

**SPECIAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #5
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
April 13, 2021 at 5:00 p.m.
By Zoom/Teleconference**

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

Absent: Corey Hill, Manager.

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

Guests: Deb Sarason, David Hofmann, Lynn Thompson, Tom McCracken, Tyrell Mares, Cody Redden, Craig Perrin, Mike Kruse, Kristina Wietrick, Chris Schaefer, Tim Lovato, Monte Enes, Joe Smesny, William Myers, John Gerstle, Daryl Dinkla, Monica McCafferty, CJ Weis, Ryan Fox.

Meeting Called to Order

President Schmittel called the meeting to order at 5:12 p.m. A quorum was present.

Approval of the Agenda

President Schmittel asked for approval of the agenda. A motion was made by Kit Caldon to approve the agenda as presented. The motion was seconded by Dale Gerstberger and unanimously approved.

Public Comment

President Schmittel asked for public comment. Joe Smesny asked for an update on the potential to acquire Ryan Fox water. Dale Gerstberger reported the Subdistrict had not been able to come to an agreement with Ryan Fox. Chris Ivers highlighted the public offers made to Mr. Fox. Peter Ampe reported on the hindrance for a public body such as the Subdistrict to acquire a loan when the purchase price is well above the appraised value. Discussion was held on how a loan would be repaid and the need for sources in addition to the Fox water. George Whitten highlighted the difficult negotiations and stipulations the Fox water came with, which the Board could not enforce, and it was not just the money that prevented them from leasing the water.

Executive Session

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

Mr. Ampe stated the Board was entering into executive session pursuant to section 24-6-402(4)(a) to discuss a potential purchase of real property. The Board would take no formal action or position during the executive session.

Possible Action from Executive Session

President Schmittel asked for possible action from executive session.

A motion was made by Dale Gerstberger to agree to enter into a contract with the owners of the Tarbell Ditch to help remedy depletions on Saguache Creek and agree to lease the water for one year in the amount of \$150,000.00. The motion was seconded by Kit Caldon and unanimously approved.

A motion was made by Dale Gerstberger to approve and move forward with getting the Woodard lease agreement signed to offer \$4,500 upfront and an additional \$150 per acre foot for every acre foot of water the Subdistrict is able to use. The motion was seconded by Kit Caldon and unanimously approved.

Discussion on Saguache Creek Remedies

President Schmittel asked for discussion on Saguache Creek remedies. Discussion was held on the hope to get the Annual Replacement Plan approved with the transmountain water.

Public Comment

President Schmittel asked for public comment. Tim Lovato asked for clarification on the number of shares the Subdistrict intended to lease on the transmountain water.

Approval of the 2021 Annual Replacement Plan

President Schmittel asked for approval of the 2021 Annual Replacement Plan. Discussion was held on a variance application request from the Division of Water Resources. Chris Ivers reported the request would be to submit the Annual Replacement Plan one week after the due date and not delay the start date. David Hofmann asked for an explanation of remedies when the transmountian water shuts off which Mr. Ivers explained. Mr. Ivers also reported on two additional Well Injury Payment agreements received from Craig Shepherd.

Recommendation to the Board of Directors

President Schmittel asked for recommendation to the Board of Directors.

A motion was made by Kit Caldon to direct legal council to request a variance to put off the actual submission of the 2021 ARP until Tuesday April 20, 2021. The motion was seconded by Dale Gerstberger and unanimously approved.

Direction for Staff

President Schmittel reported staff had received direction.

Next Meeting

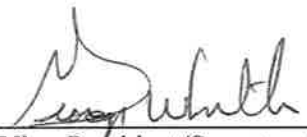
A special meeting was scheduled for April 19, 2021 at 5:00 p.m. The annual meeting is scheduled for April 21, 2021.

Adjournment

The meeting was adjourned at 6 :10 p.m.



President



Vice-President/Secretary/Treasurer