

# **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, July 12, 2013**

**ATTENDEES:** Directors Linda Battin, 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, and Administrator Lisa Goodwin.

**OTHERS PRESENT:** Paul Dannels, Metropolitan District Manager and Jon Gray, District Engineer; Sean Owens, Douglas County Engineer; Residents: Gene Roberts, Don Somsky, Jim Florey.

**EXCUSED:** Terry O'Connor, Vice President (Director O'Connor was present for the Executive Session)

**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 8:06 a.m.

Mr. Larson reported two modifications to the agenda: (1) the Traffic Discussion item would be discussed during the Management Reports and (2) the addition of Item B. Kimball Property Agreement, under VIII. Information/Direction.

### **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 July 2013 Board Package)

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

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

Director Jacob presented the June 2013 Financial Report.

- There were no changes to the Capital Budget since last month.
- Regarding the Balance Sheet: investments were made as recommended at the June Board meeting.
- Administrative Labor Expense is \$14,000 positive; primarily a result of a reduction in summer seasonal labor.
- Emergency Services Computer Maintenance Expense includes the replacement of a router at the Canyon Club which will be re-categorized as an expense from the Reserve budget.
- Community Operating Expense will be approximately \$200,000 positive due to budgeted expenses that have not been realized under Cable Expense and Trash Expense.
- A reserve study will begin next month. The LRP&F Committee recommends that reserve funds be used to pay for this expense.

After discussion the Board directed that the reserve study be paid for from the 2013 expense budget.

Director Dugan stated that the LRP&F Committee should continue to ladder the Homes Associations Reserve Fund investments as much as possible.

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

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

Resident Gene Roberts of 5082 Hidden Pond Place requested to be heard by the Board on the issue of prairie dogs and landscaping in Village Lakes.

Mr. Roberts reported there are approximately 23 prairie dog burrows within the Village Lake subdivision and near the fence line that separates the CPHA from Vicker's property that borders the Village on the south side. Mr. Roberts reported there are four homes along that fence line between Ten Mile Place and Hidden Pond Place. Mr. Roberts asked the Board if anything can be done on this issue. Mr. Larson reported the prairie dogs have moved from the property bordering the Village in that area onto CPHA property. Mr. Larson reported mitigation efforts are not allowed when burrowing owls are nesting as they are a protected species and use the prairie dog holes as nesting locations. Mr. Larson further stated that he will work with Mr. Vicker's office to resolve the issue.

Mr. Roberts provided a handout of photos to the Board showing an area of CPHA open space that is predominately weeds. Mr. Roberts reported this property is located on the bottom half of the back of the homes that are built on Ruby Trust Way. Mr. Roberts reported one homeowner has extended their landscaping to include this area, but the next door neighbor has not and the area beneath their home contains not only weeds but also discarded construction materials and other debris. Mr. Larson reported this area is CPHA owned property. The Board stated this area should be cleaned up and restored to a “natural” look. Mr. Dannels stated the Castle Pines Metropolitan District will mow and clean up the area.

## **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 July 2013 Board Package)

Mr. Larson reported there has been a bear problem at the Canyon Club. He stated bears have been getting into the garbage toters that are placed outside by the lifeguard staff after the pool has closed for the day. Mr. Larson reported Waste Management (WM) has provided us with a bear-proof dumpster to include a lock and key. Mr. Larson reported the existing toters will be returned to WM, and the lifeguard staff has been directed to take out all garbage every day and place it in the bear-proof dumpster when the pool closes. Mr. Larson thanked Mr. Dannels for offering to give us their bear-proof dumpster should we have had to wait several weeks for WM to provide us with our own.

Mr. Larson reported the Division of Wildlife has been notified about our bear activity. Chief Grant reported the DOW will not take any action regarding the bears unless the bears become a nuisance; for example, by entering a home.

Director Dugan reported he has received two complaints regarding the large population of rabbits in the community. Director Dugan stated he anticipated the coyotes will be in greater number next winter as a result. Mr. Larson reported coyotes are one of the few animals that control their reproductive cycles by how much food is available; the greater the food source the greater the number of coyote litters.

Mr. Larson reported Director Battin contacted the City of Castle Pines and since they informed her they would be canceling the fireworks for the Fourth of July, we did not send a letter expressing our concern in regard to the planned fireworks display to the City as requested at the last Board meeting.

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

Mr. Owens reported the County filed a notice of intent to create a Quiet Zone with the Public Utilities Commission (PUC), and there is a 60-day review period for the PUC and Union Pacific (UP) to review the construction plans. Mr. Owens reported the County re-

bid the installation of the wayside horns and was ultimately able to save approximately \$40,000. Mr. Owens reported he expects the County's part of the construction project to begin in early September. Mr. Owens reported UP and Burlington Northern (BN) will also have construction requirements to complete the Quiet Zone. Mr. Owens reported it is possible that the Quiet Zone could be in effect by December.

Director Dugan stated it has been three months and Gate 1 repairs have not been completed. Mr. Larson responded the wood has not yet been stained and in order to match the color correctly it must be done by someone that knows how to match and mix the stain colors. Mr. Larson reported this would be resolved soon.

Director Dugan asked what happened to the trail along the berm inside Gate 3. Mr. Larson responded the trail will be reinstalled however the placement will be modified. Mr. Larson reported the trail will be a crushed asphalt trail and will be installed when the Metro District does their roto-milling of the roadways.

Director Skinner reported the Parks and Recreation (P&R) Committee reviewed all of the trail projects and determined approximately \$80,000 should be spent to install an asphalt trail near the Summit Club and not to pave the current crushed asphalt trail along Castle Pines Drive North inside Gate 3.

Director Skinner stated the P&R Committee made a decision to finish the trail system before doing upgrades to the existing trail system. Director Skinner stated he felt that most residents would want an asphalt trail to Gate 3 instead of an asphalt trail at the Summit Club. Director Battin stated she would support a paved asphalt trail inside of Gate 3 because it is a safety issue. Director Skinner asked that the P&R Committee consider all these concerns once the funds for new and improved trails become available. The Board asked Mr. Larson to come back to the next Board meeting with more information on this issue.

Director Dugan stated the new berm inside Gate 3 looks excellent; however the previous berm does not look very good and asked if dirt could be added to make it taller. Mr. Gray responded they were limited on the first 150 feet because there is a sanitary sewer line in the way. Mr. Dannels responded the Metro District will help with seeding the berm but must first go out to bid as the cost for seeding currently exceeds \$230,000.

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

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

Chief Grant reported:

- There were 638 incidents in June with nine medical assists.
- QuickPass reports showed entries continue to rise through the summer months.
- ES is monitoring the traffic to the Northstar development and has escorted as many as 36 trucks per day.

- ES is short one dispatch officer and is currently in the hiring process.
- There are two patrol officer positions left to fill however hiring will not occur until the new officers recently hired complete their training.
- The fire listed on the incident report was a mulch fire caused by a discarded cigarette.
- The number of barking dog reports have decreased slightly.
- There was an incident of an individual ringing a doorbell at night and leaving, and the resident found a two-liter soda bottle explosive device on his front porch. The use of this type of explosive device is considered to be a felony.
- Offensive and racially motivated graffiti was found on the Equinox park play structure but has since been removed.

### **VIII. Information/Direction**

**A. Traffic Discussion** – Paul Dannels and Jon Gray, Castle Pines Metropolitan District; Jim Florey, Emergency Services Committee

***Advanced on the agenda***

(See attached handout of presentation slides)

Mr. Larson reported the Emergency Services Committee (ESC) met and looked at the traffic study results from Gate 2 to Gate 4, or approximately four miles of roadway or eight lane miles. Mr. Larson reported traffic engineering broke down that area into three different locations and recommended enhancements for those areas. Mr. Larson reported the ESC discussed what constitutes a “traffic problem” – how to define it. Mr. Larson reported Directors Battin and Dugan were present at this ESC meeting.

Mr. Larson reported the ESC formulated and discussed three specific questions for review, discussion and feedback from the Board:

- (1) What constitutes a traffic problem?
- (2) What types of traffic enforcement should be utilized?
- (3) Should there be a modification to the fine structure and if so what should that modification be?

Mr. Larson reported the ESC recommends using the “85<sup>th</sup> Percentile Rule” in determining what the proper speed limit should be and then to utilize mitigation efforts of road engineering, enforcement activities and increased awareness through education. Mr. Larson stated if everyone is speeding in a particular area we need to ask why these drivers are comfortable at that speed and then either raise the speed limit, or utilize road engineering to make them uncomfortable when driving above the speed limit. Mr. Larson reported ES patrol officers will allow a five mph grace to those driving over the speed limit. Director Dugan stated he agreed with the definition of the 85<sup>th</sup> Percentile Rule as shown on the slide but had issue with the 5 mph grace for speeders.

Mr. Larson stated there could still be speeding problems in areas set within the 85<sup>th</sup> percentile rule as we do have the occasional aggressive driver. Mr. Larson stated we can try and determine who that person is by their time of entrance to the gate. Director Dugan stated he is uncomfortable with a policy that allows for a five mph grace over the posted speed limit as this could potentially be a liability issue for the CPHA. Director

Dugan asked that the 85<sup>th</sup> percentile rule be measured off of the speed tracked and not the speed tracked plus an additional five mph. Mr. Larson stated it is important that we determine a definitive standard or policy or we will not be able to fix the speeding problem. The Board continued discussion on the 85<sup>th</sup> percentile rule and the ES policy of allowing an additional 5 mph grace limit before issuing a violation.

Director Dugan stated that since we do not have unlimited resources for traffic enforcement we need to take the data we receive from the traffic study and use it for the management of speeding. Director Dugan added that we have a speeding problem in the Village but only at certain areas. Director Dugan stated this is a management problem and not a definition problem; we have the tools to find the problem so we need to create a management process and include enforcement. Chief Grant added we have limited staff and when we do traffic enforcement, the speeding driver sees us because we are visible and will then slow down.

*10:30 am – 10:35 am (break)*

Mr. Larson stated if there is a stretch of road that has been included in Metro's traffic study as having a speeding problem, and there is a speed limit of 25 mph, or if 85% of the drivers on that roadway are traveling in excess of 30 mph, then we have a speeding problem in that area. Mr. Larson stated that we would then need to take the following steps to discourage speeding: (1) work with the Metro District to employ engineering or enhancement measures in that area, (2) have ES increase traffic enforcement in the area, and (3) provide education on this issue to the residents. Mr. Larson also used the example that if the traffic study data indicates that 85% of the drivers in a particular area are going 27 mph (in a posted 25 mph), but at 6:00 am there is an individual driver going 60 mph then we do not technically have a speeding problem in that area, but we will need to concentrate our enforcement efforts to identify and correct that aggressive driver.

Mr. Larson stated it is also important to determine what types of traffic enforcement the Homes Association is willing to use. Mr. Larson reported some options include stealth traffic enforcement, unmarked cars and photo radar. Mr. Larson reported the ESC recommends using visible traffic enforcement. Mr. Larson reported photo radar could be used as an educational tool - residents would receive a warning notice. The Board discussed the benefits and obstacles of using photo radar.

Director Dugan stated that on occasion we need to use stealth enforcement. Director Jacob responded this would not be practical in some areas of our community. The Board requested and Mr. Larson agreed that he would work with the ESC and report back at the next Board meeting with a practical program to deter speeding.

Mr. Larson presented a slide showing the current fine structure and asked the Board what if any modifications should be made to the fine structure. Mr. Larson reported the ESC recommends doubling fines on a second offense that occurs within a one year period. The Board agreed with the ESC's recommendation.

Director Dugan presented to the Board a slide entitled "Notice of Violations" showing the number of violations written by year. Director Dugan stated there were a total of 91

violations written in the first 6 months of this year. Director Dugan asked why the total number of violations for 2013 has been lower than in previous years. Chief Grant reported they are looking at rotating the patrol officers to do traffic enforcement. Director Dugan reported he is working on formulating a “quality process” that he will be ready to present to the Emergence Services Committee in September.

**C. Castle Pines Metropolitan District (CPMD) Items** – Paul Dannels, General Manager and Jon Gray, District Engineer.

Mr. Dannels reported there were 75 beaver dams within Plum Creek that had to be removed as they were affecting the flow of the water, which in turn affects our community's water rights.

Mr. Dannels reported the Metro District will be installing a pull-out at the school bus stop at Mirage and Castle Pines Drive South. Mr. Dannels stated he would like to see a mentor program where a volunteer rides on the bus and educates the children on safety issues at bus stops. Mr. Dannels stated he would also like to have a volunteer parent to be at the bus stop during pick up and drop off times to help educate the children to stay out of the street. Mr. Dannels added this would be a community initiated program. Director Skinner suggested we send out a letter to the parents of the children at that bus stop encouraging them to organize a safety patrol.

Mr. Dannels thanked ES for providing the Metro District with notification when a street light is not working. Mr. Dannels reported he spoke with a representative of Douglas County who indicated they would be coming out to fix the light pole outside of Gate 1.

**VII. ACTION ITEMS**

**A. Confirmation of Email Vote on Establishing Banking Relations** – Mark Larson

**Motion** Upon motion duly made and seconded, the Board unanimously confirmed the email approval of the resolution as presented to establish a banking relationship with Compass Bank and Colorado Federal Savings Bank.

**VIII. Information/Direction**

**B. Kimball Property Agreement** – Director Dugan  
*Added to the Agenda*

Director Dugan reported the Board has continued to evaluate the amendment to the Kimball Property Agreement. Director Dugan reported the Board met with the DRC for clarification and expects to have a vote on the modification to the agreement at the August meeting.

**X. IMPORTANT MEETING DATES**

Mr. Larson reported the August 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, August 16, 2013, 7:00 a.m. Executive Session, 8:00 a.m. Regular Meeting.

The next Castle Pines Metropolitan District Board meeting will be held on Thursday, August 15, 2013 at 7:30 a.m.

Mr. Larson reported the November Board meeting has been moved up a week to November 8<sup>th</sup>.

## **XI. ADJOURNMENT**

**Motion** Upon motion duly made and seconded, the Board unanimously approved to adjourn the July Board of Directors Meeting at 11:25 am.

Respectfully Submitted by,

Lisa Goodwin