

**SPECIAL MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #5
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
February 9, 2023 at 2:00 p.m.
Rio Grande Water Conservation District Conference Room
And by Zoom/Teleconference**

Present: David Schmittle, President; George Whitten, Vice-President/Secretary/Treasurer; Kit Caldon, Manager; Corey Hill, Manager; and Dale Gerstberger, Manager.

Absent: Doug Gunnels, Ex Officio Member.

Staff and Consultants: Pete Ampe, Hill & Robbins, P.C.; Chris Ivers, Program Manager; Clinton Phillips, Davis Engineering; Linda Ramirez, Program Assistant; Kylie Gregg, Office Manager; Rose Vanderpool, Program Assistant; April Mondragon, Administrative Assistant; Wylie Keller, Water Resource Specialist; and Michael Carson, Database Administrator.

Guests: Greg Higel, David Hofmann, William Myers, Diane Woodard, Tony Windham, Peggy Godfrey, Joel Entz, Amos Beason, Ryan Unterreiner.

Meeting Called to Order

President Schmittle called the meeting to order at 2:05 p.m. A quorum was present for the meeting.

Approval of the Agenda

President Schmittle asked for any changes, additions or a motion to approve the agenda. A motion was made by George Whitten to approve the agenda as presented. The motion was seconded by Kit Caldon and unanimously approved.

Public Comment

President Schmittle asked for public comment. There was none.

Review and Consider CWCB Loan Documents

President Schmittle asked for the review and consideration of the CWCB loan documents. Chris Ivers presented the resolution. He provided the new principal loan amount, the loan terms, the annual payment amount and what will be covered under the loan. Mr. Ivers reported the Board of Managers would be responsible for setting the fees to cover the loan payment. He highlighted the annual payment due date and explained the next steps of the loan approval process. Mr. Ivers provided the number of years the Subdistrict has to complete the loan projects prior to the start of the annual payments. Mr. Ivers read the resolution into record.


A motion was made by George Whitten to adopt the Resolution of the Board of Manager of Special Improvement District No. 5 of the Rio Grande Water Conservation District Water Activity Enterprise to Affirm the Resolution to Apply for a Loan from the Colorado Water Conservation Board. The motion was seconded by Kit Caldon and unanimously approved.

New Business

President Schmittle asked for new business. Chris Ivers provided an update on the well being drilled by Cooper Drilling. Discussion was held on the location of the well, access to the creek from the well, the diameter of the pipe from the well to the creek and the well completion deadline. Wylie Keller gave an update on the status of getting electrical power to the well. Mr. Ivers highlighted an issue reported by the Division of Water Resources on the small well. David Hofmann described the grouting issue raised by the well inspector. Discussion was held on how to correct the issue and the type of pump to be installed on the new well.

Adjournment

The meeting was adjourned at 2:41 p.m.



President



Vice-President/Secretary/Treasurer

**RESOLUTION OF THE BOARD OF MANAGERS OF SPECIAL IMPROVEMENT
DISTRICT NO. 5 OF THE RIO GRANDE WATER CONSERVATION DISTRICT
WATER ACTIVITY ENTERPRISE**

*(To Affirm the Resolution to Apply for a Loan from the
Colorado Water Conservation Board)*

RECITALS

WHEREAS, the Rio Grande Water Conservation District was created pursuant to section 37-48-102, C.R.S.; and,

WHEREAS, pursuant to section 37-48-108, C.R.S., the Rio Grande Water Conservation District is authorized to establish special improvement districts; and,

WHEREAS, pursuant to the request of certain water users in the Saguache Creek basin and section 37-48-123, the District filed a Petition to establish Special Improvement District No. 5 of the Rio Grande Water Conservation District ("Subdistrict No. 5") in the District Court, Saguache County and the District approved said petition on December 18, 2017; and,

WHEREAS, Subdistrict No. 5 as a local government entity is authorized to establish a water enterprise pursuant to Article 45.1 of Title 37 of the Colorado Revised Statutes and Subdistrict No. 5 has established such enterprise; and,

WHEREAS, the Enterprise is authorized to borrow money and incur indebtedness pursuant to section 37-50-107(1)(c), C.R.S.; and,

WHEREAS, the Board of Managers of Subdistrict No. 5 previously directed Enterprise staff and consultants to pursue and apply for a loan from the Colorado Water Conservation Board in the amount of six million, eighty thousand, two hundred dollars (\$6,080,200.00); and,

WHEREAS, the Board of Managers, after consultation with Enterprise Staff and consultants determined its current fee structure and revenue is sufficient to meet the repayment terms of such a loan; and,

WHEREAS, Enterprise staff and consultants did apply for such loan and such loan application was approved by the Colorado Water Conservation Board; and,

WHEREAS, the Board wishes to memorialize said previous request, application, and approval in a written Resolution.

RESOLUTION


NOW, THEREFORE, be it resolved by the Board of the Enterprise that:

1. The Board has previously authorized Enterprise staff and consultants to request a loan in the amount of six million, eighty thousand, two hundred dollars (\$6,080,200.00).

2. The Board hereby accepts the terms of said loan as provided by the Colorado Water Conservation Board and authorizes the acceptance of the loan on behalf of the Enterprise.

RESOLVED this __ day of February 2023, at the office of the Rio Grande Water Conservation District, 8805 Independence Way, Alamosa, CO.

ATTEST:


Secretary

BOARD OF MANAGERS SPECIAL
IMPROVEMENT DISTRICT NO. 5 OF THE
RIO GRANDE WATER CONSERVATION
DISTRICT WATER ACTIVITY
ENTERPRISE


President