

MINUTES OF A REGULAR MEETING OF THE BOARD OF  
DIRECTORS

OF

MURPHY CREEK METROPOLITAN DISTRICT NO. 3

Held: September 16, 2020 via videoconference.

Attendance

A meeting of the Board of Directors of Murphy Creek Metropolitan District No. 3 was called and held, as shown, in accordance with Colorado law. The following directors confirmed their qualification to serve on the Board:

Doug Schriner  
Margaret Rash  
Justin Bregenzer  
Jeremy Smallwood

Daniel Adema was absent and was excused.

Also present were: District accountant Bob Colwell, District managers Shannon Torgerson, Angela Meyers, and David Prieto, District landscape contractor Jake Willett and Brett Potthoff, District security manager Andy Carroll, and District counsel Brian Matise. In addition, several members of the public joined the videoconference as attendees and had the opportunity to ask questions via chat.

Call to Order

President Doug Schriner called the meeting to order at 6:00 p.m.

Pledge of Allegiance

Mr. Schriner led the Pledge of Allegiance.

Board members and consultants introduced themselves to the public

Declaration of Quorum/Disclosures of  
Potential Conflicts of Interest

Mr. Schriner noted that a quorum of the Board was present and the Directors confirmed their qualification to serve.

Instructions were given for members of the public to

address the Board and comment. Comments were invited to be submitted to the Board in advance which would be read. Otherwise, members of the public could comment via the chat feature. If on a particular topic on the agenda, they will be read at that time. Otherwise, they will be read during the public to be heard part of the meeting.

#### Approval of Agenda

Mr. Schriner asked if there were any changes to the agenda. There were none. It was moved Mr. Smallwood, seconded by Mr. Bregenzer and carried (4-0) to approve the agenda as presented.

#### Approval of Minutes of August 19, 2020 Meeting

Mr. Schriner asked if there were any additions or corrections to the minutes of the August 19, 2020 meeting. Ms. Rash noted that the minutes should reflect that the Board ratified the tree trimming by ColoradoScapes that was done earlier in the year. It was moved by Mr. Schriner, seconded by Mr. Smallwood, and carried (4-0) to approve the minutes as amended.

The Board also reviewed the amended July 15, 2020 minutes that were included in the packet. On a motion by Mr. Smallwood, seconded by Ms. Rash and unanimously carried (4-0), the Board approved the amended minutes of the July 15, 2020 meeting.

#### Pool Report

There was no pool report, as Ms. Jenn Thomas was under the weather and was not present.

#### Financial Report

Mr. Colwell discussed the financial report for August 2020. The report shows net income, but much of that is due to developer fees that have accrued and not been paid, and are subject to the lawsuit. There would not be net income if those amounts are disallowed. There is still a payment of over \$800,000 for bond interest that is due December 1, 2020.

The auditor will not complete the 2019 audit until there is a decision from the judge regarding the developer lawsuit following the August trial.

Mr. Colwell is working on verifying that all pledged revenues have been turned over to the Trustee in connection with the bonds.

## Legal Report

Mr. Matisse presented the legal report:

1) Mr. Matisse discussed the trial that was recently concluded. The Court took the matter under advisement and it is anticipated the Court will rule sometime in the next month.

2) Mr. Matisse discussed that at trial it was determined that the developer's land was actually not zoned agricultural but instead "PD" for planned development. The District was billing for that land as if it were zoned agricultural based on the assessor's office designation. The developer never raised this issue before, and therefore the District did not have the opportunity to correct the billings. The Board authorized correcting the billings on that property to reflect the correct status and bill for vacant land status.

3) Collections activity was discussed. Legal counsel sent out pre-foreclosure letters for accounts and several of those accounts entered into payment plans during the month.

## Landscaping Report

Mr. Willett and Mr. Potthoff gave the landscaping report. There has been more moisture recently and they are working on reducing the clock for the sprinkler timers. Additional Revive will be applied next week. They have sprayed once for broadleaf weeds and will spray again. Fruit tree pruning proposal was presented for \$10,325. If approved, this would not be done until December when the trees are dormant.

It was moved by Mr. Schriener, seconded by Mr. Smallwood to approve the pruning of the fruit trees in the amount of \$10,325. It was tabled momentarily to discuss other bids.

A proposal to replace 47 trees at a cost of \$35,250 with a 1-year warranty was discussed. Mr. Schriener

moved that it be approved. Several Board members had concerns over spending this amount while the budget was tight and until the Court ruled on the pending lawsuit. The motion was withdrawn.

The Board took from the table the motion to prune fruit trees in the amount of \$10,325. It was unanimously approved (4-0).

#### Property Manager Report

Ms. Torgerson gave the property manager report.

1) One community member who plays tennis questioned whether the pickle ball lines will remain as she has not seen anyone playing pickle ball. This will be discussed as part of next year's budgets along with the condition of the tennis courts.

2) Fence repairs and hail damage was discussed. They have not received confirmation from the insurance company whether they will cover this, as it is unclear whether this portion of fencing is included in the policy.

3) Recommendations regarding pergola refurbishment have been solicited from Dark Star Construction and will present to the Board once these are received.

4) A proposal for a reserve study has been requested.

5) Updated pricing from Front Range and ColoradoScapes has been requested as part of the 2021 budget process.

#### Communications Report

Ms. Sobey was on the road and therefore Ms. Rash read the report. Ms. Sobey recommends the District try out for 30 days a 50 megabit per second wireless internet connection for \$208 per month.

Suggested policies for Facebook posts have been drafted and will be submitted to legal for review once the lawsuit is complete.

It was moved by Mr. Schriener, seconded by Ms. Rash, and approved (4-0) to approve the trial of 50 mbps wireless if it will not interfere with security.



## Safety Report

Mr. Carroll gave the safety report. It was a pretty easy months. Had some vandalism and recovery of stolen vehicles. Crime seems to be slowing down a bit. Aurora neighborhood watch canceled their 4<sup>th</sup> quarter meeting.

## Public Comment

Angela Meters read a letter from Emily Crile into the record. Mr. Schriner, Mr. Smallwood, and Mr. Brengener commented on the issues raised.

Pat Legra asked whether there could be street lights from the entrance at Jewell and Old Tom Morris up to the golf clubhouse.

An email from Margaret Booker was read requesting release of certain information.

Mr. Smallwood quested whether or not threats to the pool were communicated from Aurora Police Department? Mr. Schriner stated that it was communicated from the District's security chief. Mr. Smallwood responded that we should get confirmation that it came from Aurora Police. Mr. Carroll responded that there were multiple sources for his information. Mr. Smallwood volunteer to communicate with Aurora Police. Mr. Smallwood volunteered to work with Mr. Carroll and communicate with Aurora Police. Mr. Carroll with work with Mr. Smallwood on this.

Glen Moeller commented that the makeup of the Board should reflect the diversity of the community. Mr. Schriner commented that the Board is always looking for the most qualified citizens to apply and that there was previously a Board member who was racially diverse but he did not seek to continue on the Board.

Andy Raymond asked how much a recall election would cost. Mr. Matisse stated that as legal counsel, in his experience it would be at least \$35,000 - \$50,000 which included legal fees required for the process. Ms. Torgerson concurred with that estimate.

Michelle Ertel asked about signs on Metro District property that the driveways are private property. Mr. Schriner responded that these signs inform the public that the driveways are not public streets but instead are private property and the public should not cut across these driveways for a shortcut.

Several members of the public questioned why had the meeting format changed and that they preferred the old format. Mr. Schriner responded that there was concern that some members of the public could attempt to "hijack" the meetings, speak far longer than their allotted time, and make it difficult to control the meeting. Mr. Bregenzer commented that the June meeting went until very late and that we have vendors on the calls so the longer the meeting, the more it costs the district, so there needs to be a means to keep discussions to a reasonable length.

Margaret Booker via chat requested information from Mr. Schriner on the source of his information regarding "probable Antifa infiltration." Mr. Schriner said he relied on information from Mr. Carroll, the head of security.

Mr. Bregenzer commented that the District would not have reacted as it did if the organizers of the event had contacted the District first.

Mr. Smallwood commented that if we can find out people are going to crash the meeting, how can we not find out about an event that was posted on Facebook.

For the Good of the Order

Mr. Bregenzer thanked the legal team for their representation of the District at the recent trial.

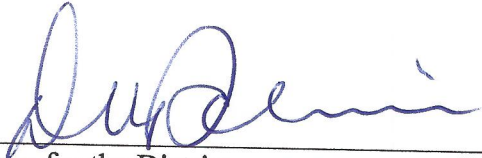
Next Meeting

The next regular meeting is scheduled for Wednesday, October 21, 2020 at 6:00 p.m. at the community clubhouse, 23801 East Florida Ave., Aurora, CO 80018 (if allowed, or by videoconference otherwise).

Adjournment

There being no further business, on a motion by Mr. Schriner, seconded by Mr. Bregenzer, and

unanimously carried (4-0), the Board decided to adjourn at approximately 8:36 p.m.

A handwritten signature in blue ink, appearing to read "J. J. DeMina", is written over a horizontal line.

Secretary for the District