

**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 19, 2013

ATTENDEES: Directors Linda Battin, President; Terry O'Connor, Vice President; Len Jacob, Treasurer; Chuck Skinner, Secretary; Al Dugan, 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: Paul Dannels, Metropolitan District General Manager; Sean Owens, Douglas County Engineer; Residents: Don Diones, Gene Roberts, and Don Somsy.

EXCUSED:

MEETING AGENDA: See attached.

I. EXECUTIVE SESSION

The Board of Directors met in executive session and discussed legal and personnel issues.

II. CALL TO ORDER / MODIFICATION OF AGENDA

The general meeting was called to order at 8:05 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 2013 Board Package)

Motion Upon motion duly made and seconded, the Board approved the March 2013 Board of Director meeting minutes with corrections as noted.

Director Skinner abstained due to having been absent from the March Board meeting.

VI. FINANCIAL REPORT – Director Jacob
(See Tab #2 of the April 2013 Board Package)

Director Jacob reported the Long Range Planning and Finance Committee (LRP&F) met with the Auditor and the audit has been completed. Due to scheduling issues for committee member Kim Higgins, the report will not be presented to the Board until the June Board meeting.

Director Jacob presented the March 2013 Financial Report.

- Regarding the Capital Budget: to date no money has been spent from the Capital Budget.
- Mr. Larson discussed last month's Board request to explain the reason for a balance due in Accounts Payable. That balance are bills that have been received but not yet paid at the time the financial report is finalized. Checks are prepared for bills received each Thursday. Mr. Larson also provided this explanation in his Manager's Report.
- Regarding the Income Statement: Administrative Labor Expense continues to be positive due to the reduction in hours for the Landscape Technicians. This category is expected to be \$6,000 positive at year end.
- Attorney's Fees Expense includes the expenses incurred to negotiate an agreement with a delinquent developer.
- The negative variance under Building Maintenance and Repair Expense includes the cost to replace a light pole at the CPHA building that was accidentally knocked down by a service vendor's vehicle. The Homes Association received an insurance payment for this amount in 2012 but repairs were not completed until 2013 due to parts on back order.
- Emergency Services Labor Expense is currently over budget. The variance is due to the expense incurred for group health and dental insurance – as a result of more families included in the plan than was originally anticipated at the time the 2013 budget was approved.
- Summit Club Building M&R Expense includes the cost to repair the igniter on the fire pit.

Motion Upon motion duly made and seconded, the Board unanimously approved to accept the March 2013 Financial Report as presented.

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

NONE

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 April 2013 Board Package)

Douglas County Engineer, Sean Owens, and resident Don Somsy were present to provide an update on the train whistle/Quiet Zone issue. *(For previous discussion on this issue see the February Board Packet, VII. Management Report, Item A. "Manager's Report".)*

Mr. Owens reported the Quiet Zone application has been filed with the Public Utilities Commission (PUC), without a construction estimate from Union Pacific (UP). Mr. Owens reported the referral packages would go out soon for comments and there is a 30 day period to respond with objections or comments. Mr. Owens reported if comments are returned the PUC staff will first evaluate the comments and will send them to the County so that the County may then address them. Mr. Owens reported County staff will work with the PUC staff to put the package of comments together before it goes to the PUC Board.

Mr. Owens reported that a referral entity may protest the Quiet Zone and this will add time, however he does not anticipate or expect any circumstance where the quiet zone application would be dismissed. Mr. Owens stated that in 30 days we will have a good idea of what will happen and when. Mr. Owens reported that if the UP protests the Quiet Zone the County would then request a hearing. Director O'Connor requested that Mr. Owens inform the Board of Directors if and when a hearing is to occur. Mr. Owens replied he would take a Board member with him to the hearing. Mr. Owens also replied he would share any comments received with the Board.

Mr. Owens reported the contractor for the wayside horns is working with the County and will only need five days to install them, which includes the time it takes to train the County's Traffic Engineers on how they operate. Mr. Owens reported the UP is anticipated to charge the County between \$30,000 and \$40,000 to plug the wayside horns into their junction boxes; however this is still considerably less expensive than the other alternatives that were considered prior to this option. Mr. Owens reported the wayside horns should be installed by July 1st.

Mr. Owens further stated that total costs for the Quiet Zone have been significantly reduced since the project's inception, and the County and the Castle Pines community continue to be in agreement to share 50/50 of the total costs of the project per the Intergovernmental Agreement (IGA) between the County and the Castle Pines Metropolitan District to which the CPHA is a party. Mr. Owens reported once the construction is completed the County then owns the Quiet Zone and the CPHA is not responsible for any ongoing maintenance costs.

The Board thanked Mr. Owens and Mr. Somsy for all of their hard work and efforts on this project.

Following their update Mr. Somsy requested the Board consider purchasing a rowing machine in the VLFC. The Board stated they would forward that request to the Parks and Recreation Committee for their action.

Mr. Larson reported the Northstar Development project is continuing and they should be finished moving dirt within the next couple of weeks.

Mr. Larson reported the Board of Directors met with the Tennis Activities Group to view the tennis court patio issue that was discussed at the March 2013 Board meeting. The outcome of that meeting was the determination that the safety issue at that location was not as severe as indicated. Mr. Larson further reported that several operational measures have been taken to minimize the safety issue that does exist, the size of the patio tables have been reduced and social functions have been moved to the patio between courts three and four. Several suggestions were developed and the Parks and Recreation Committee are considering them now.

Mr. Larson reported there is a new home to begin construction soon at 3 Eagle Point.

Mr. Larson reported the Design Review Committee (DRC) has been working with Richmond Homes regarding the three in fill lots on LeDuc Lane, to ensure those homes match and blend well with the surrounding homes in color, material and overall style. Mr. Larson added that Richmond Homes has been very cooperative and very good to work with.

Mr. Larson reported that members of the DRC and he will be meeting with Taylor Morrison next week to go over the finishing of the berm inside of Gate 3.

Mr. Larson reported the maintenance facility at the Country Club received final approval from the DRC. Mr. Larson reported the building will be of the same siding and roof material as the existing building, it will be situated behind the current building, and it will be lower so that it will not be visible from the road. Mr. Larson reported the residents in that area that were concerned about that project have been attending the DRC meetings and were pleased with the outcome.

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

Chief Grant presented the Emergency Services report. (*See Tab #3 of the April 2013 Board Package.*)

Chief Grant reported:

- There were 631 incidents in March with one medical assist.
- Animals off leash continue to be a problem.
- There have been some vandalism incidents on the south side around Tolland and Vermillion to include “egging” homes and mailboxes. ES has increase patrols in that area.
- The new phone system at Gate 3 has been installed and 164 residents have signed up for that service.
- Regarding personnel, a patrol officer resigned yesterday and another patrol officer is anticipated to resign soon for a position at a local Sheriff’s department.
- Training was provided to ES staff by the Colorado Division of Wildlife regarding calls on bears and bear encounters.

- As requested by the ES employees in last year's employee survey, Sergeant Bill Williams provided alarm training to all patrol officers.
- ES will be doing a CPR class for Golf Club employees next week, and then later on for Country Club employees.

Mr. Larson reported the damage to the Gate 1 gate house was due to a back hoe on a trailer where the boom was not properly lowered and secured. When the trailer tried to come through, the raised boom caused damage to the roof of the gate house. Mr. Larson reported the Douglas County Sheriff's Office (DCSO) cited the driver for reckless driving. Mr. Larson further reported that the damage has been repaired with the exception of staining the wood trim which will be completed soon as weather permits.

Chief Grant reported gate officers are trained on monitoring and managing vehicle clearance through the gates. Chief Grant reported there is a system available that uses a laser to detect vehicle height and will sound an alarm with flashing lights if the vehicle cannot safely meet clearance requirements.

Director Dugan questioned Chief Grant on the issue of speeding enforcement in the Village. Director Dugan reported he spoke with a representative of the DCSO who informed him that a single officer can write up to 45 tickets per day. Director Dugan stated we have a traffic study that shows there is a speeding problem in the Village and asked why ES is only writing on average one ticket per day. Chief Grant responded that based upon his experience with the DCSO the information provided to Director Dugan is incorrect in that their officers do not write 45 tickets per day.

Chief Grant reported ES has increased their traffic enforcement to as many as six hours per day. Chief Grant reported that due to the ES policy of visible enforcement it is unrealistic to use the total number of tickets written as a measure of effective traffic enforcement. Chief Grant added that when a driver sees the patrol vehicle they immediately slow down so enforcement is effective but no ticket has been issued.

Mr. Dannels reported the Metro District will have a new traffic study completed within the next two weeks. Director Battin stated it would be in the Board's best interest to wait until we see this new report first before attempting to solve the problem. Director Dugan replied the issue is too important to wait for a new traffic report and the Board would be kicking the can down the road.

Chief Grant responded that due to the size of the community and the number of officers staffed ES cannot logistically be at all places at all times to do traffic enforcement. Chief Grant stated that Director Dugan has incorrect information from the DCSO, and added this issue has been discussed at several Board meetings with exactly the same conclusion that ticket writing is not the solution to reducing speeding in the Village.

Director Battin stated that solving the problem of speeding is not just through enforcement, there must also be education and speed mitigation devices. Director Skinner asked if the new traffic study will be able to tell us if speeding has increased or decreased. Director Battin asked if the new traffic study can provide an evaluation of our arterial roadways too. Mr. Dannels responded yes to both questions. Mr. Dannels

added they will be using their existing equipment and new “stealth” equipment to monitor speeding over an extended period of time. Mr. Dannels reported that the areas inside of Gates 2 and 4 are priorities.

Director Dugan stated the ESC is ineffective and the Emergency Services patrol department is not capable of doing traffic enforcement. Director Jacob responded that he takes exception with Director Dugan’s comments and that the ESC is doing a wonderful job with the resources they have. Director Jacob stated Chief Grant is doing a good job and has extensive expertise in this issue. Director Jacob stated that Director Dugan is unnecessarily berating these people for no reason, and they are more experienced and knowledgeable than he is giving them credit for.

Mr. Larson asked Director Dugan if his measure of effectiveness for an enforcement program is the number of tickets that are written. Director Dugan responded no, it is not, speed levels are. Mr. Larson responded the experienced members of the ESC have informed us that writing tickets is the least effective way to control speeding. Mr. Larson added that writing more tickets will not reduce speeding. Mr. Larson asked Director Dugan for clarification on what an effective enforcement program should be. Director Dugan stated he is concerned about those who are speeding at 50 and 60 mph in the Village and an effective enforcement program is evaluated by the distribution of speeders.

Mr. Larson reported an ES officer sits at the school bus stops and has been highly effective at controlling violations at those locations without writing citations. Mr. Larson stated he is concerned that Metro’s plan to add more signs will not be effective. Mr. Dannels responded that flashing signs have been shown to reduce speeding by 30% to 40%. Mr. Larson added that once the sign is moved the speeding will return; and the same thing occurs with speed carts. Mr. Dannels responded we will need to keep monitoring the areas. Mr. Dannels reported the Metro Board is considering hardscape and circles for mitigating speeding. Director Battin requested there be more detailed information.

Director Dugan stated he is not interested in the average speed of an area, and is only interested in those people that are driving 40 or 50 mph or more and asked if this information can be provided in the next traffic study. Mr. Dannels responded yes. Director Dugan stated that the ESC does an excellent job at access control and responding to emergencies. Director Jacob stated that Director Dugan’s metrics do not relate to what ES is actually doing in regards to traffic enforcement.

Director O’Connor stated the DCSO is monitoring high intensity roads with thousands of drivers per hour, so there is no comparison to our community because there are significantly fewer drivers here and the only way to have a meaningful comparison would be by ratio. Director O’Connor asked Chief Grant what the decision process is for issuing a warning versus issuing a citation. Chief Grant responded the decision is based on the level of speed – 10 mph over will usually get a ticket, the history of the driver and the reason the driver gives for speeding will all factor in to the officer’s decision making process.

Director O'Connor stated that we can direct ES officers to "ratchet down" their tolerance level when making an evaluation however this is an issue that should be discussed by the ESC and not the Board. Director O'Connor added that ES should not stop issuing warnings but they should be unrelenting to those in excess of 10 mph particularly when absent an emergency situation such as the one Chief Grant previously described with parent taking the sick child to the doctor. Mr. Larson stated that we could look at increasing the fines as the current fine structure is very low in comparison to surrounding municipalities.

Director Battin agreed with Director O'Connor that this issue should be reviewed by the ESC. Director Skinner stated the primary goal is to bring excessive speeding down through enforcement, education and engineering. Director Dugan stated that the ESC is not effective. Chief Grant asked why Director Dugan has, over the last three Board meetings, repeatedly questioned the number of tickets written given that it has been established that the ESC and the DCSO deem this as ineffective criteria for evaluating an enforcement program. Chief Grant added to repeatedly continue this line of discussion is illogical and unproductive towards solving the problem.

Director Battin read a CDOT report regarding how CDOT determines a just right speed is for a particular roadway. Mr. Larson stated CDOT's report suggests that when 85% of the drivers on a road are traveling 7 mph or more over the speed limit then it becomes important to evaluate the design of the roadway that is making it comfortable for drivers to travel at that rate of speed. Mr. Larson stated that it is also important to take into consideration any accidents that occur on that roadway; we don't have that many accidents and the ones we do have are typically weather related.

Mr. Dannels reported the new traffic study will be done by the next Board meeting, will only include the areas inside of gates 2 and 4, and will indicate whether speed in these areas has increased or decreased since the last comprehensive traffic report done in 2009. Director Jacob stated that if the Board is to have this conversation again then either a representative of the ESC should be in attendance or there should be a special working session of the Board to include the ESC. Director O'Connor stated the ESC should have the traffic study report in advance of meeting with the Board.

C. Castle Pines Metropolitan District (CPMD) Items – Paul Dannels, General Manager.

Mr. Dannels reported the school bus stop on Mirage Drive should be re-routed to circle back around via Castle Pines Drive South so that the bus does not stop right on Mirage Drive where there is a blind corner. Mr. Larson asked Ms. Goodwin to set up a meeting to include himself and Mr. Dannels with our contact from the Douglas County bus department to discuss this issue. Mr. Larson stated there is a spot a little farther down the trail and across from the Starbuck homes that would work well. Chief Grant stated the bus stops could all be moved to the Canyon Club and the Summit Club thereby removing the need for parent parking on the side of the road and preventing children from running in the roads. Director Skinner stated the issue would then become increased exposure to traffic as the children would be walking or bicycling home on the roadways over a farther distance.

VII. ACTION ITEMS

A. Election of Board of Directors Assistant Secretary – Mark Larson

Mr. Larson informed the Board according to the governing documents of the Homes Association the position of Assistant Secretary of the Homes Association is to be filled by an individual not on the Board of Directors. Mr. Larson further reported that this position has historically been filled by the General Manager.

Motion Upon motion duly made and seconded, the Board unanimously approved to elect General Manager Mark Larson as Assistant Secretary of the Homes Association.

B. Approval of Agreement with Paradise Villas – Mark Larson

Mr. Larson reported this is a confidential agreement between the CPHA and Paradise Villas regarding the payment of dues owed. Mr. Larson reported the agreement has been reviewed by the Board and by the CPHA's legal counsel.

Motion Upon motion duly made and seconded, the Board unanimously approved the confidential agreement with Paradise Villas.

VIII. Information/Direction

A. North Meadows Extension Update – Director Battin

Director Battin reported that several of the CPHA Board of Directors attended the open house meeting hosted by the Town of Castle Rock on February 26th. Director Battin reported a letter signed by both Boards has been sent to the Town of Castle Rock and the Douglas County Commissioners to make the following requests:

1. Mitigation of the extensive lighting plan on Castlegate and Santa Fe be completed to minimize the impact on residents of Castle Pines Village.
2. Additional information concerning the trails along Santa Fe and Castlegate and the impact those trails will have on the Village.
3. Visual screening of the new roadway from Castle Pines Village along Santa Fe and Castlegate.

Director Battin reported that representatives from the Metro District and the Homes Association met with the Town of Castle Rock in April regarding the plans for lighting the roadway:

- The current lighting plan includes partial lighting at the Castlegate interchange.
- The number of street lights meet minimum requirements.
- There will be full cut off light fixtures with a low glare rating.

Director Battin reported the CPHA requested lower light poles and dimmable lights during reduced traffic times, the use of softer LED lights, and some additional requests

in regards to trails. Director Battin reported this group has met with the Landscape Architect for the project to work on developing a screening plan for that area.

Director O'Connor asked when the Village will begin to experience the impact of this project. Director Battin replied that construction is scheduled to begin this summer. Mr. Larson stated the perception of the project having an impact will be when the bulldozers come in to start moving the dirt. Director Battin reported the interchange over 85 will be the last phase of the project. Director Battin reported the issue regarding the 14 acres owned by Mr. Vickers is still being disputed and so there has been no resolution.

X. IMPORTANT MEETING DATES

Mr. Larson reported the May 2013 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 17th, 2013, 7:00 am Executive Session, 8:00 am Regular Meeting.

The next Castle Pines Metropolitan District Board meeting will be held on Thursday, May 16, 2013 at 7:30 am.

The Board of Directors moved the July Board meeting to July 12th and the October Board meeting to October 11th.

XI. ADJOURNMENT

Motion Upon motion duly made and seconded, the Board unanimously approved to adjourn the March Board of Directors Meeting at 10:15 am.

Respectfully Submitted by,

Lisa Goodwin