

**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, September 17, 2010**

**ATTENDEES:** Directors Al Dugan, President; Len Jacob, Treasurer; Kim Wagner, Secretary; Dan Roth, 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 from the Metropolitan District; Residents: Craig Sundquist; Don Somsy; Gene Roberts; Ron Page; Monica Flinner-Ross; Joe Gschwendtner, Chairman Metropolitan District Board of Directors; Jack Hummel; Linda Battin; Jerry Raskin; Chuck Skinner; Susan Beane; Woody Howarth; Andrew Boutilier; Norm Froman; Charcy Russell.

**EXCUSED:** Director Jim Walker

**MEETING AGENDA:** See attached.

**I. EXECUTIVE SESSION**

The Board of Directors met in an executive session and discussed a number of items including the program for the Volunteer Recognition Dinner on September 29<sup>th</sup>; how to implement changes in the Rules and Regulations document; and a review of the discussion held on the roundabouts at the Castle Pines Metropolitan District's Board of Directors meeting held on Thursday, September 16<sup>th</sup>.

**II. CALL TO ORDER**

The general meeting was called to order at 8:08 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**

**Motion** Upon motion duly made and seconded, the Board approved to accept the August 20, 2010 Board of Director meeting minutes with corrections as noted.

**V. FINANCIAL REPORT** – Director Len Jacob, Chairman of the Long Range Planning and Finance Committee.

Director Jacob presented the July Financial Report. (*See Tab #2 of the September 2010 Board Package*)

Director Jacob reported:

- One million in certificates of deposit are scheduled to come due in the months of November and December and the LRP& F Committee is presently looking for investment opportunities.
- Overall, variances within the budget look good for end of the year projections. There were 10 additional home sales this month, and DRC revenue is projecting to come in on budget.
- Administrative labor is currently \$13,000 positive to budget and is projected to be \$26,000 positive for the year.
- Emergency Services labor expenses are positive in payroll and negative in contract labor due to the staffing requirements for the gates. This line item is on track to come in at \$45,000 positive for the year.
- Equipment M&R expense includes repairs done at Gate 5. Chief Grant reported that they are working with the insurance company of the individual who hit Gate 5 to get full compensation.
- QuickPass installation expense includes a negative variance of \$2,500. Originally the installation was to be capitalized, but now that we are going to rent the equipment instead, all of the associated costs will need to be expensed. Total expenses for installation are projected to be \$20,000.
- From the Community Operating Expenses line item, \$6,000 for utility expenses were transferred to the Summit Club. The LRP&F Committee is continuing to project an \$82,000 positive variance due to over budgeting Comcast expenses at the beginning of the year.
- Total expenses are projected to show a positive variance of \$111,800 for the year; however, with the anticipated installation costs for QuickPass, that variance will be closer to \$90,000 positive.

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

Mr. Larson reported that he will be meeting with the lawyer next week to discuss delinquencies.

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

There were no homeowners requesting to be heard by the Board.

## **VII. MANAGEMENT REPORTS**

### **A. General Manager –Mark Larson, General Manager**

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

Mr. Larson reported Terra Firma conducted a meeting for all employees to discuss the new 401K plan. Mr. Larson reported that Director Jacob will replace Director Roth as the CPHA representative for the 401K plan.

Mr. Larson reported that the Forest Stewardship Committee had Mike Bahm, formerly of the Colorado Forestry Service, to come out to look at some of the trees in the Village. Mr. Larson reported there has been an increase in mountain pine beetle primarily on the south side of the Village; 40 trees have since been identified with beetle. Mr. Larson stated that the ips and turpentine beetles attack trees under stress. The mountain pine beetle can attack healthy, older trees. While spraying is effective if done at the right time, it is not possible to spray every tree in the Village. Mr. Larson reported that the Homes Association is removing trees from open space areas that show signs of beetle. Funding for this expense will come from Landscape and Maintenance budget Resident Jack Hummel, Chairman of the Forest Stewardship Committee (FSC), addressed the Board. Mr. Hummel reported that the infestation of mountain pine beetle within the Village is increasing. Mr. Hummel recommended that trees be sprayed in April for ips beetle and in June for both ips and mountain pine beetle. Mr. Hummel added that the FSC is also looking at fire mitigation needs within the community. There are areas that have been identified by Mr. Bahm where trees are too close and should be thinned out.

Director Dugan asked how much it costs per tree to protect it from beetle. Mr. Hummel stated that it would cost approximately \$10.00 per tree. Mr. Hummel added that there are somewhere between a half-million to a million trees in the Village. Mr. Hummel stated that the natural way to kill beetle is through a harsh winter and by having a diversity of trees. Mr. Hummel stated that taking care of your trees in the winter by watering them frequently will also help protect them from beetle. Director Dugan requested that the FSC put together a check list for residents on how they can best protect their trees throughout the year. Mr. Hummel reported that an article on this topic will appear in the October issue of the Village Reporter discussing how to identify a beetle ridden tree, when to spray, and beetle prevention that can be done through the winter months.

Resident Don Somsy addressed the Board on the train whistle issue. Mr. Somsy reported that a consulting firm hired by the County has presented a newly revised, reduced cost proposal to create a quiet zone between the two existing public crossings on Santa Fe. The new cost to implement a quiet zone from the public crossing just north of Meadows Boulevard to the public crossing at Sedalia is approximately \$100,000, which is a \$250,000 savings from the previously presented proposal. Mr. Somsy reported that the County must first submit this proposal to the Federal Railroad Administration in Washington for “interpretation of the existing public crossings”, as this decision cannot be made at the local level. Mr. Somsy reported that he would provide

Director Dugan with the contact information for the individuals in Washington. Mr. Somsky reported that resident Ron Page has also worked very hard on this issue and just recently went to Congressman Coffee's office to elicit support; they are also planning on visiting Senator Udall and Senator Bennet's office.

## **B. Design Review Committee (DRC) Report – Mark Larson, General Manager**

Mr. Larson reported that the DRC continues to meet once a month. This month's meeting will be held next week as Director Walker and Committee member Alan Forker are both currently out of town.

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

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

Chief Grant reported:

- ES conducted their second, free CPR class for residents. The cost for materials was paid for by ES at a cost of approximately \$30 to \$35 per student. 18 residents were scheduled and 15 attended.
- A gate officer resigned and ES is presently interviewing for a replacement.
- A legal and liability training session was held this month for all of the ES Officers. The course was conducted by a representative from the District Attorney's office. All patrol officers are required to have five hours of this type of training per year.
- Overnight parking enforcement has been increased this month with primarily warnings issued.
- QuickPass installation is almost complete and is expected to go live by October 1<sup>st</sup>. A letter will be sent in early October to all residents providing them with their login ID and password; several resident training sessions will be also held in mid-October on how to use the online system.
- There have been incidences of delays at the gates over the past several weeks due to technical issues during the transfer of data from our existing system into QuickPass, and also due to the "training curve" for the Gate Officers on the new hand-held device. The pin number system with QuickPass utilizes a 5-digit pin code instead of the 4-digit pin code that we are presently using. The transition to the 5-digit code created some technical problems as the QP system could not process the 4-digit codes that were issued through the "Police Files" database. Director Dugan asked when ES will be able to resolve the problem of delays at the gates. Chief Grant responded that the Police Files database should be completely transferred into QuickPass by the end of this week. Director Dugan asked what would be a reasonable time to expect to wait at the gates. Chief Grant responded that it should be no more than 30 seconds, unless a visitor arrives at the gate that was not called in by the resident – in this case the wait could be several minutes or more as the gate officer attempts to reach the resident at their listed phone numbers. Mr. Larson added that not clearing a guest in advance is the primary contributor to delays at the

gates. The new QuickPass system simplifies the process of clearing guests by allowing residents to enter their guests online and at their convenience via QP's website.

- Standards Monitor Jo Lewis has been equipped with a “netbook” laptop and a wireless internet card that she can use at Homeowner Briefings to train new residents on the QuickPass system and help them login.
- ES has received a lot of positive feedback regarding QuickPass's ability to print turn by turn directions for visitors.
- Director Roth stated that when the Board approved QP, a stipulation was included in that approval; once the system was working effectively we would look at the possibility of scaling back the gate officer hours in order to help offset the installation costs for QP. Mr. Larson responded that due to the phasing plan presented by the Metro District for the construction of the roundabouts on Happy Canyon and the inclusion of gate closures throughout the construction process, the Emergency Services Committee determined that it would not be a good idea to scale back on gate officer hours as the construction at gate one would increase traffic at the other gates. Director Dugan asked Mr. Larson to include this topic on next month's Board agenda for continued discussion.

## **VIII. ACTION ITEMS**

### **A. Capital Request, Gate One Guard House Construction**

Director Dugan reported that the Board would not be taking action on this agenda item at this time in light of the Castle Pines Metropolitan District's Board of Director's recent decision to defer the construction of the roundabouts until early next year.

## **IX. INFORMATION/DIRECTION**

### **D. Expansion of Santa Fe Landfill - Director Al Dugan** *Advanced on the Agenda*

*(See August 2010 Board Packet, Agenda Topic IX. Information/Direction, Item “D” for previous discussion on this issue)*

Director Dugan reported that he and General Manager Mark Larson attended an organizational meeting held at the Cherokee Ranch. Also in attendance were representatives from the Castle Pines Golf Club, the Country Club at Castle Pines, the Cherokee Ranch Foundation and several other local organizations. Director Dugan reported that the Cherokee Ranch Foundation is currently working to develop a charter of responsibilities and tasks for a coalition group to contest the expansion of the Santa Fe landfill. Because the coalition group will be comprised of approximately 25 people, it was determined that a steering/executive committee of five people would be appointed to run the group. Director Dugan reported that they would like to have one representative from the CPHA Board of Directors on their executive committee. The

Board discussed that Director Walker should be CPHA's representative, Director Dugan stated he would talk to Director Walker about this issue.

Director Dugan reported that early discussions have proposed that the major parties involved contribute \$10,000 each to help fund the efforts of the coalition group. Director Dugan added that the Cherokee Ranch Foundation is not capable of disclosing what they have spent to date, or what they can spend in the future. The Board stated that they are concerned that the expanded landfill will create more traffic on Happy Canyon due to the increased number of trash trucks; and that the landfill will also utilize the nearby rail lines to bring trash to the dump, creating a very massive, regional landfill facility.

**E. Metropolitan District Items** – Joe Gschwendtner, President CPMD Board of Directors; Paul Dannels, General Manager  
(*Advanced on the agenda*)

Joe Gschwendtner, CPV Resident and Chairman of the Castle Pines Metropolitan District's Board of Directors, addressed the Board. Mr. Gschwendtner reported that the CPMD Board, at their meeting on Thursday, determined that they would not be moving forward at this time with the construction of the roundabouts on Happy Canyon Road and that the project would be postponed until next year pending further review of the submitted bids and the completion of value engineering on the project.

**B. Village Trails – Parks and Recreation Committee Presentation** – Chuck Skinner, Chairman of the Parks and Recreation Committee; Resident and Parks and Recreation Committee Member, Monica Flinner-Ross.  
(*Advanced on the agenda*)

Mr. Skinner thanked Director Dugan and Director Roth for their participation in last month's Oktoberfest event.

Mr. Skinner presented a powerpoint presentation to the Board entitled "Plan to Finish the Castle Pines Village Trails" (*see attached handouts of the presentation*).

Mr. Skinner reported that there are approximately 11 miles of trails within the Village, that are all different "types", and they are all non-destination trails. Mr. Skinner reported that it is the intention of the Parks and Recreation Committee to complete the circumnavigation of the trails throughout the Village on the north and south sides as the budget allows. Mr. Skinner reported that there are 2.2 miles of trails to complete. The proposed budget request estimate to complete the north and south trail loops is \$387,000 which was based on the 2010 estimate of \$35 per linear foot for construction and material costs

Mr. Skinner reported that the trails would be designed with either a six foot to eight foot width depending upon their location. Mr. Skinner reported that an eight foot wide trail has a lower installation cost than a six foot wide trail, is easier to construct as the machines used are geared for that width, and the Metro District's snow clearing machines are also designed for an eight foot width. Mr. Skinner added that eight foot wide trails can better accommodate multiple walkers and baby/jogging strollers. All of

the trails would be made of asphalt and not concrete and they would also be ADA compliant by minimizing steep inclines and down slopes to no more than 5% maximum.

Mr. Skinner reported that the Parks and Recreation Committee have divided the project into seven different segments. The first trail project is the trail between Gates 3 and 4. The existing trail would be extended to bring it up through Gate 3 and then come through Gate 4 and continue over the bridge to connect to the Canyon Club through the trail that presently runs through Haskins Gulch behind the CPHA building. The cost for this project is estimated at \$44,000.

Mr. Larson reported that No Trespassing signs would be posted at the trail leading to Haskins Gulch and at the trails located at the entrance to Gates 1 and 2.

Mr. Skinner reported that the second trail project would be at Gate 2. The trail would go past the lake inside Gate 1 and then connect to Happy Canyon Road before the roundabout; from there it would then connect with the trail across the street at Gate 2. It was noted that the trail is not permitted to go through the apron of the roundabout.

Ms. Flinner-Ross reported that the delay of the construction of the roundabouts may be advantageous as it may be more cost effective to install the trails when the roundabouts are installed.

Mr. Skinner reported that the third trail project would be in the location of the Kimball property. The cost to complete this project would be approximately \$46,000 with \$20,000 of that coming from the developer of the Kimball property per their annexation agreement with the Homes Association.

Mr. Skinner reported that the fourth trail project would connect the Summit Club to Country Club Parkway. The fifth trail project is on the South side of the Village, located down Castle Pines Drive South, and is projected to cost approximately \$130,000. The sixth trail project is located on lower Castle Pines Drive and the seventh trail project would complete the trails surrounding the lake at the Village Lake Fitness Center.

Mr. Larson reported that a certain amount of the year's budget for new capital would be dedicated to the trail project over the next several years until the project was completed. The Board stated that they can work off the plan as presented and make choices as to which segment would be completed next. Director Jacob stated that they could budget by segment. Director Roth added that the Board could allocate funding based on this plan and then adjust for inflation.

#### **A. Exit from Village on to Daniels Park Road** (Homeowner Requested Agenda Item)

Resident Susan Beane from One Eagle Point addressed the Board to request that an exit-only gate be installed from the Village on to Daniels Park Road. Ms. Beane stated that her request for an exit only gate is out of a concern for the safety of residents in the area of Eagle Point and International Isle. Ms. Beane stated that in the event of a fire there is no quick and easy exit from the Village.

The Board stated that this is a reasonable request and falls under the purview of the Emergency Services Committee (ESC) to first analyze the feasibility and cost of such an exit gate. Mr. Sundquist, Chairman of the Emergency Services Committee, requested that Ms. Beane attend the next meeting of the ESC to further discuss this issue.

Ms. Beane asked the Board if the Homes Association, as the master association, could assist in requiring that her sub-association cease the practice of conducting secret meetings. Mr. Larson responded that the CPHA does not have authority over the actions of the community's sub associations. Mr. Larson added that Colorado Law SB100 includes provisions prohibiting secret meetings, and that SB100 applies as much to a sub-association as it does to a master association.

Resident, lawyer and former CPHA Board Director, Jerry Raskin stated that the master association has no control over the sub associations because of the way that the master association covenants were constructed. Mr. Raskin stated that SB100 provides many rights to a member of a sub association and suggested that pointing out the provisions of SB100 to the sub association's board may resolve the problem without having to hire an attorney. Mr. Larson stated that he would send a copy of SB100 to Ms. Beane via email.

Ms. Beane asked the Board to consider working with Waste Management to include every week pickup for recycling, and to reduce trash pickup to once a week in an effort to increase the Village's participation in recycling. Ms. Beane stated that the recycling bins provided by the Homes Association are too small and allow for a limited amount of recycling materials. Resident Linda Battin stated that she places her recycling in plastic bags and they are picked up by the recycling truck.

Director Dugan stated that they could meet again with Waste Management to see if this is a possibility. Director Dugan reported that Waste Management has stated they are losing money on recycling.

## **B. Rules & Regulations Concerning the Carrying of Firearms in the Village –** Director Al Dugan

Director Dugan reported that at the August Board meeting the Board received valuable input from residents regarding the revision and update of the CPHA's Rules and Regulations document.

*(See August 2010 Board Packet, Agenda Topic IX. Information/Direction, Item "B" for previous discussion on this issue)*

Resident Jerry Raskin addressed the Board as a representative of several Village residents that wish to amend the current rule regarding the carrying of firearms in the Village. Mr. Raskin proposed that Rule 9 on hunting be amended to allow for the hunting and trapping of pests that do property damage – such as voles, squirrels, wood rats and Norwegian rats.

Director Roth stated that the removal of pests is provided for in other places within the Rules and Regulations document so that a resident is allowed to trap varmints. Director Roth suggested that the separate items be combined into one rule for better clarity.

Director Dugan stated that the Wildlife Committee may be concerned about an imbalance in the ecosystem should we permit the unlimited removal of "pests"; he added the Wildlife Committee should be allowed to provide input on this issue.

Mr. Raskin stated that Rule 10 is unnecessary and redundant. Resident Woody Howarth stated that there are "many residents that are extremely sensitive about the way Rule 10 is written particularly as it conflicts with the Second Amendment". Director Roth stated that he would like to see Rule 10 removed from the Rules and Regulations.

Mr. Raskin stated that in regards to Rule 11 they would like to ask for an exception to the rule that would allow a resident to install a firing range in their home; and with the added language to the last sentence: "that are otherwise in accordance with the law". Mr. Raskin stated that "exercising a statutory or common law right should not place you in violation of a rule of our community". Director Dugan stated that he was concerned about bullets from a firing range exiting the home and asked if there is a type of certification for home firing ranges. Director Dugan stated that the Board would need to explore this issue further particularly regarding the possibility of liability to the Homes Association.

Resident Norm Froman stated that there are currently firing ranges installed in some of the homes in the Village. Mr. Froman suggested that language be included that states the resident is responsible for the safety of the range. Chief Grant stated that there are standards and requirements to a firing range.

Resident Andrew Boutilier stated that he would like Rule 11 amended so that he can go outside of his home with his son to shoot his BB gun. Mr. Boutilier added that going outside to shoot a BB gun is permissible within Douglas County however doing so will put him in violation of our rules. Director Roth stated that there are residents in this community that have the expectation that their neighbors will not be discharging a firearm at or near their home. Mr. Raskin stated that not having this rule might discourage people from moving here. Mr. Larson stated that the rule currently states that you cannot discharge a firearm outside your residence and on your property. Mr. Larson also stated that there is no delineation of property lines within our community. Director Dugan stated that this issue must be reviewed by our attorney.

Mr. Larson stated that all of the resolutions passed by the Board of Directors to date have been included into the Rules and Regulations document, and no rules have been changed. Director Dugan stated that the Board is going to work through all of the rules and regulations and have an updated document completed and approved to be included in the packet for the next Annual Meeting of the Members.

## **X. IMPORTANT MEETING DATES**

Mr. Larson reported that the October 2010 Board Meeting will be held in the Castle Pines Homes Association Conference Room located at 688 W Happy Canyon Road, Castle Rock on Friday, October 15, 2010, 7:00 am Executive Session, 8:00 am Regular Meeting.

The next Castle Pines Metropolitan District Board meeting will be held on Thursday, October 21, 2010.

The Volunteer Recognition Dinner will be held at Cielo of Castle Pines on Wednesday, September 29<sup>th</sup> at 6:00 pm.

## **XIII. ADJOURNMENT**

**Motion** Upon motion duly made and seconded, the Board unanimously approved to adjourn the September Board of Directors Meeting at 10:36 am.

Respectfully Submitted by,

Lisa Goodwin  
Administrator