February 2010 Board Package*)

Mr. Jacob reported:

- Two Certificates of Deposit in the Homes Association reserve account will mature next week and will be reinvested at current rates.
- Accounts Receivable increased \$41,000 in January.
- The positive variance in Administrative and ES labor is due to the deferral of consideration of salary increases for 2010 until mid-year.
- Administrative operating expenses increased due to the printing and mailing of the annual meeting packet.
- Emergency Services equipment M&R reflected the cost for the replacement of two televisions in dispatch.
- There will be a positive variance under expenses for Comcast beginning in March.

Motion Upon motion duly made and seconded, the Board unanimously approved to accept the January 2010 Financial Report as presented.

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

No homeowners requested to be heard.

VII. COMMISSIONER BOARD

Douglas County Commissioner Steve Boand and CPV resident Don Somsy addressed the Board on the issue of train whistles along the Santa Fe corridor. Mr. Somsy was responsible for instituting the train whistle petition in the last quarter of 2009 that collected over 1300 signatures. He personally delivered a copy of the petition to our State Senators' and Representatives' offices in February. Commissioner Boand reported that the County Commissioners have accepted the responsibility for reviewing the train whistle issue, determining potential solutions and engaging in discussion with the railroads on behalf of the County at large.

Commissioner Boand reported that the Commissioners have decided to move forward with the approach that uses publicly approved funding to upgrade several railroad crossings to meet requirements for Quiet Zone. There are presently five requests across Douglas County for Quiet Zones. Federal legislation regarding Quiet Zones applies only to public crossings. The Commissioners are planning to work with owners of the private crossings on Santa Fe to potentially close two of these crossings, provide alternate access, and re-designate one crossing as "public" so that a Quiet Zone can be implemented. Douglas County has estimated that it will cost approximately \$28 million to resolve this issue across the County.

Commissioner Board also stated that a report showing a plan for quiet zones across the County has been completed and an engineering study is expected to be completed by this fall. Commissioner Board stated that he would return to the CPHA Board at that time to discuss the results of the study along with funding options. Commissioner Board agreed to be interviewed by the Village Reporter on this subject for the April edition. The Board thanked Commissioner Board and resident Don Somsy for their hard work and efforts on this issue.

Commissioner Board also discussed with the Board the issue of medical marijuana dispensaries within the County. The Commissioners have instituted a moratorium on all new dispensaries until April of this year. Commissioner Board stated that their strategy is to get regulatory standards enacted before the State Legislature takes action on this issue. This Douglas County regulatory standards being considered would require that dispensaries can only locate in light industrial zones, at least 1 mile from elementary schools, at least 2 miles from middle and high schools, and at least 1,000 feet from residential properties. The zoning standards being considered also require a community hearing for all proposed locations. The County Commissioners are concerned that the State will not have distance limits included in their legislation. Commissioner Board stated that their first and foremost consideration is public safety. The County is aggressively enforcing zoning and building codes; if finding violations for growing marijuana in excess of what the codes allow the County will shut down an operation and potentially subject the owner to Federal laws regarding marijuana possession.

Mr. Larson asked Commissioner Board if there was any new information concerning the potential sewer line along Happy Canyon Road. Commissioner Board stated that the County has not receive any requests concerning this project. Director Roth asked Commissioner Board for his opinion concerning the Castle Pines Metropolitan proposal to install roundabouts on Happy Canyon Road. The Commissioner stated that they have not received any complaints, or are aware of any resistance to the plan to place roundabouts on Happy Canyon. Commissioner Board stated that it is a "solid plan" and "smartly done", and he is in full support of the plan. He added that moving truck traffic safely through the area will need to be addressed in the plan. The County is looking at a time frame of this year or early next year for the project to be placed on the public works schedule. The Board thanked Commissioner Board for taking the time to come and speak with us.

VIII. MANAGEMENT REPORTS

A. General Manager – General Manager Mark Larson

Mark Larson, General Manager of the Castle Pines Homes Association, presented his Management Report. *(See Tab #3 of the February 2010 Board Package)*

Mr. Larson reported that a letter was sent by Comcast to all residents in the Village regarding a nationwide conversion to an all-digital signal on their basic cable package. The new cable package will be called the "digital starter" package to include channels 0-99, and require that residents with televisions plugged directly into the wall have either a converter, called a DTA, or a set top box in order to receive the full complement of

channels. This conversion is slated to occur on March 22nd. Mr. Larson stated that he, along with Director Dugan, John Hemmer (Chair of the Technology Committee) and Len Jacob (Chair of the LRP&F) will be meeting with Comcast representatives next week to discuss how many free DTA converters and/or set top boxes will be available to each resident. Comcast has indicated that they are willing to come to our office to distribute equipment and provide technicians to help residents with the equipment install. A possible option being considered is to have Comcast come on the same day as the Wildlife Committee's pancake breakfast. This week's email blast will inform residents that the CPHA is working on this issue and that more information is soon to follow.

B. Design Review Committee (DRC) Report – Jim Walker, Chairman DRC

Mr. Walker reported that the DRC continues to meet one time per month. Activity has been primarily for remodels. He also stated that a realtor from Fuller-Sothebys reported that activity has picked up some for the higher end homes in the Village.

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

Chief Grant presented the Emergency Services report. (*See Tab #3 of the February 2010 Board Package.*)

Chief Grant reported that there were 473 incident reports last month. Officer Hulsey has completed his EMT training, and now there are a total of eight officers on staff that are EMT certified. ES is planning on scheduling two CPR training courses for CPV residents this year.

Three ES Officers were involved in potential life saving incidents this past month. One incident involved a furnace fire at a home on Equinox Drive. Two ES officers assisted the resident and a furnace technician in safely evacuating the home. Both the officers and resident were treated at Sky Ridge Medical Center for smoke inhalation and then released. In another incident, a resident walking her dog around the Village Lake lost control of the dog which chased a goose into the partially frozen lake and went through the ice. The resident attempted to rescue the dog and she also went through the ice and could not get out of the lake. A resident saw this happening from the Fitness Center and called Emergency Services. An ES officer responded and successfully pulled both resident and dog out of the lake. Chief Grant stated that he will be presenting all three of these officers to the Emergency Services Committee for consideration as recipients of a lifesaving award.

Chief Grant reported that ES continues to aggressively enforce traffic safety throughout the Village, and publicizes each week on Channel 22, the CPV website and the email blast as to where they will be concentrating their efforts. Director Dugan stated that there is a significant discrepancy between the number of violations issued and the actual fines collected as posted on the general ledger. Chief Grant responded that they will investigate the inconsistency and report back to the Board during the March meeting.

Director Dugan stated that he is not opposed to speed tables within the Village, and that speed tables should be considered in areas of the Village such as the Summit Club where there are children present and speeding is a concern.

IX. ACTION ITEMS

Mark Larson reported that there were no action items for consideration at this month's Board meeting.

X. INFORMATION/DIRECTION

A. Nominating Committee Report – Director Kim Wagner

Director Wagner, Chairperson of the Nominating Committee reported that one candidate in the Board of Directors election has withdrawn from the election due to personal reasons. General Manager Mark Larson stated that the CPHA attorney recommends that we notify the community via a mailing that a candidate has withdrawn. The Board determined that a letter would not be necessary.

Mark Larson stated that we have received a report from Computershare that we presently have enough proxies to constitute a quorum for the annual meeting.

B. Compliance Deposit – General Manager Mark Larson

Per the Board's request at the January 2010 Board meeting, Mr. Larson made a presentation to the Board revisiting the proposed issue of requiring a compliance deposit that was originally presented at the January Board meeting (*see attached handout of the presentation slides*).

The original proposed concept is to require a \$5,000 compliance deposit prior to beginning any exterior construction, major landscape project, or major interior remodel project. The deposit would be returned after project completion and/or after a Certificate of Occupancy has been issued, or a letter of completion received from the DRC for landscaping projects. All or a portion of the deposit would be forfeited should it be determined there was damage to the roadway, trails, road side or if there were unpaid violations of the Association's Rules and Regulations. Prior to the start of the project the Contractor would be required to sign an agreement outlining potential penalties for violations.

Based upon the type of project, the proposed process would be as follows:

1. New Construction/Major Project
 - a. DRC approval of building plans
 - b. Approval of parking plan by ES
 - c. Site meeting to review condition of site prior to the start of the project (take pictures of surrounding area)
 - d. Deposit of \$5,000

2. Major Landscaping Project

- a. DRC approval of landscape plan
- b. Approval of parking plan by ES
- c. Site meeting to review condition of site prior to the start of the project (take pictures of surrounding area)
- d. Deposit of \$5,000

Mr. Larson summarized the Board's feedback from the January 2010 meeting as follows: the Board agreed that the Homeowner be required to post a deposit, an on-site meeting will be required, the Homeowner and Contractor are to sign off on photos of the area, more research would need to be done on the possibility of towing instead of booting, and it would also be necessary to define what a "major" project would be.

Mr. Larson reported that it may be possible to tow violators, but additional research is required on County towing requirements. Director Walker stated that a more effective way to insure compliance would be to close the construction site down if violations persist.

A "major" project could be defined as having one or all three of the following requirements: (1) on-street parking, (2) a dumpster, and/or (3) a port-a-let. Suggested deposit amounts for each of these requirements were presented (*see attached handout of the presentation slides*). Director Will expressed concern that the deposit amount for on-street parking would not cover the cost for repairs to the edge of the road. Paul Dannels stated that it depends on the amount of activity over the right of way. Mr. Larson suggested that wording could be incorporated classifying the project as "new construction". Director Walker stated that it would be important to review the site continually to monitor what goes on during the construction process.

Mr. Larson thanked the Board for their input and reported that he will continue work on the program and bring it back to the Board for further consideration.

Mr. Larson also presented the wording for a sign; to be posted at all Village entrance gates to inform those entering the Village that they are entering a private community. The proposed wording of the sign would be as follows:

- Private Covenant Controlled Community
- Patrolled by Armed Emergency Services Officers
- Speed Monitored and Enforced
- Parking off Paved Roadways is Prohibited

The sign would be on the same post as the speed limit sign in front of each gate. The Board suggested that the 2nd and 3rd line be consolidated to read "Traffic Monitored and Enforced by ES Officers" and the word "armed" be removed from the sign. Director Roth recommended that "Fines Assessed" be added to the sign.

C. Metropolitan District Items – Paul Dannels and Jon Gray

Paul Dannels, District Manager of the Castle Pines Metropolitan District, and Jon Gray, District Engineer, showed a video to the Board on roundabouts demonstrating how effective they are. The Metropolitan District is planning on using this video for their public outreach and education efforts.

Mr. Gray reported that the Metropolitan District is moving forward with the plan for the roundabouts on Happy Canyon Road. There is a planning meeting scheduled with the Douglas County staff to discuss the project and request their support of the project. A public meeting hosted by Douglas County is tentatively scheduled for April 8th in Sedalia where a 3-D rendering of the roundabouts will be presented and public comment on the proposed project will be received. Construction could begin in June with construction lasting approximately 2 months. Mr. Gray also reported that two median strips are included in the plan between the roundabout at Gates 3-4 and the roundabout at Gates 1-2, but their inclusion in the plan is dependent upon final costs and the project budget. The Metro District has budgeted \$900,000 for the entire project. As a point of reference, Mr. Gray stated that one signalized intersection would cost approximately \$450,000 not including construction costs. Mr. Gray reported that independent traffic statistics indicate that there are 36 potential conflict points at a 4-way, signalized intersection. Mr. Gray contrasted that with a roundabout that has only 8 potential conflict points, reducing the potential for accidents by 40%.

D. Family Medical Leave Act (FMLA) Provisions within the Employee Manual – General Manager Mark Larson *Added to the Agenda*

Mr. Larson reported that as of January 1, 2010 Federal Legislation regarding the Family Medical Leave Act (FMLA) no longer requires that small organizations (under 50 employees) that participate in Professional Employment Organizations (PEO) be responsible for providing FMLA to their employees. Currently FMLA provides employees of firms, with 50 or more employees, 12 weeks of unpaid leave and a return to their same or similar position for medical or other family events as proscribed within the Act. Mr. Larson suggested that FMLA be removed from the employee manual, however a provision for unpaid leave be included to be considered on a case by case basis with no guarantee to get the same job upon return. In addition, Mr. Larson requested that language in the manual be changed from “may take sick leave” to “will take sick leave” in an effort to prevent employees from seeking overtime. Mr. Larson stated that he will come back to the Board with more information on this topic at next month’s meeting.

Additional Discussion

The Board recognized Director Ed Will for his dedicated service and tremendous contribution to this Board and the Castle Pines Village community, and announced that this will be Director Will’s last meeting as President of the CPHA Board.

X. IMPORTANT MEETING DATES

Mr. Larson reported that the March 2010 Board Meeting will be held in the Castle Pines Homes Association Conference Room located at 688 Happy Canyon Road, Castle Rock on Friday, March 19, 2010, 7:00 am Executive Session, 8:00 am Regular Meeting.

The next Castle Pines Metropolitan District Board meeting will be held on February 25, 2010.

Director Dugan asked that more attention be paid to the Association Calendar and that it be updated in a more timely manner.

XIII. ADJOURNMENT

Motion Upon motion duly made and seconded, the Board unanimously approved to adjourn the February Board of Directors Meeting at 9:55 am.

Respectfully Submitted by,

Lisa Goodwin
Administrator