

**CASTLE PINES NORTH METROPOLITAN DISTRICT  
SPECIAL MEETING MINUTES  
NOVEMBER 14, 2022 – 6:00 p.m.**

**HELD:** Monday, November 14, 2022 at 6:00 p.m. at the Castle Pines North Community Center, 7404 Yorkshire Drive, Castle Pines, Colorado.

**ATTENDEES:** Directors Denise Crew, Chuck Lowen, Tera Radloff, Jason Blanckaert and Chris Lewis were present. Nathan Travis, Interim District Manager was present as well as Kim Seter, Legal Counsel; David Anderson, District Parks, Trails & Open Space Manager; Corby Wise, videographer; and Terrence Lovett, live stream technician.

**CONFLICTS:** None.

**QUORUM:** Present.

**CONSIDERATION OF AGENDA OF THE MEETING OF THE BOARD OF**

**DIRECTORS:** A new item III was inserted and all other items were renumbered. The new item is presentation of a potential new location for the proposed skate park.

**SKATE PARK LOCATION:** President Lowen described a parcel of land shown on a map that the City intends to purchase. It was formerly designated as a school site. The Mayor, City Manager and some council members are already on board with relocating the proposed skate park to that site. It would become part of Coyote Ridge and be conveyed to the City pursuant to the intergovernmental agreement regarding parks and open space that is in the works. Manager Travis notes that the location is better because of the access, visibility and distance from homes.

Staff will: 1. Include the site in the survey of Coyote Ridge Park that is underway; 2. Add to the IGA with the City concerning parks, open space and recreation facilities; and 3. The city will undertake another user group and public survey so that we clarify the change of plan for the public.

Director Radloff appreciates the cooperation with the City and enquired whether the City will engage in its robust community survey process. The City is planning to do so in addition to a comprehensive plan. City can also incorporate ADA access concerns into this site. Director Radloff highlighted that the Board has not yet approved a site. The original site was being researched and planned to see if it was workable. Director Blanckaert clarified that there could be additional sites if this one proves not feasible. Director Crew expresses support for the site and enquires about expenses. Mr. Travis notes that cost issues will be considered down the road when more is known and at that time cost sharing can be considered. The area outside the District's building has been considered but it also has gas lines, Xcel easement issues and a sanitary sewer force main running through it. It has been explored but is not viable.

Director Lewis describes the substantial participation in the community meeting and expressed his appreciation. He enquired regarding the City's plan to close on this new site. The final vote will be in January or February. The utilities that run through the area will have a lesser impact on this new site according to Mr. Travis who noted that the property was left as a "blank slate" for school planning. Director Lewis questioned whether the cost will be lower or higher. The changes in cost are currently unknown as it depends on what else the City will do with the property. Director Lewis notes that the funds from the former Parks Committee should be used for this project. Mr. Travis assured Mr. Lewis that the Parks IGA can be used to ensure that we maintain momentum on this and other projects.

Each of the Directors expressed support for pursuing the new site to determine feasibility. A vote to approve or disapprove the site will be taken later.

**MINUTES:** The minutes of the meetings of September 21, September 26, October 19 and October 24 were approved or reapproved with one change requested by Director Radloff and completed.

**PUBLIC COMMENT:** Several individuals that had signed up to speak chose not to because their concerns were addressed in the skate park discussion. Leslie Bailey and her son Miles like the new skate park location and appreciate the Board allowing participation in the process, especially for the youth. She would also like to see consideration of Elk Ridge Park. Mr. Jeffrey Huff thanks the staff and Board for paying attention to public comment on the skate park. He believes the school district property will allow for many options. He also wants to ensure that maps, illustrations and news from the District expresses accurate information. He was concerned that the skate park discussions did not match with the map that was sent out to the public. We need to be fair and accurate even if the information is just illustrative. John and Cici Spedding addressed the topic of momentum. More information should be provided before projects even get underway so that the community at large can decide what projects to consider. He believes the newly proposed skate park site is much better but he is not convinced there is sufficient demand in Castle Pines and we may be providing the facility for people all over the region. That should be considered. Kelly Ann Foe discussed the skate park and was pleased with the discussion but believed there was previous misrepresentations about the board vote on the location, some from the communications director. Why spend time on planning if the City will be taking over the parks and recreation? Other locations could be considered once the City is in control. She respects the time and energy spent but maybe we should let everything settle before spending any more money. She is concerned that no homeowners will want this in their backyard. The entertainment of children should not come at others expense. She is also concerned that the 20-24 people that attended the public meeting only included 4 young people from Castle Pines. The rest were from the community of skateboarders, not the community of Castle Pines. She is not against the park but wants it to be located so it does not disturb others. Deborah Mulvey addressed the Board noting she is District 1 Representative to the City. She appreciates the new City Council and Board are working as partners. There are numerous other areas that could

be considered and is also concerned about the Castle Pines Parkway work that could affect the proposed location. Also, Mr. Penney may feel confident about the City Council vote but the Board has not made a decision and he does not have a vote. No decision of or vote has been taken on the purchase or the use of this site. Councilmembers will take and consider all information before making any decisions. Funds have been appropriated for the purchase of the property but no decision has been made. Ms. Mulvey also represents North Lakes as vice-president of the Board and is concerned that 20 people showed up for the public meeting out of thousands that could be affected. Greater outreach is needed.

Ross Jones expressed support for the new location and is impressed with the conversation. There should be more research and data regarding extent of need prior to spending any money. Police reports and other reports should be reviewed to determine other concerns.

Brian Young chose not to speak and there were no people on Zoom. However, upon request Lorrie Ball thanked Nathan and David for cleaning up the open space near her home and expressed appreciation for the conversation at the October study session regarding the inclusion meetings. Finally, she is looking forward to hearing how the funding etc. with the City on parks and trails and stormwater will work out.

**PARKS, TRAILS & OPEN SPACE MANAGER'S REPORT:** Mr. Anderson noted that his report was in the packet and offered to answer questions. Director Radloff inquired if the cost of the work to repair property damaged by the City would be presented to the City for payment. She was assured that it would be once invoiced to the District.

President Lowen introduced Ashton Caldwell to make a presentation to the Board concerning his Eagle Scout Project plan to install 15 Western Blue Jay houses and placards in the District. The houses are suitable for numerous other species. Mr. Caldwell described the need for the bird habitat, and considerations that went into the location of the houses. He demonstrated methods of cleaning the houses and how they would be mounted and maintained in the future. Parks Manager Anderson noted that permission is required to install the bird houses on District property and that some agreement for maintenance is required.

Director Lewis moved to approve the project as presented with direction to work with the Parks Manager to determine details of installation, maintenance and management. Upon second, the Board approved unanimously. Director Lewis suggested that Mr. Caldwell return when he is ready to ask for financial support.

**FINANCE:** Phyllis Brown attended by Zoom and was introduced by President Lowen. She noted that the work is continuing on the audit and appears to be on schedule. The goal is to file by the end of the year. Ms. Brown presented the financial statements to the extent they have been reconstructed.

Upon motion made, seconded and unanimously carried, the Board approved and ratified the claims payments including checks numbered 27359 through 27398 through November 8, 2022.

**2023 BUDGET:** President Lowen opened the public hearing and Ms. Brown presented the proposed 2023 budget beginning at 7:36 p.m.

The 2021 actual, 2022 estimated and 2023 proposed budget that was presented in early October were compared and discussed. Director Lewis asked for numerous clarifications regarding the budget items which were addressed by Interim Manager and the Finance Director. Mr. Lewis noted that what we have forecasted covers the items raised by Parker Water & Sanitation and the capital projects called out in the non-operating expenditure category for water. Mr. Lewis also noted that the District is covering all expenses and maintaining a substantial year end fund balance compared to other years. Director Crew questioned the need for numerous sampling stations and was advised that they are required by the State. Mr. Travis also discussed the additional work provided for in the budget.

President Lowen inquired about the lack of water line replacement funds in 2023. Mr. Travis noted there are replacements but they are not yet identified. The condition assessment will identify the replacement areas. The budget can then be reallocated or amended if necessary. In response to a question from President Lowen Mr. Seter stated that funds could not be transferred from a water enterprise to the Sewer Enterprise without some further justification. Mr. Lowen asked Mr. Seter about the budget leading to the mill levy. Mr. Seter confirmed and stated that the mill levy cannot be changed during the budget year, but the expenditure can be changed within categories. Also, the user fees can be changed throughout the year.

In response to a question from Mr. Lowen, Ms. Brown states that continuing the temporary mill levy reduction from prior years is a question to be determined by the Board. A discussion was then had among Ms. Brown and Mr. Seter noting that general fund tax dollars could be transferred to the water or sewer enterprise as long as the transfer does not exceed 10% of the enterprise's revenue. In any event the budget anticipates a decrease in the waste water enterprise fund in 2023 to \$12,759,404.00. The storm drainage fund ending balance is anticipated to remain at \$1,446,797.00.

The proposed budget assumes the temporary mill levy reduction remains in place and the Board approval will be subject to any adjust in the final Assessable Valuation Certification that will be provided by the Assessor around December 9. Mr. Seter, Ms. Brown and Mr. Travis will ensure the mill levy is certified timely holding the levy at 15.79 after the temporary reduction.

Director Lewis noted the general fund levy produces \$3,310,560.00. Comparing expenditures we are still funding everything including the pickle ball court and skate park. We are funding those from reserves. Ms. Brown confirmed these statements. Mr. Lewis noted we can fund the general fund with 15.7 so we should make the temporary

mill levy reduction permanent. Director Crew noted we would have to go back to a vote if we ever needed to go back up to anything over the 15.7. Mr. Seter explained the operations of the Taxpayer Bill of Rights ratcheting down effect. Mr. Lewis states that if the money is not needed, the property tax should be given back to the taxpayers and go back and ask if we need it in the future. Director Blanckaert notes that the District is not taking extra funds, it is simply foregoing it because we don't need it. Ms. Brown notes that it is important to be forward thinking when you are anticipating capital expenditures but do not know what they might be. Mr. Travis notes that we are doing the assessment study and that we will be able to do better forecasting in a year.

Director Radloff questioned how much money should be retained. Ms. Brown noted you must look forward to forecast expenses so that you do not exhaust your funds before they are needed. Ms. Radloff noted that the aquifer study, conditions surveys etc. are being done now. Director Radloff states that we need to get the budget done knowing that there are a lot of expenditures that are not fixed yet and when the studies are done those can be pinned down but we cannot do so now without the data. President Lowen confirmed that we can amend the budget but not increase the mill levy during the year. Then, he questioned if Mr. Travis is comfortable that there are sufficient revenues in the budget to complete the projects that are required. Mr. Travis noted that the Engineer made his best estimates of expenditures for 2023. If some additional funds are needed to complete a project, Mr. Travis can control the project to carry expenditures over to 2024 into a new budget year. Mr. Lewis questions whether it has ever been necessary to transfer funds from the general fund to the enterprise funds. Everyone believes that has not occurred but Mr. Travis notes that a special assessment was once required to complete a project because the tax revenues were not sufficient. Pursuant to a question from Director Radloff the Board discussed the fact that allocation of money among expenditure categories has been left to the manager and is not brought to the Board.

President Lowen inquired whether there was any comment from the public participating via Zoom and from those present. There being no further comment or questions the public hearing was closed at 8:39 p.m.

Mr. Seter identified and read the Resolutions to be adopted by the Board to approve the budget, appropriate funds and assess the mill levy if there are no changes to the proposed budget.

Upon motion made by President Lowen to approve the Budget and Mill Levy Resolutions which was seconded by Director Radloff there was no further discussion. The motion and the Budget and Mill Levy Resolutions were unanimously approved.

**LEGAL COUNSEL'S REPORT:** Legal Counsel, Kim Seter, presented the legal status report. He noted that the packet contained the draft First Amended and Restated Stormwater Intergovernmental Agreement with the City. The restatement is being done to incorporate language and intentions regarding the transfer and conveyance of parks, open space and recreation facilities to the City eventually and to save substantial cost in the processing of easements and land conveyances to the City and eventually to a

water and sewer operator. The Agreement extends the transfer of responsibility for the stormwater system to the end of March and provides that a separate intergovernmental agreement will be prepared by that time to convey parks, open space and recreation facilities responsibility to the City. The District will remain the owner of the parks, open space and recreation facilities and will pay the City to perform all maintenance and management until the City is able to gain voter approval of a mill levy. This will be the topic of the second intergovernmental agreement.

Director Lewis inquired about the correct amount of money in the budget for stormwater and drainage. The fund balance is 1,447,000.00. Projected revenue for 2023 is approximately \$260,000.00 but we won't collect all of that once the City takes over. Mr. Lewis wants to ensure the City receives all the funds and can operate and maintain the system.

Upon motion made, seconded and unanimously carried, the Board approved the Intergovernmental Agreement and authorized its execution in substantially the form presented but allowing for changes acceptable to the attorney, the Board President and the Interim Manager.

**INTERIM DISTRICT MANAGER REPORT:** Interim Manager Travis presented his written report and asked for questions. Federal funding through the county is unlikely because the county has allocated all its funds. A meeting was held and we made our presentation in case any other projects fall through.

**DIRECTOR'S MATTERS:** President Lowen noted the new schedule of study sessions and meeting for 2023. After discussion the Board determined that the December meeting would not be necessary.

Interim Manager Travis discussed some items to expect to come before the Board in 2023. Director Radloff requested a review of all consultant contracts including attorneys, communications director, accounting, finance, interim manager and GIS and any others.

Upon motion made seconded and unanimously carried the schedule of study sessions and meetings was approved.

**ADJOURN:** With all other business to come before the Board having been addressed, Director Lowen adjourned the meeting at 9:03 p.m.