

**MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE
MURPHY CREEK METROPOLITAN DISTRICT NO. 3
HELD JANUARY 17, 2024**

A regular meeting of the Board of Directors of the Murphy Creek Metropolitan District No. 3 was held on Wednesday, January 17, 2024, at 6:00 p.m. at the Murphy Creek Community Center/Clubhouse at 23801 East Florida Avenue, Aurora, Colorado 80018. The meeting was open to the public.

Attendance

In attendance were the following Directors:

Dennis Lyon
Margaret Booker
Glen Muller
Joshua Rodriguez

Also, in attendance were:

Shannon Torgerson, Goodwin & Company
Bob Colwell, Colwell & Company Inc.
Paul Rufien, Rufien Law
Margie Sobey, The Consulting Source, Inc.

Several constituents were also in attendance.

Executive Session

Following a motion made by Director Booker, seconded by Director Rodriguez and, upon vote, the Board entered Executive Session pursuant to C.R.S. §24-6-402(4)(b) to discuss legal negotiations on the outstanding lawsuits against the District at 5:01 p.m. Following discussion, upon a motion by Director Rodriguez, seconded by Director Muller and, upon vote, unanimously carried, the Board adjourned Executive Session at 5:55 p.m.

Administrative Matters

Call to Order/Declaration of Quorum – Director Lyon called the meeting to order at 6:02 p.m. Quorum was declared with 4 of 5 Board members in attendance. Following discussion, upon a motion made by Director Booker, seconded by Director Muller and, upon vote, unanimously carried, the Board excused the absence of Director Ortiz due to illness.

Approval of Agenda, Meeting Location and Posting Location – Following discussion, upon a motion made by Director Rodriguez, seconded by Director Booker and, upon vote, unanimously carried, the Board approved the agenda as presented. Ms.

Torgerson noted the agenda and notice of meeting was posted to the District's website on Friday, January 12, 2024, prior to 6:00 p.m.

Acknowledge Filing of Board Member Oaths – Ms. Torgerson confirmed the Oaths of Office for all Board members have been filed with Arapahoe County Courts and have been approved on the Department of Local Government's website.

Public Comment – A member of the public, running for the Arapahoe County Commissioner seat up for election, was in attendance and introduced himself to those in attendance.

Election of Officers – Following discussion, upon a motion made by Director Lyon, seconded by Director Rodriguez and, upon vote, unanimously carried, Director Lyon was elected President/Chairman of the Board.

Following discussion, upon a motion made by Director Muller, seconded by Director Booker and, upon vote, unanimously carried, the Board elected Director Muller as Vice President/Vice Chairman of the Board.

Following discussion, upon a motion made by Director Booker, seconded by Director Muller and, upon vote, unanimously carried, the Board elected Director Booker as Secretary.

Following discussion, upon a motion made by Director Rodriguez, seconded by Director Lyon and, upon vote, unanimously carried, the Board elected Director Ortiz as Treasurer.

Following discussion, upon a motion made by Director Booker, seconded by Director Muller and, upon vote, unanimously carried, the Board appointed Ms. Torgerson as secretary for the purpose of signing Board approved meeting minutes and Director Rodriguez as Member at Large.

Consider Acceptance of Prior Meeting Minutes – October 12, 2023 Regular Meeting Minutes, November 15, 2023 Special Meeting Minutes and November 20, 2023 Special Meeting Minutes – Following discussion, upon a motion made by Director Booker, seconded by Director Rodriguez and, upon vote, unanimously carried, the Board accepted the prior meeting minutes from October 12, November 15 and November 20. If corrections are needed, members of the public are to notify Ms. Torgerson of the changes needed so they can be discussed by the Board. It was noted the Board is accepting these minutes but is not voting to

approve the minutes since none of the current members of the Board were on the Board at the time of the meetings.

Consider Approval of Prior Meeting Minutes – December 20, 2023 Special Meeting Minutes – Following discussion, upon a motion made by Director Booker, seconded by Director Rodriguez and, upon vote, unanimously carried the Board approved the December 20, 2023 Special Meeting Minutes as presented.

Consider Approval of Prior Meeting Minutes – January 8, 2024 Special Meeting Minutes – Following discussion, upon a motion made by Director Muller, seconded by Director Booker and, upon vote, unanimously carried, the Board approved the January 8, 2024 Special Meeting Minutes as presented.

Review and Consider Approval of Annual Administrative Resolution – The Board confirmed the meeting dates listed in the Annual Administrative Resolution and set the 2024 Annual Meeting for November 20, 2024 at 6:00 p.m. The November 20, 2024 Regular Board meeting will start at 7:00 p.m. Following discussion, upon a motion made by Director Booker, seconded by Director Rodriguez and, upon vote, unanimously carried, the Board approved the Annual Administrative Resolution as amended.

Consultant Matters

Legal Update – Paul Rufien – Consider Stipulated Motion to Dismiss City of Aurora vs. Matthew West, Debra West and Murphy Creek Metropolitan District No. 3 – Following discussion, upon a motion made by Director Rodriguez, seconded by Director Muller and, upon vote, unanimously carried, the Board approved the Stipulated Motion to Dismiss City of Aurora vs. Matthew West, Debra West and Murphy Creek Metropolitan District No. 3 as presented. The Board will discuss pass along costs associated with this suit and the replacement of the concrete in the alleyway to Ms. West at a later date. Members of the audience asked how this type of concern can be addressed without infringing upon the City of Aurora's rights as an easement holder in the alleyways.

Mr. Rufien indicated the legal suit against the District with the Developer is still in early stages with no update.

Security Update – Andy Carroll – Mr. Carroll provided an update to the Board, indicating the clubhouse survived the deep freeze unscathed, however, the drains in the basement were slightly frozen leading to the slow drainage of water once the water was turned back on. It was noted drains like these are generally not

insulated. Mr. Carroll did indicate one of the box heaters in the basement and another wall heater in the board room are not functioning. Ms. Torgerson indicated she would obtain a proposal to replace both. Mr. Carroll is going to meet with LMI/ColoradoScapes to determine the installation locations for the solar lights purchased in late 2023. The AED machine for the pool was not removed from the locked pool deck and may need to be replaced. Ms. Torgerson will notify Mr. Doherty this was not removed from the pool deck and properly stored at the end of the swim season. Mr. Carroll confirmed the hours for nightly patrols are 8 pm to 4 pm daily.

Landscape Update – Carlos Esquivel – Mr. Esquivel provided an update to the Board including a tree count for the entire District from Rocky Mountain Tree Care, Inc. It was noted the approximate replacement value of the 746 trees is \$2,880,936.

The Board briefly discussed the proposal to replace addition Irrigation controllers at a cost of \$107,212.95. It was noted Director Lyon has reached out to the City of Aurora Water Conservation Department to determine what kind of programs they have to assist with the costs of the controller replacement.

Little Library at Clubhouse – Ms. Torgerson provided information to the Board regarding the proposed Little Library at the entrance to the clubhouse. The Board agreed to allow Mr. Gardner to move forward with the project with the assistance of LMI/ColoradoScapes.

Financial Matters

Review and Acceptance of December 31, 2023 Financial Statements – Mr. Colwell reviewed the financial status of the District, including the approximate balance in each account.

Payment Plan Request of 24-36 Months for Account 575670 – Following discussion, upon a motion made by Director Lyon, seconded by Director Muller and, upon vote, unanimously carried, the Board approved a 36-month payment plan for account 575670 with the stipulation the current month operations and maintenance fee be paid each month.

Update on Refinance – Director Lyon noted the Refinance closed on January 9, 2024 and reduced the mill levy to 34.240.

2024 Budget

Open Hearing: Following discussion, upon a motion made by Director Booker, seconded by Director Rodriguez and,

upon vote, unanimously carried, the Board opened the 2024 Budget Hearing at 7:49 p.m.

Review of 2024 Budget – Ms. Torgerson reviewed the budget with those in attendance, noting there are significant changes to the legal budgets and a special election category has been added.

Close Public Hearing – Following discussion, upon a motion made by Director Muller, seconded by Director Booker and, upon vote, unanimously carried, the Public Hearing was closed at 7:58 p.m.

Adoption of Budget Resolution and Confirmation of 2024 Mill Levy – Following discussion, upon a motion made by Director Booker, seconded by Director Muller and, upon vote, unanimously carried, the Board adopted the Budget Resolution as presented and confirmed the 2024 Mill Levy at 34.240 mills.

Other Business

Review and Consider Approval of 2024 Wind & Hail Deductible Buy Down – Following discussion, upon a motion made by Director Lyon, seconded by Director Rodriguez and, upon vote, unanimously carried, the Board approved the 2024 Wind & Hail Deductible Buy Down at a cost of \$8856.

2024 Pool Management Agreement with Doherty Pool Management – The Board tabled action on this item. Constituents noted the lifeguard staff was fantastic, but the pool maintenance was not good in 2023. Further discussion revealed most of the constituents in attendance felt lifeguards are needed.

Review and Consideration of Designated Election Official and Proposal for Special Election required by §§ 1-13.5-111(2) and (3) – Action was tabled on this item as no proposals for this service has been received. It was noted the special election would take place on May 7, 2024. Discussion ensued regarding communication with constituents regarding deadlines and other requirements.

Clubhouse Rental Deposit Discussion – Following discussion, upon a motion made by Director Booker, seconded by Director Muller and, upon vote, unanimously carried, the Board approved the reduction of the Refundable Security Deposit to \$250 for clubhouse rentals.

Review and Consider Approval to Replace the Clubhouse Refrigerator and Stove – Following discussion, upon a motion made by Director Booker, seconded Director Rodriguez and, upon vote, unanimously carried, the Board approved Ms. Torgerson to purchase a new stove and refrigerator at a cost not to exceed \$3000.

Acknowledge Resignation of Pauline Welch as Clubhouse Cleaner – Ms. Torgerson noted proposals have been requested for clubhouse cleaning services as Ms. Welch has decided to retire as of January 22.

Approval of Lock Rekeying – Clubhouse/Tennis Courts/Pool - Following discussion, upon a motion made by Director Lyon, seconded by Director Booker and, upon vote, unanimously carried, the Board approved the rekeying of all locks at the clubhouse, tennis courts and pool at a cost of \$1965.


Board Member Comments There were no Board member comments made.

Other Items to Discuss There were no other items to discuss.

Confirm Quorum for Next Scheduled Meeting Board members in attendance confirmed their attendance at the next scheduled meeting on February 21, 2024 at 6:00 p.m.

Adjournment With no further business to discuss, upon a motion made by Director Booker, seconded by Director Rodriguez and, upon vote, unanimously carried, the meeting adjourned at 8:18 p.m.

Respectfully submitted,



Secretary for the Meeting