

BUCKHORN VALLEY METROPOLITAN DISTRICT NO 2

Special Board Meeting Minutes

Meeting Date: Monday October 24, 2022

Meeting Time: 6:13pm to 8:14pm

Meeting Location: The meeting was held online at the following location:

<https://www.gotomeet.me/DistrictBoardMeetingRoom2>

I. Roll call (6:13pm)

A special meeting of the Board of Directors of the Buckhorn Valley Metropolitan District No. 2 (District) was called and held as shown above and in accordance with the statutes of the State of Colorado. The following Directors were in attendance:

Directors	Office	Attendance
Nickolas Viau	President	Present
David Fiore		Present
Kristine Rossier	Treasurer	Present
Eliana Walker	Secretary	Present
Vacancy		

Also, in attendance was Charles Wolfersberger (District Manager), with Wolfersberger, LLC; Paul Rufien (District General Counsel) with Rufien Law, PC. No homeowners attended the meeting.

II. Call to order

The meeting was called to order by Director Viau. Director Viau noted that a quorum of the Board was present, the Directors confirmed their qualification to serve and, therefore, called the special meeting of the Board of Directors of the District to order.

III. Present disclosures of potential conflicts of interest

The Board reviewed the agenda for the meeting, following which all directors disclosed no conflicts of interest with the business to be discussed and conducted at the meeting.

IV. Administrative Matters

- 1) Meeting Agenda: The Board reviewed the meeting agenda presented by the District Manager. Director Viau motioned to approve the agenda as presented. Director Rossier seconded the motion and the Board voted 3-0 to approve the motion.
- 2) Review and consider minutes from the October 03, 2022 board meeting: The Board reviewed the draft of the minutes presented by the District Manager. Director Fiore raised concerns on a topic contained in the minutes about the pending Town of Gypsum Planning Commission

hearing for Phase VII at BVMD. Director Viau moved to approve the minutes as presented. Director Walker seconded the motion and the Board voted 4-0 to approve the motion.

- 3) Review and consider minutes from the October 07, 2022 board meeting: The Board reviewed the draft of the minutes presented by the District Manager. Director Viau moved to approve the minutes as presented. Director Walker seconded the motion and the Board voted 4-0 to approve the motion.

V. Public comments – None

VI. Director matters

Director Walker arrived at 6:36pm.

Director Fiore expressed concerns regarding the development plans for the next proposed phase within the District including (1) whether adequate irrigation water supply compared to the water rights exist to support the construction of additional homes proposed without considering the impact of single family v multi-family homes, landscaping (e.g. zero scaping) within the District and (2) proposed exclusion of new homes from the property use and maintenance covenants to which all existing homes are subject. Director Viau asked if it made sense to request to have a joint meeting or workshop with the TOG. After discussion and reach a consensus of the Board, Director Fiore motioned to direct the District Manager to send a letter to the Town Manager and Planning Commission requesting to either delay the public hearing or to continue the public hearing for a sufficient period and to request for the TOG Plan Commission and Council meet with the District's Board to discuss the Board's concerns regarding this development proposal prior to the Planning Commission concluding their public hearing and review of this development proposal. Director Viau seconded the motion and the Board voted 4-0 to approve the motion.

Action Item 2: The District Manager will draft and submit to the Board for review a letter to the Town Manager and Planning Commission requesting a meeting between the District Board and the Town Planning Commission.

VII. Executive Session

Director Viau motioned to open executive session at 6:44pm for the purpose of conferring with the District's legal counsel pursuant to Section 24-6-402(4)(e), C.R.S. for purposes of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; instructing negotiators regarding disputes related to the 2003 First Amended & Restated District Facilities Construction & Service Agreement; and evaluating the operations and funding of the public irrigation system within the District's boundaries. Director Rossier seconded the motion and the Board voted 4-0 to approve the motion.

No actions were taken by the Board during executive session. Mr. Rufien directed the District Manager to not record this executive session.

Director Fiore motioned to close the executive session at 8:07pm. Director Viau seconded the motion and the Board voted 4-0 to approve the motion.

