

**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 20, 2009

ATTENDEES: Directors Jerry Raskin, President; Ed Will, Vice President; Jim Walker, Secretary; Al Dugan, Treasurer; Dan Roth, Director; Present from the CPHA Staff were: General Manager Mark Larson, Chief of Emergency Services Drew Grant, Accountant Carol Tilton, Design Review Administrator Jerry Winkelman, Standards Monitor Jo Lewis, Receptionist Linda Matthews.

OTHERS PRESENT: Mike Staheli from Jack Vickers office; Paul Dannels from the Metro District. Residents: Linda Battin, Monica Flinner-Ross Chris Hansen, Jack Hummel, Len Jacob, Marti Jones, Mark Jost, Bill Kingery, Gene Roberts, Lydia Roberts, Chuck Skinner, Eunice Sun, Jack Vickers, Kim Wagner.

MEETING AGENDA: See attached

I. EXECUTIVE SESSION

The Board of Directors met in an executive session and discussed legal matters and other matters to be brought up in open session.

II. CALL TO ORDER

The general meeting was called to order at 8:07 a.m.

III. CONFLICT OF INTEREST DISCLOSURE

Board members should 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 unanimously approved to accept the January 16, 2009 Board of Director meeting minutes as presented.

V. FINANCIAL REPORT

Len Jacob of the Long Range Planning and Finance Committee presented the January Financial Report. (see attached)

Motion Upon motion duly made and seconded, the Board unanimously approved to accept the January 2009 Financial Report as presented.

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

Resident Mark Jost of 387 Titan Place requested to be heard on the issue of the annual Member's Meeting proxy vote. It was requested that this topic be addressed at 9 a.m. when attorney Mark Payne of Winzenburg, Leff, Purvis and Payne would be joining the meeting via conference call. Mr. Jost agreed.

VII. MANAGEMENT REPORTS

A. General Manager – Mark Larson

Mark Larson, General Manager of the Castle Pines Homes Association, presented his Management Report. *(See attached report)*

Mr. Larson shared details of the Wildlife Committee Pancake Breakfast coming up Saturday, February 21, 2009, 8 am to 11 am. Activities will include a storyteller, mask making, special exhibits by the Division of Wildlife, bluebird box assembling, and a live bird on display.

Mr. Larson and Chief Grant will prepare the pancake and sausage breakfast. The bluebird boxes will be numbered and a map will show the placement of each bluebird box. Children that assembled a box will be able to locate their bluebird box and information regarding the bluebirds can be emailed to the box builder.

Mark Larson and Jerry Winkelman met with Renaissance Home Builders (RHB). Renaissance is acquiring 15 of the 18 lots in Chateau Ridge that are in foreclosure. RHB is planning to finish the five homes already under construction and will build the other with similar materials and design. They are interested in the other three lots as well. RHB has built in the Village before and is willing to come to the March CPHA Board meeting to give an update. Mr. Larson reviewed the dues with them.

Conference call with CPHA attorney Mark Payne of Winzenburg, Leff, Purvis and Payne to discuss the election of Board members at the annual meeting March 9, 2009 was delayed until 9:10 am.

B. Design Review Committee Report – Jerry Winkelman

Jerry Winkelman, Design Review Administrator, presented the DRC report. *(See attached report)*

Mr. Winkelman reports that construction is very slow at the moment. No new homes have been presented and spec homes are still high. Custom lots are not expected to do anything and the CPHA has reduced income by 75% in the budget. Homeowners are still remodeling, i.e. decks.

Jerry presented the revised Contractor Rules and stated that there were minimal changes made and that Emergency Services had reviewed and approved the changes.

Motion Upon motion duly made and seconded, the Board unanimously approved to accept the revised version of the Contractor Rules as presented.

The new event center on Happy Canyon Road, Cielo, has its first wedding scheduled for April 9, 2009. Jerry Raskin reported that the facility looks great and will be impressive.

Discussion was held regarding the Kimball property that is to be annexed into Castle Pines Village. Platting is to be done by July 09. Paul Dannels reported for the property to be annexed into the Castle Pines Metro District, it must go through the courts. Jim Walker mentioned it would be best to annex into the Village after it is annexed into the Metro District.

C. Emergency Services Report – Drew Grant

Drew Grant, Chief of ES, presented the Emergency Services report. (*See attached report*)

Chief Grant stated that animal nuisance, domestic and wildlife complaints are up. The unofficial dog park on the south side has been addressed and residents were very cooperative and understanding. Dog owners are using other areas in the Village to allow their dogs to run off leash as well. Chief Grant assured the Board ES is enforcing the rules. Parking NOV's have increased. ES is currently working on updating resident information for the files. Letters are being sent to residents based on address. Response has been good.

Paul Dannels reported on the ailing Bald Eagle taken to a refuge area from the Village. The Eagle died and it was determined that the Eagle was poisoned when it ate a poisoned coyote. The Department of Wildlife is investigating. Jerry Raskin reports it is illegal to poison or harm a Bald Eagle.

VIII. ACTION ITEMS

A. Pool Management Contract – Kyle Hansen and Meredith Woodrow

The P&R committee has reviewed a proposal for a new pool company, Apollo Aquatics, to manage the pools. Apollo's quote is about \$30,000 less than our current company; Doherty Swimming Pool Management Co. Apollo has been in business since 1994 and received favorable reviews from references when CPHA staff contacted them. Chemicals are not part of the quote however Mark Larson did speak to Apollo about the pricing on chemicals and CPHA can provide own chemicals. The P&R committee recommends using Apollo Aquatics for the coming year.

Motion Upon motion duly made and seconded, the Board moved and unanimously approved the Park & Recreation Committee's recommendation to use Apollo

Aquatics for the 2009 summer season in accordance with the contract presented for the Canyon Club, Summit Club and Village Lake Fitness Center.

Meredith Woodrow gave an update on the Village swim team. 130 swimmers from 96 families participated last year and the team is undefeated for the past two years. This is a recreational team, not a competitive team. The P&R committee recommends changing the time for swim team practice to 8:45 am to 10:45 am at the Canyon Club. The Canyon Club will be ready for general use by 11 am. Swim lessons will be held at the Summit Club.

Motion Upon motion duly made and seconded, the Board moved and unanimously approved the Parks & Recreation Committee's recommendation to change the swim team practice to 8:45 am to 10:45 am.

B. Contractor Rules – Jerry Winkelman and Drew Grant

Discussion and approval handled during Design Review Committee management report previously in the meeting.

Conference call with attorney Mark Payne received. Mark Larson reported that he had received questions surrounding the election process for Board members. The election of the Board members is being handled by Computershare. To date, just short of 300 proxies have been received at Computershare. Information regarding who has submitted a proxy is available; however how they have voted is not available. Mark detailed how the proxies are being handled to the Board and Mark Payne to verify the process is sound and satisfies state law. The proxy includes selection of an individual to act as proxy, the list of candidates running with a directive to select two candidates, and an information section with date, signature, name and address of voter. Mr. Jost, resident and candidate for Board, asked about the proxy by default and if the default proxy has any legal right to vote on behalf of a person that did not send in their proxy. The proxy by default allows a resident's vote to be counted even if the voter fails to appoint a proxy. The proxy states that Ed Will will be assigned as the proxy by default. The person serving as proxy, is bound to cast the vote(s) in the manner directed by the resident(s) on the proxy. The person assigned as proxy has no authority to change a vote or select an additional vote even if the proxy has selected only one candidate. Mr. Payne explained that if a resident takes no action, i.e. does not submit a proxy, the default proxy has no authority to act on behalf of that resident. It was also explained that if a proxy is submitted to an individual appointed as proxy with instructions for the assigned proxy to select the candidates, this is not allowed. Ed Will, Al Dugan and Dan Roth all indicated they had been asked by residents to choose the candidates and had told said residents they would not vote on their behalf. Any proxies with no candidates selected will result in no votes and be used for quorum purposes only. For whatever reason, if a voter wants to alter their proxy, they are welcome to submit a new proxy. The proxy dated closest to the election will be the proxy counted on behalf of any given resident. If a resident attends the annual meeting but has already submitted a proxy, they will be offered the opportunity to vote and their proxy will be withdrawn. It was Mark Payne's professional opinion that the procedures and policy for proxies in the election of Board members that were discussed and well within the law. It was

suggested, to eliminate confusion among residents that the CPHA put out a communication to voters explaining the proxy process.

Break, 9:25 am

C. Enforcement Committee Decision Appeal

Eunice Sun of 522 Providence Drive requested a reduction of fines for her violation of planting Blue Spruce trees without DRC approval. Harry and Eunice Sun were first notified of the violation in March of 2008. The process ran its course with no response from the Suns. Mrs. Sun indicated she was out of the country from October through December. The trees have been removed.

Motion Upon motion duly made and seconded, the Board moved and unanimously approved the recommendation to reduce the fine for 522 Providence Drive to \$200 plus \$679 for legal fees and additional legal fees not yet billed with the fine due within 30 days.

The Suns will be notified in writing and via phone call the total amount of the fine and will be given 30 days from that date to pay the fine.

IX. INFORMATION/DIRECTION

A. Lagae Road Traffic Issue – Mark Larson

Mark Larson and Ed Will met with Douglas County Commissioner Jill Repella regarding traffic on Lagae Road that will be generated by the new charter school opening fall 2009. Ms. Repella indicated the road is not necessarily under jurisdiction of the County, rather in Castle Pines North. The concern is whether the two entrances will be operational when the school opens. Mr. Larson will be in contact with the school principal and Chris Fellows.

B. Happy Canyon Traffic Study

Douglas County conducted a traffic study on Happy Canyon Road. License plate monitoring devices were placed along Happy Canyon Road. A draft report is out and can be found on the Douglas County website.

C. Technology Committee Update – Al Dugan

The first organizational meeting was held on February 19, 2009 with six of the 10 interested people in attendance. A rough charter is in place to be refined at a later date. Three areas of concentration are computers, telecommunications and business processes. Mr. Dugan stated this committee is to be an advisory group rather than policy setting. People interested in serving on the committee are welcome regardless of the amount of time they have to give. The next meeting will be Thursday, March 5. Mark Larson, Drew Grant, Anchor Network Solutions and Luminosity will attend the next meeting to discuss technologies in use and to use in the future. Discussion was held

regarding the legality of this being considered a committee or a group. No decision was reached.

D. Village Access Control – Drew Grant

Emergency Services is moving ahead with a new access system. A recommendation with specifics will be made at the next Board meeting. New gate hours and procedures will begin in March. On March 2 Gates 1 and 4 will be staffed 24 hours and on March 16 a new entry policy for visitors begins; visitors must enter through a staffed gate only. ES is getting the word out via the Village Reporter, at sub association meetings and at the Annual Meeting on March 9.

E. Summit Club – Jerry Raskin

The Summit Club is substantially complete and will open summer '09. Mr. Raskin commented that Jack Vickers and Aslan did a great job building the facility and that it will be a real asset to the community. The facility was to be built for \$1.45 million but cost just under \$1.7 million. A provision in the contract states that the CPHA would receive the Summit Club free and clear without encumbrances. Jack Vickers has asked that consideration be given by the Board regarding the overrun between \$1.45 million and \$1.7 million. Mr. Vickers indicated that regardless of what consideration the CPHA Board may give, the Summit Club will be deeded free and clear to the CPHA with litigation out of the question.

Motion Upon motion duly made and seconded, the Board moved and unanimously approved the recommendation to pay Jack Vickers/Aslan \$50,000 by the end of 2009 and another \$50,000 by the end of 2010 out of consideration and accommodation for the overrun on the Summit Club.

F. Metropolitan District Items – Paul Dannels

A new water well is being drilled by the Metro District in the upper Summit and Cliffs area due to high demand for water. The cost to drill is \$200,000 with the pump and motor estimated to cost \$150,000. The well will be about 800 feet deep.

X. IMPORTANT MEETING DATES

Meeting to review presentations for Annual Meeting, Thursday, March 5, 2009, 4:30 pm, Castle Pines Homes Association Conference Room

The Annual Meeting of the Members will be held on March 9, 2009, 7 pm at the Country Club at Castle Pines.

The March 2009 Board Meeting will be held in the Castle Pines Homes Association Conference Room located at 688 Happy Canyon Road, Castle Rock on Friday, March 20, 2008, 7:00 am Executive Session, 8:00 am Regular Meeting.

Next Metropolitan District Board meeting - Thursday, March 26, 2009.

Mark Larson reported on the situation regarding hunting on the property adjacent to the Village owned by the Kings. The Metro District has authorized up to \$10,000 to help pay for legal fees in association with the hunting issue. CPHA has a temporary injunction against hunting on the King property and the hearing for the permanent injunction to grant or reject permanent injunction is coming up in March. Residents are encouraged to attend the hearing and the CPHA needs to educate and communicate to residents about this issue.

Ed Will acknowledged that this is Jerry Raskin's last Board meeting and thanks him for his service and dedication to the Village. A resolution will be read at the Annual Meeting.

XIII. ADJOURNMENT

Motion Upon motion duly made and seconded, the Board unanimously approved to adjourn the February Board of Directors Meeting at 10:50 am.

Respectfully Submitted by,

Linda Matthews
Receptionist