

MINUTES OF A REGULAR MEETING OF THE BOARD OF
DIRECTORS

OF

MURPHY CREEK METROPOLITAN DISTRICT NO. 3

Held: January 20, 2021 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
Matthew West
Chuck Marlow

Also present were: District Accountant Bob Colwell, District Managers Shannon Torgerson, Angela Meyers, and David Prieto, District Landscape Contractors Brett Potthoff and Jake Willett, District Counsel Brian Matise, District Communications Contractor Margie Sobey, District Auditor Kyle Logan, and numerous members of the public who joined in the videoconference as viewers during the meeting.

Call to Order

President Doug Schriner called the meeting to order at 6:02 p.m.

Pledge of Allegiance

Mr. Schriner led the Pledge of Allegiance.

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

Board members and consultants introduced themselves to the public.

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

Mr. Bregenzer disclosed his resignation from the Board, effective immediately and thanked the Board and community for the experience.

Ms. Rash requested additional information regarding the disclosure process, specifically when they are filed. Mr. Matise noted the law is not clear and his firm files disclosures if there is a change in the Board member's status.

Zoom Meeting Instructions

Ms. Torgerson provided instructions for public participation via Zoom.

42

Mr. Colwell noted that taxes have not been received from Arapahoe County due to the delay in finalizing the audit, however, it has been confirmed the taxes will be paid by the County once the audit has been filed with the State Auditor's office.

Mr. West left the meeting at 7:02 pm. With there still be a quorum of the Board, the meeting continued.

Landscape Report

Mr. Potthoff and Mr. Willett presented the landscape report.

The Board discussed the revised agreement with ColoradoScapes as approved at the November meeting. The agreement has been emailed to Mr. Matisse for review and will be executed upon finalization.

Mr. Potthoff presented a proposal for the replacement of 5 irrigation controllers at a cost of \$49,854.00. This includes a discount of \$1000.00 if the controllers can be installed prior to the start up of the irrigation system for the season. The Board tabled further discussion on this matter until the March 2021 Regular Board Meeting.

Mr. Potthoff noted his is working on tree replacement pricing per discussion held in fall 2020. The Board indicated this would be discussed at the March 2021 Regular Board Meeting.

Minor snow removal issues have been addressed upon receipt by ColoradoScapes from District Management. Mr. Marlow requested clarification on a missed snow removal event where there was 3" received, but no snow removal completed. Mr. Willett noted that their measurements didn't show 3" in any area and requested he be called if the Board feels the measurements are in error.

Mr. Marlow is to meet with Mr. Potthoff to discuss and review annual flower planting beds.

Legal Report

Mr. Matisse gave the legal report. The developer has filed a motion for attorney fees however the court has ruled in the District's favor provided that the Developer's out of pocket costs totaling roughly \$5100 be paid by the District. Mr. Matisse recommended the District hold off on paying the fees until the final written judgment has been received from the court.

The District has filed an appeal with the Courts for the matter to be reconsidered. The first brief will be due in late

1/2

April/early May with a final decision anticipated in Spring 2022.

Mr. Matise indicated he is working with the City on the ownership and maintenance issues surrounding the roundabouts but until such time that the City and all parties involved within the Murphy Creek area agree on ownership and maintenance, the District will not maintain them.

Mr. Matise presented the Board with the collection report. It was noted that there is a moratorium in place in relation to all foreclosure activities until February 28, 2021. Until the moratorium ends, Counsel will not be proceeding with foreclosure actions against owners who are delinquent with the District.

Safety Report

Mr. Schrinier provided the security report as Mr. Carroll was not present at the meeting. It was noted that overall crime in Aurora is up 100% but down in the Murphy Creek area by 50%.

Property Manager Report

Ms. Torgerson gave the property manager report.

1) The District received \$9,391.23 because of the insurance claim filed with T. Charles Wilson. Management noted the funds have been received, however, the fence cannot be repaired as it is no longer being manufactured. Several vendors have reviewed the fencing and have indicated it would have to be replaced in whole to repair the damage. Ms. Rash noted she would search her records for a contractor who may be able to help.

2) The Board reviewed the corrected 2021 Pool Management/Maintenance Agreement as well as the COVID addendum with Front Range Recreation. Following discussion, upon a motion made by Mr. Schrinier, seconded by Ms. Rash and, upon vote, unanimously carried, the Board approved the corrected 2021 Pool Management/Maintenance Agreement with COVID addendum. Mr. Matise is to review and notify the Board when the document can be executed.

3) The Board discussed the 2021 POTENTIAL Projects for Consideration and requested Reserve Studies be on the agenda for discussion at the February Regular Meeting. Management is obtaining proposals for Safety Cameras, Clubhouse Siding Replacement, Clubhouse Roofing Replacement and Clubhouse Interior Refurbishment (Window Coverings, Furniture and Heating/Cooling Systems).

Election of Officers

The Board requested confirmation that an election of officers is needed from Mr. Matise. Mr. Matise recommended an election of officers be held at the current time and noted officers can hold two seats on the Board, except that the President and Secretary should be different people.

Following discussion, upon a motion made by Mr. Schriener, seconded by Ms. Rash and, upon vote, unanimously carried, to the following slate of officers until such time a new member can be appointed to fill the seat vacated by Mr. Bregenzer.

President: Doug Schriener
Vice President: Chuck Marlow
Secretary: Matt West
Treasurer: Maggie Rash
Sargent at Arms: Chuck Marlow

Approval of Agenda

Mr. Schriener asked if there were any additions or corrections to the agenda. Hearing none, the agenda was unanimously approved.

Approval of Minutes from the November 18, 2020 Meeting

Following discussion, upon a motion made by Mr. Schriener, seconded by Ms. Rash and, upon vote, unanimously carried, the Board approved the minutes from the November 18, 2020 meeting as amended.

Financial Report

Mr. Colwell introduced Kyle Logan of Logan and Associates who reviewed the draft 2019 audit in detail with the Board. The 2019 audit was issued with an unqualified opinion, meaning that everything included in the audit meets with generally accepted procedures for local governments. Following discussion, upon a motion made by Mr. Schriener, seconded by Ms. Rash and, upon vote, unanimously carried, the Board approved the audit with the caveat that UMB bank respond to Mr. Logan's concerns satisfactorily.

Following discussion, upon a motion made by Ms. Rash, seconded by Mr. Marlow and, upon vote, unanimously carried, the Board authorized Mr. Schriener to sign the representation letter form Logan and Associates once the audit is finalized.

Mr. Colwell presented the financial report for the period ended December 31, 2020. It was noted by both Mr. Colwell and Mr. Prieto that there has been a stabilization of delinquent accounts and that the District is building cash towards the higher invoices received during the summer months due to water consumption.

Communications Report

Ms. Sobey presented the communications report. She is still looking into better internet access and phone service but noted that the solution proposed by Verizon does not appear to be feasible at this time.

The Board requested the website be completed no later than April 15, 2021.

Public Comment

No public comments were received by chat or via email to Management staff.

For the Good of the Order

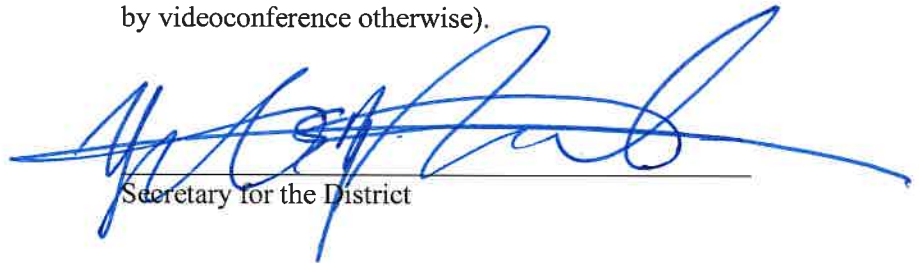
Mr. Schriener noted that the actions of the Board are paramount to maintaining value within the community.

Adjourn

On a motion by Mr. Schriener, seconded by Mr. Marlow and, upon vote, unanimously carried, the meeting adjourned at 8:05 p.m.

Next Meeting

The next regular meeting is scheduled for Wednesday, February 17, 2021 at 6:00 p.m. at the community clubhouse, 23801 East Florida Ave., Aurora, CO 80018 (if allowed, or by videoconference otherwise).



Secretary for the District