

**CASTLE PINES NORTH METROPOLITAN DISTRICT
REGULAR MEETING MINUTES
September 26, 2022 – 6:00 p.m.**

HELD: Monday, September 26, 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 and 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 AND THE MINUTES OF THE: Upon motion by Director Radloff and second by Director Blanckaert, the agenda of the meeting was approved. The minutes July 25, 2022 minutes were approved with changes requested by Director Radloff. Approval of the August 17 and 22 meeting were approved with leave to Director Radloff to provide non-substantive edits before finalizing and posting.

PUBLIC COMMENT: District resident, Laurie Ball from HOA I and Royal Hill had three points: 1. Listened to July and August meetings and wants to stress that the Board should not engage in any “daisy chaining” of phone call or emails in the decision-making process; 2. Please report regularly to the public on meetings with potential inclusion partners; and, 3. Director Crew mentioned looking into Centennial for metered water. That does not seem to address the renewable water issue. We need a renewable water source and partnering with Parker Water & Sanitation (PWSD) would provide this as well as unifying our city. Marvin Tibbet echoed Ms. Ball’s comments and believe PWSD is a great organization and unifying the city, east and west, benefits everyone. He has talked to Ron Redd and was informed that there had been an excellent meeting and further meetings were being planned. He would also like to see further updates on the eight items that were an issue in the past. Parker is a very viable option. Kathleen Steffe was on line but had no comments.

PARKS, TRAILS & OPEN SPACE MANAGER’S REPORT: Open space manager, David Anderson, presented his report and offered to answer any questions. Director Crew asked about the “major electric ground short.” Over 27 years, nicks have opened the wiring shutting off the breakers and turning off the clocks. It takes time to find and repair the fault in the line. Director Lowen enquired about the “slow flow” which ended

for the year on September 20. Any owner can request it to restart when the system is recharged.

Director Radloff asked about skate park locations. Several have been reviewed. Interim Manager stated that designer has been sent some options and the best place appears to be on the south end of the park where there is a hill that could create a buffer and easier construction. The designer is reviewing the area. She assumes the skate park location will come back to the board for final determination. Mr. Travis confirmed. Director Lowen notes there are residents that do not want a skate board park and suggests Carol Henry put the location together with drawings and we should then get community feed-back. Director Lewis requests a study session be planned on the skate park and its location.

Director Radliff stated that two dozen pickle ball players attend an event and it looks like that facility will be opening in the spring. He also added that the plugging of the old well may delay completion of 8 of the 12 pickle ball courts; but, would not affect the opening date. Constructing post tension slabs for the courts can allow construction to move forward. Further discussion was had concerning the difficulties with plugging the abandoned well. Director Blanckaert noted he has been contacted by home owners concerned about pickle ball noise and the status of the sound barrier. Mr. Anderson notes states that we are waiting for cost estimates to construct the sound barrier system. Director Radloff states there many emails concerning the sound of the pickle ball courts. The pickle ball community is very reasonable and may have ideas we should explore including reservation systems and sound barriers.

Director Radloff asked about irrigation controllers for the “north open space.” Mr. Anderson identified that area as Castle Pines Parkway and Monarch. The controllers were down but are now running.

Director Radloff noted that Goats on the Go are in the District and are making many people happy.

FINANCE: COMMUNITY RESOURCE SERVICE INTRODUCTION: Phyllis Brown and Sadie from CRS were present on zoom. Progress is being made and CRS is getting caught up from the April end date for Centennial. They are also working on the audit. Sadie is working on the accounting and Ms. Brown is working on the audit. The budget will be presented timely as required by statute and will be the starting point for reaching the final budget. Director Lewis inquiries about the ratification and approval of expenditures and the impact on the Board’s responsibilities. Ms. Brown notes that these are getting caught up. Mr. Seter notes the impact on the Board is not significant. There is no statutory requirement to review and approve the expenditures. There are districts that only meet every 6 months or 1 year. The important things is that they are caught up and the auditors can review. Director Radloff notes that without the review, there could be bills paid that should not have been. Mr. Seter noted that would attempt to recover any wrongful payments but we would have to see how that happened before we could determine the consequences. Interim Manager noted that there are other eyes on these

payments before they are made. Mr. Seter also noted that the payments are generally already approved in the budget and contractor payments are recoverable if not properly approved by the board. Ms. Brown notes that CRS is not involved in the payables so the questions are appropriate.

LEGAL COUNSEL'S REPORT: Legal Counsel, Kim Seter, presented the legal status report. The report was drafted to address the agenda items.

There was a discussion about controlling discussions in the meetings about contractors and personnel. The report suggests the board prepare bylaws for its own operations as that is the means provided by statute. Director Lowen noted that Mr. Seter had sent a "rule" concerning discussions in the meetings regarding discussion about staff only taking place in executive session. The rule has gone to the board members for consideration but could be part of the board bylaws. At the request of Director Lewis, Mr. Seter describes the need for bylaws and the option to adopt an individual board rule concerning disciplining contractors, employees etc. for the first time in a public meeting. Director Radloff reads the language suggested for a rule if the Board chooses to adopt it and notes there must be a motion to enter into executive session first and if that fails, you can't go into executive session. Mr. Seter states the Board will have to enforce the rules but there is no statutory penalty. As elected officials, you would be expected to abide by your own rules. Director Radloff expresses concern about the Sunshine Law and advocates for the Board to always conduct its business in the open where the citizens can hear it. Director Lowen suggests drafting the bylaws and adding this rule as a bylaw for future discussion and consideration. Director Blanckaert clarifies that the draft rule would simply require the board to start the covered discussions in executive session and then move into public session to discuss and take any action. Director Lewis notes that such a rule may be necessary because we are not acting very professionally and that is a shame. Such a rule is good if needed to ensure we act professionally and not air personal and/or personnel items in public. Director Radloff notes again that the motion to go into executive session could fail and end the entire discussion before it begins. Mr. Seter notes that Director Radloff's concern is valid and there will be an attempt to draft around that in the draft bylaws to be proposed.

The Board discussed the Lagae Lift Station matter and a demand letter to recover costs.

The FAMLI opt-out public hearing has been noticed for the October meeting. Mr. sEter will provide a proposed draft resolution to opt-out if the Board chooses to do so as well as a memorandum regarding the provisions of the Act. The employees will be given a notice of their rights.

The Aurora/Brighton Closing took place on September 9. Interim Director Travis confirmed that the funds were received. Mr. Seter will provide a copy of the closing book to remain in the District's permanent records.

Stormwater IGA will need a lot of work to combine the deadlines with the discussions of the park IGA. We have agreed to extend the deadlines for the Stormwater IGA to coincide with the deadlines for the Parks IGA. The Stormwater IGA is extended to the end of the year to allow for the completion of the parks IGA. Director Radloff moves to extend the authorize President Lowen to sign an extension of the Stormwater IGA to allow for completion of the parks IGA.

The work on the Parks IGA is just beginning. Mr. Seter notes that we would likely move the Stormwater funds to the City and assign responsibility for the Stormwater to the City by contract or otherwise. The remainder of the Parks IGA will address the actual conveyance of easements and property for both the parks and the Stormwater to the City over time. Director Radloff repeats that the conveyance of the easements etc. by this means will save the community a lot of money. Director Lewis notes that he needs a formal presentation from the City of all the pros and cons of doing this. He would like Mr. Penny to provide list of pros and cons for our official records. Mr. Seter notes that the IGA will provide such a record and will be signed by both parties. Mr. Seter also provided a short list in the Status Report of benefits of the extension of the Stormwater IGA and entry into the parks IGA. Director Lewis would still like to have a written list of items from the City. Director Radloff thinks the proposed IGA will be a good beginning to have these further discussions.

Mr. Seter discusses the City's need for an election to fund the parks and that we will need to accommodate the City until it is able to secure funding by an election or otherwise. Because of this, Mr. Penny, at one point was discussing conveyance of parks and Stormwater etc. all at the same time. That may or may not be the way this occurs but is possibility. In any event, the City will have to have funds, either from us or from others before we can be fully relieved of responsibility.

INTERIM DISTRICT MANAGER REPORT: Interim Manager Travis noted the plant tours have been well attended and more will be planned. Director Lowen believed the advertising and conduct of the tours were very well received and everyone is getting a better understanding of how water gets to their homes.

There are two other items noted for public engagement. The weekly meeting with constituents is being tentatively scheduled for Tuesday mornings. Nathan's Notes have been implanted and will next address the parks and open space issues. Director Lowen states we should continue educating about changes in source water and why the residents may see a change in the water occasionally as we change from Centennial to our own wells and back again. We can then educate them on the renewable water we do have.

Met with Douglas County Commissioners earlier today concerning federal funding of projects that is to be approved by the Commissioners. The preferred projects have been regional in nature. All of the funds appear to be spoken for at this point but Mr. Travis will continue to follow up to get a better understanding of whether there are any funds left.

We are going to take water from Centennial this year and next year. Centennial will have to go offline for some upgrades to address algae blooms. While offline they cannot serve us in the usual fashion. We are building a schedule to allow us to shift our sources and Centennial to complete its work which will also benefit us. As part of this process, we are addressing support for CPN while we shut down our plant for construction. Several of our projects will require them to support us temporarily and they are willing to do that wherever possible.

The Parks and Open Space Foreman position has been filled. The employee was able to pick up the projects immediately and move them forward. Director Lowen noted that he appears to be enthusiastic and participates in all discussions.

Director Lewis asked about the work on a conservation program. Mr. Travis noted that research continues, especially on the sod removal rebates, and eventually this will be brought to the Board as a proposal, possibly in the January meeting. Director Lowen inquires how that affects the 2023 budget. Mr. Seter notes that a budget amendment may be required and is allowed.

Director Radloff raises questions concerning the scheduling of study sessions and meetings and asks that the Board confirm its intentions for the calendar. The Board determined: 1. The October 19 meeting will include the FAMLl public hearing; and, 2. the inclusion partner discussion. The skate park discussions will not occur. Mr. Anderson suggests we could include this in the IGA with the city and require the city to complete it and make a decision about the location. The city has already discussed a site west of the baseball field. Mr. Travis will have this discussion with the city. Upon motion made by Director Crew and seconded by Director Radloff, the Board approved the following meeting schedule.

- October 19th will include the FAMLl public hearing, the inclusion partner discussions and review of any alternative skate park locations.
- October 24 is a regular Board meeting.
- November 14 will be a Special Board meeting including the budget hearing.
- The November 21 Board meeting is canceled.

DIRECTOR'S MATTER: Director Radloff thanked the public for participating in the meeting and described the meeting with PWSD concerning restarting inclusion discussions. They are open and are waiting for CPN to evaluate other partners. Their board has already moved on it. Their concerns are 1. the consent decrees; and, 2. The easements that we are working through now. They are very positive. Because of the length of time the arrangement has been terminated we would have to have another vote. Director Lowen notes that the Board will discuss pros and cons next month. He had desired to discuss this with others because people had asked whether we had evaluated other options. We may end up back with PWSD but need to evaluate the other options. PWSD suggested there is work to do over the next one and one-half years if we are to get an inclusion done. Director Radloff noted they and we have learned some lessons that will help. Director Lewis wants to confirm the timeline.

Director Radloff states the timeline is no earlier than November of 2023 for another election. The long lead item is the consent decree which requires completion of much of the construction. November be the earliest date for an election. Mr. Travis notes the engineering is being done now to determine the construction designs that will address the items required for the consent decree. Mr. Seter notes that the consent decree will require CPN to demonstrate what it is doing to address the issues raised by the state concerning lift stations etc. The consent decree depends upon approved plans to address concerns, so it is a pretty long-term project, especially with the backlogs we are seeing at the Colorado Department of Public Health and Environment. Director Crew asked if this was a condition of the prior inclusion. Mr. Travis stated that it was not, but, that PWSD took a second look at the district facilities and it became an issue at a later time. Director Lowen notes that the lift station issue is not a concern, it is just something that takes time and money to work through properly. The cost and work will have to be spread out over several years.

Director Blanckaert thanked Ms. Ball for raising the issue of actions in open meetings and thanked Mr. Seter for educating the Board. He believes things are improving substantially.

ADJOURN: With all other business to come before the Board having been addressed, Director Lowen adjourned the meeting at 8:17 p.m.