

**RECORD OF PROCEEDINGS  
MURPHY CREEK METROPOLITAN DISTRICT NO. 3  
BOARD OF DIRECTORS MEETING  
May 15, 2019**

The regular meeting of the Board of Directors for Murphy Creek Metropolitan District No. 3 was called and held, as shown, in accordance with Colorado law on May 15, 2019 at 23801 East Florida Avenue, Aurora, CO 80018.

**Pledge of Allegiance**

Douglas Schriener led the Pledge of Allegiance.

**Call to Order**

Doug Schriener called the meeting to order at 6:00 p.m. The following Directors were present: Douglas W. Schriener, Margaret A. Rash, Justin Bregenzer, Daniel Adema, and Charles Marlow. Elizabeth Hubbard was present from Cherry Creek HOA Professionals, Brian Matise was present from Burg Simpson, Andy Carroll was present from Metropolitan District Public Safety, and Jake Willett was present from ColoradoScapes.

**Declaration of Quorum/ Disclosures of Potential Conflicts of Interest**

Mr. Schriener noted that a quorum of the Board was present, and the Directors confirmed their qualifications to serve. No potential conflicts of interest or disclosures other than those previously filed with the Secretary of State were reported.

**Approval of Agenda**

Mr. Schriener asked if there were any additions or corrections to the agenda. There were none. A motion was made by Director Schriener, seconded by Mr. Bregenzer, and unanimously carried to approve the agenda.

**Approval of Minutes**

Mr. Schriener asked if there were any additions or corrections to the meeting minutes that were submitted for approval. There were none. A motion was made by Director Rash, seconded by Mr. Marlow, and carried to approve the April 17, 2019 regular meeting minutes as written.

**Public Comments**

The Board invited members of the public to comment on items that were not on the agenda. The following items were discussed.

- M. Sobey thanked owners who attended the neighborhood meeting. The planning commission will hold a hearing on May 20<sup>th</sup> at the City Hall Municipal Building at 7:30 p.m.

**Old Business**

- Snow Removal Agreement – The Parkways at Murphy Creek Board of Directors have not met to review the snow removal agreement.

**Financial Report**

Bob Colwell was not present but submitted a financial report for the Board to review. Mr. Matise shared concerns that the financial reporting from Colwell and Company reflect District fees that have been billed but not paid as assets. The developer has challenged the fees and therefore if the

District does not collect those fees, its financial position may not be as favorable as it appears on this statement. Mr. Adema stated the financials have not been posted on the website.

### **Legal Report**

Brian Matise presented the legal report. The following was discussed.

- Owners from the four (4) accounts listed below have submitted requests to the Board to waive collection charges and late fees due to not receiving coupon books or correspondence due to incorrect mailing addresses.
  - 1073094201
  - 1073090901
  - 1073069401
  - 1073054901

A motion was made by Director Schrinier, seconded by Ms. Rash, and carried to approve suspending late fees, interest and collection charges, contingent on the owner keeping their account current for the next 24 months. If the owner defaults on their account within the next 24 months, all suspended late fees, interest and collection charges will immediately be added back to the account. The Board prefers the owner signs up for ACH payments, but this is not mandatory.

- Mr. Matise provided an update on the lawsuit filed by Murphy Creek LLC in District Court for operations and maintenance fees.
- Mr. Matise presented the Board with a proposal that they adopt a Backup Facility and Service Fee Resolution that more specifically breaks down the operations and maintenance fee into fees for each specific service and aligns with the costs of services. This fee resolution would be a backup fee, in the event the Court finds that the prior resolution was too general. On a motion by Mr. Schrinier, seconded by Ms. Rash, the resolution was approved unanimously.
- As of May 15, 2019, Burg Simpson's office currently has 72 accounts, and has sent 59 Notice of Intent to File Lien letters. Fifteen accounts have paid in full, \$8,160.76 has been collected during this period, and the balance remaining is \$35,042.82.

### **New Business**

- Mr. Schrinier stated that an owner is willing to sell fence materials to the district at a discounted rate. After discussion, the Board declined the offer.

### **Landscaping Report**

Jake Willett from ColoradoScapes provided a report and the following was discussed.

- The first round of pruning and trimming has been completed.
- Weed control has been completed.
- Aeration was completed April 29<sup>th</sup>.
- Irrigation has been turned on except for the backflow at Flatrock and De Gaulle, which needs repair. Repairs are also needed at Grand Baker and Mississippi.
- Grass is being watered 3 days per week.
- Mow days are Tuesday and Wednesdays.
- Sprinkler heads close to sidewalks that were damaged in the large snowstorm will be repaired at ColoradoScapes expense.
- Trees will be inspected in the next two weeks.

### **Safety Report**

Andy Carroll from Metropolitan District Public Safety provided a report and the following was discussed.

- Mr. Carroll stated he knows the general area where the vandals live.

- Don't open the door to strangers.
- Mr. Carroll discussed solar streetlights and recommended purchasing 4 to test. The Board approved the purchase of four (4) solar streetlights.
- Video Cameras for the Clubhouse – Mr. Schriner provided an update on the Verizon contract for an Intelligent Video package. The Board is adjusting the Agreement and one (1) camera has been added, for a total of eleven (11).

### **Construction Committee Report**

Maggie Rash provided a report and the following was discussed.

- The plumbing to the restrooms has been completed and has passed inspections.
- The scaffolding to remove the chimney cap will be removed next week.
- The concrete has been completed and looks great.
- The project will be completed by May 30<sup>th</sup>. Interstate will bring port-a-potties and hand-wash stations to the parking lot for owner use.

### **Property Manager Report**

Elizabeth Hubbard provided a report. The following was discussed.

- Coupon Payments – 554 Owners have now registered for ACH. There are approximately 100 accounts delinquent and an additional 85 accounts have been turned over to Burg Simpson for collections.
- The account balances that made up the Due to District #1 line item has been written off.
- Defibrillators will be installed by Mr. Carroll.
- The glass door was repaired and was broken again on April 29, 2019. Five companies came out to bid on a replacement door and we received proposals from Interstate Restoration, Automatic Door Doctors, and Pella Windows and Doors.
  - A motion was made by Director Schriner, seconded by Mr. Marlow, and carried for the construction committee to choose a door contractor and door with a budget of up to 10k. Ms. Rash abstained. Mr. Schriner requested the committee make a decision within five days.
- Pool Rules were revised and approved by Mr. Schriner and Ms. Rash. They were included in the pool packet and are posted on the website. New signage has been ordered by Front Range and will be posted at the pool.
- A motion was made by Director Schriner, seconded by Ms. Rash, and carried to approve the termination of the Amenities Sharing Agreement between Murphy Creek Metropolitan District No. 1 and No. 3 effective immediately. Mr. Matise will send proper notice.
- Pool packets have been mailed and on-site registration dates will be held next week at the clubhouse. Owners can also come to the management offices.
- ColoradoScapes and Management is working with the City of Aurora to repair irrigation damages on Mississippi due to repair work.
- The tennis court card reader is not working properly, and Key Rite is working on the repair.
- Working on proposals for marquee signage repair to rails, general repair to entire sign, and to convert to digital signage. Quotes will include lighting.
- Email Ratification – A motion was made by Director Schriner, seconded by Ms. Rash and carried to approve the decisions made via email throughout the month.
  - Mr. Schriner approved irrigation repairs from ColoradoScapes, totaling \$5,650.49.
  - Mr. Schriner and Ms. Rash approved Pool Rules revisions.

### **For the Good of The Order**

No items were discussed.

**Next Meeting**

June 19, 2019, 6:00 p.m., Murphy Creek Clubhouse, 23801 E Florida Avenue, Aurora, CO 80018

**Adjournment**

There being nothing further brought up for discussion; the meeting was adjourned at 9:20 p.m.



---

Secretary for the District