

**BUCKHORN RANCH ASSOCIATION
BOARD OF DIRECTORS SPECIAL MEETING
JANUARY 19, 2023 – 6:00 P.M.
VIA ZOOM**

Board Members participating:

Kate Somrak
Cathy Low
Chris Edmonds
Sean Patrick
Tom Shepard
Ali Johnson
Casey Lanza

Others participating:

Multiple lot owners
Rob Harper, Toad Property Management
Alex Summerfelt, Toad Property Management
Beth Appleton, Legal Counsel

Rob called the meeting to order at 6:06 p.m. and confirmed there was a quorum.

Rob explained the purpose of the special meeting was to discuss water matters, there would be an opportunity for owners to make comments and then there would be an Executive Session and non-Board members would need to leave the meeting.

Alex explained the “chat” feature on Zoom and said owners could also raise their hands with questions.

Sean said he had spoken with Jack Dietrich and Norman Whitehead and a new well could be drilled next month subject to all the regulations being met.

Beth Appleton said she did not know why Bill Lacy had turned off the water in the ditch and confirmed Bill Lacy did have the right to do that. Turning the ditch off had accelerated Board discussion about a new well.

Sean explained the water storage tank was currently 100% full and the Board was trying to prepare for Spring and Summer as there was no water shortage at the present time. If a solution was not found it might be necessary to limit lawn sprinkler systems during the Summer but that was just one solution being discussed at the present time. If rainfall was similar to 2022 it would not be necessary to introduce any restrictions.

The Board continued to talk to Bill Lacy. Concern was expressed about the failed well east of Avion and the Board was asked not to repeat mistakes made at that time. Sean explained the well had been producing 100 gallons a minute but when Bill Lacy turned off the ditch the well production dropped to 5 gallons a minute. The 5 gallons per minute

would be useful but the Board was not in favor of spending Association funds for a pump house and other infrastructure when there might be an opportunity for better water production at another well location. Norman Whitehead, a local engineer, had identified a well location next to Well #1 which was producing a decent amount of water. Another well location had been identified by the tennis courts but the costs would be higher to drill a well there.

Rob explained all the irrigation ditches were owned by Bill Lacy.

Kate explained the Board was relying on advice from experts, such as Jack Dietrich and Norman Whitehead, to select well site locations. Sean explained owners wanting to build were being encouraged to design landscaping which required less or no watering and Sean said the design review committee and Bart Lammel would be preparing new guidelines to address landscaping. Beth explained State law did not permit a restriction on Xeriscaping, gravel or turf grass and owners were encouraged to design the landscaping to reduce water use.

Sean explained Bill Lacy would need to turn the ditches back on in the Spring for irrigation of his own land.

Beth said Bill Lacy, Senior, had negotiated a 75 foot ditch easement with Dick Landy, the Developer, and that easement was wider than usually established and did restrict the building envelope on some lots. Beth encouraged those owners to email Toad and Beth would forward the email to Bill Lacy's attorney.

Sean said drip irrigation to recently planted trees would be permitted and the focus would be on reducing the amount of water for lawn irrigation.

Sean explained the existing pump house was near the runway on North Avion and the new well would be drilled at that location on common open space. The other well would be drilled on common open space near the tennis courts.

Sean thanked owners for participating in the Zoom call.

Beth said clarification had been requested on the monthly fee proposed by Bill Lacy for the ditches to be turned on. At the present time that figure was not known and no pressure was being put on Bill Lacy to provide that figure as Buckhorn had sufficient water at the present time. The plow contract was renewed annually and it was unclear how long Bill Lacy wanted a commercial plow contract to be for. Specific easements were not known and it was unclear why easements and snowplowing were being part of water discussions. Beth said Bill Lacy had indicated a willingness to discuss the ditches if Buckhorn experienced a water shortage. Beth explained no other information was available at the present time.

Rob explained an Executive Session permitted the Board to discuss legal options with the Association's legal counsel.

Sean confirmed the new well would not be within 125 feet of the runway.

A request was made to immediately terminate any commercial contracts with Lacy Construction and Sean explained there was a one year contract for snowplowing which needed to be honored. Kate said Lacy Construction was doing a great job with snow removal at the present time.

At 6:30 pm Kate made a motion to go into Executive Session to discuss water issues with legal counsel. Sean seconded the motion and it was unanimously approved.

Rob asked owners who were not on the Board to leave the meeting and thanked owners for participating.

At 6:57 pm Sean made a motion to leave Executive Session. Kate seconded the motion and it was unanimously approved.

At 6:58 pm Kate made a motion to adjourn the meeting. Cathy seconded the motion and it was unanimously approved.

Prepared by Rob Harper
Toad Property Management