

**ANNUAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #5
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
April 22, 2020 at 1:30 p.m.
By Zoom Only**

Present: David Schmittel, President; George Whitten, Vice-President/Secretary/Treasurer; Dale Gerstberger, Manager; Kit Caldon, Manager; Corey Hill, Manager, and, Peggy Godfrey, Ex-Officio Member.

Staff and Consultants: Pete Ampe, Hill & Robbins, P.C.; Chris Ivers, Program Manager; Rose Vanderpool, Program Assistant; Clinton Phillips, Davis Engineering; Michael Carson, Data Base Administrator; and, April Mondragon, Administrative Assistant.

Guests: Deb Sarason, David Hofmann.

Meeting Called to Order

President Schmittel called the meeting to order at 1:38 p.m. A quorum was present.

Approval of the Consent Agenda

President Schmittel asked for additions or a motion to approve the consent agenda.

- Agenda
- January 22, 2020 Quarterly Meeting Minutes
- January 22, 2020 Executive Session Minutes
- February 5, 2020 Special Meeting Minutes
- February 19, 2020 Special Meeting Minutes

A motion was made by Kit Caldon to approve the agenda as presented. The motion was seconded by Dale Gerstberger and unanimously approved.

Election of Officers

President Schmittel asked for the election of officers. Chris Ivers announced Dale Gertsberger and Corey Hill were officially reappointed to the Board of Managers by the District Board of Directors. Pete Ampe asked for nominations for President.

A motion was made by Dale Gertsberger to nominate David Schmittel as President. The motion was seconded by Kit Caldon and unanimously approved.

A motion was made by Kit Caldon to nominate George Whitten as Vice President. The motion was seconded by Dale Gertsberger.

Public Comment

President Schmittel asked for public comment. There was none.

Attorney's Report

President Schmittel asked for the Attorney's Report. Pete Ampe updated the Board on the Santa Maria change case. Mr. Ampe also provided an update on Subdistricts 2 and 3 Annual Replacement Plans and reported Subdistrict No. 5 Annual Replacement Plan is due in March 2021. Mr. Ampe provided an explanation on how the Santa Maria shares can be used.

Program Manager's Report

President Schmittel asked for the Program Manager's report. Chris Ivers presented the financials, discussion was held on the length of time the Subdistrict has to repay the Rio Grande Water Conservation District.

A motion was made by Kit Caldon to approved the financial report. The motion was seconded by Dale Gertsberger and unanimously approved.

Discussion Regarding Replacement Sources

President Schmittel asked for the discussion regarding replacement sources. Corey Hill questioned the payment amount for Well Injury Payments. Chris Ivers presented the spreadsheet

he previously sent to the Board. He explained how the withdrawal fee changes depending on a wet year vs a dry year and how the Well Injury Payment affects the fees. Mr. Ivers also explained the Subdistrict No. 5 Groundwater Withdrawal Fee is based off the anticipated budget more flexible, in comparison to Subdistrict No. 1. Discussion was held on how much to set the Well Injury Payment amount. Pete Ampe further explained securing Well Injury Payment contracts would keep fees lower and highlighted each contract amount could be different. Corey Hill stated he would have a discussion with his family regarding Well Injury Payment and would report back at the next meeting.

New Business

President Schmittel asked for new business. Discussion was held on property for sale on Saguache Creek. Chris Ivers reported the State Engineer approved Subdistrict No. 5's Plan of Water Management and the District will conduct a public hearing to adopt it. He stated once the District adopts the Plan, they could start doing contracts. David Hofmann reported on the requirements to get the Annual Replacement Plan approved.

Executive Session

President Schmittel asked for a motion to enter into executive session to discuss potential property purchases. A motion was made by Dale Gertsberger to enter into executive session. The motion was seconded by George Whitten and unanimously approved.

Mr. Ampe stated the Board was entering into executive session to discuss potential purchase acquisition, transfer or sale of real property. The Board would take no formal action or position.

Action on Executive Session Discussion

Pete Ampe stated the Board was in executive session and had voted to come out. Discussion was related to potential property purchases. President Schmittel asked for direction for staff.

A motion was made by Corey Hill to authorize Chris Ivers and Clinton Phillips to sign a contract for a test well. The motion was seconded by Kit Caldon and unanimously approved.

A motion was made by George Whitten to make an offer to purchase the Green Earth water rights for \$750,000.00 in addition, the Subdistrict would cover the domestic wells already authorized by the existing augmentation plan, contingent on-Board approval. The motion was seconded by Kit Caldon and unanimously approved.

A motion was made by Dale Gertsberger to authorize Chris Ivers to make an offer to purchase the Baxter property for \$1,200.00 per acre plus an easement for the current owner to access the remainder of the property contingent on the property being able to be subdivided up to 40 acres


A motion was made by Kit Caldon to instruct Clinton Phillips at Davis Engineering to design a detailed reservoir design and permitting process. The motion was seconded by George Whitten and unanimously approved.

Next Meeting

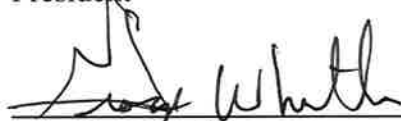
President Schmittel asked for the next meeting. A special meeting was scheduled for May 6, 2020 at 1:00 p.m. by Zoom meeting only. The next quarterly meeting is scheduled for July 22, 2020 at 1:00 p.m.

Adjournment

The meeting was adjourned at 3:55 p.m.



President



Vice-President/Secretary/Treasurer