

**SPECIAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #5
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
September 10, 2020 at 7:00 p.m.
By Zoom/Teleconference 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.; Cleave Simpson, General Manager; Chris Ivers, Program Manager; Allen Davey and Clinton Phillips, Davis Engineering; Michael Carson, Data Base Administrator; and, April Mondragon, Administrative Assistant.

Guests: Deb Sarason, David Hofmann, Thad and Sue Englert, and, Calvin Coleman.

Meeting Called to Order

President Schmittel called the meeting to order at 7:13 p.m. A quorum was present.

Approval of the Agenda

President Schmittel asked for additions or a motion to approve the agenda. A motion was made by Kit Caldon to approve the agenda as presented. The motion was seconded by Corey Hill and unanimously approved.

Executive Session

President Schmittel asked for a motion to enter into executive session to receive legal advice concerning the purchase of real property. A motion was made by Kit Caldon to enter into executive session. The motion was seconded by Dale Gerstberger and unanimously approved.

Mr. Ampe stated the Board was entering into executive session to discuss a potential real property purchase. During the executive session, 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.

Direction for Staff

Direction was given to staff to move forward with what was discussed.

Discussion of Contract Fees

President Schmittel asked for the discussion on contract fees. Pete Ampe explained what the contract fee would be used for. Chris Ivers added the contract fee would also cover staff time. Mr. Ampe provided the amount other Subdistricts are charging for a contract fee and how much staff time each contract takes. Mr. Ivers reported the contract fee would be the minimum fee, additional fees could be added if a contract took up more staff time. Dale Gerstberger asked what would happen if the Board chose to not let anyone contract into the Subdistrict. Mr. Ivers stated that contract were at the Board's discretion and explained how the administration fee would be spread out among all the wells in the Subdistrict, including those that contract into the Subdistrict. Corey Hill asked if the Board could make wells that contract into the Subdistrict pay more. Mr. Ampe explained how other Subdistricts are charging back fees. Discussion was held on how marijuana farms, fish farms and other large municipalities would be classified. Cleave Simpson reported the wells at Russell Lakes will be seeking to contract in as well as the Town of Saguache. President Schmittel asked if a \$400 contract fee would be reasonable.

A motion was made by George Whitten to set the Subdistrict No. 5 contract fee at \$400. The motion was seconded by Kit Caldon, the motion did not pass.

Discussion was held on the number of wells that would be seeking to contract into the Subdistrict. Corey Hill asked if anyone had tried to contract in at this point. Mr. Ivers provided the number of interested parties and reported each contract would need to be accepted individually. Mr. Gertsberger asked the Board to consider a contract fee of \$500. Corey Hill

highlighted that some of the individuals wanting to contract into the Subdistrict may have surface water that could be beneficial to the Subdistrict. Calvin Coleman asked the Board why surface water owners would want to help well users pay their fees. Corey Hill explained why he had to join the Subdistrict as he has both wells and surface water. Mr. Ampe explained how surface water owned by people brought into the Subdistrict could be a benefit to both the Subdistrict as well as the owner.

A motion was made by Dale Gerstberger to set the Subdistrict No. 5 contract fee at \$500 per well. The motion was seconded by Kit Caldon and unanimously approved.

Direction for Staff

President Schmittel reported staff had already been provided with direction.

New Business

President Schmittel asked for new business. There were none.

Next Meeting

President Schmittel asked for the next meeting. A special meeting was scheduled for September 24, 2020 at 7:00 p.m. The next quarterly meeting is scheduled for October 21, 2020 at 1:00 p.m.

Adjournment

The meeting was adjourned at 8:23 p.m.



President



Vice-President/Secretary/Treasurer