

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, Texas
Tuesday, July 16, 2013
Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a board meeting on Tuesday, July 16, 2013 at the Clearwater UWCD Building, located at 700 Kennedy Court, Belton, Texas.

Board Members Present:

Leland Gersbach, President
Wallace Biskup, Vice President
Judy Parker, Secretary
David Cole, Director
Bill Bartlett, Director

Public Advisory Committee:

Henry Bunke

Staff:

Dirk Aaron
Shelly Chapman

Guests:

Christopher Brown – USGS
Stephanie Wong – Baylor Univ.

MaryLynn Musgrove – USGS
Andrew Worsley – Baylor Univ.

George Ozuna – USGS
Dr. Yelderman – Baylor Univ.

Tommy Lovelace – Tom Lovelace Water Well Drilling & Service

Board Meeting called to order with Board President, Leland Gersbach, at 1:32p.m.

President, Leland Gersbach informed the Board that he would like to convene to workshop and let the guests make their presentation and not have to sit through the entire Board meeting if they did not want to. The Board agreed to the change in the agenda order.

Board Convened to Workshop at 1:32 p.m.

Workshop Item 2. Review and discuss items pertaining to the Baylor University presentation on potential studies for Clearwater UWCD for FY14.

Dirk Aaron introduced Baylor Grad. Student, Stephanie Wong. Stephanie gave a presentation on a proposal for research to be conducted and the estimated costs associated with the study. The basis of the study would be to investigate the recharge pathways and mechanisms in the northern segment of the Edwards Aquifer in Bell County. There was some discussion regarding the cost. Leland Gersbach mentioned that the contract would need to include a maximum dollar amount not to be exceeded. Dirk Aaron stated that CUWCD would have to revisit that policy. The data from the study can be shared with other entities. CUWCD will be getting a “deliverable” that can be used to defend the next cycle of the Districts DFC.

Workshop Item 1. Review and discuss items pertaining to USGS presentation concerning the FY13 Geochemistry study and the USGS presentation on possible phase 3 work for FY14.

Leland Gersbach introduced USGS representative, George Ozuna. George presented an update on phase 1 and 2 of the studies contracted with USGS. Phase 1 included sampling of 6 spring orifices to get a “picture in time” during the drought. USGS learned that the water quality in the springs is very similar but the water quality of the wells is different than that of the springs. They discovered some man’s affects on water quality. Phase 2 established a low flow discharge gage. They have collected all of the samples but have not gotten all of the data back yet. USGS has been actively observing and sampling the springs at key moments in time during rainfall events. George also presented some ideas for continuing into the next phase of the study and possible costs associated with the next phase. George will send Dirk some deliverables on the proposal.

Board President, Leland Gersbach, closed workshop and reconvened to the Board Meeting at 3:08 p.m.

1. *Invocation and Pledge of Allegiance:*

Vice President, Wallace Biskup, gave the invocation.

Director, Bill Bartlett, lead the Pledge of Allegiance.

2. *Public Comment.*²

None.

3. *Approve minutes of the June 11, 2013 Board Meeting and Workshop.*

Director, Bill Bartlett, moved to accept the minutes as they stand. Secretary, Judy Parker, seconded the motion. **Motion carried 5-0.**

With Board approval, President Leland Gersbach skipped to Agenda Items 7 & 8.

7. *Discuss, consider and take appropriate action if necessary to approve exception to District rules 11.5 Spacing Requirements to allow a 27 ft. reduction in the east (front) setback adjacent to Red Bird Trail, on property located at 14070 Red Bird Trail, Morgan's Point Resort (Cynthia Capps) to allow construction of a new well for domestic use.*

Dirk Aaron gave a narrative on the request for spacing exception from Cynthia Capps. The agenda line item says she is requesting a 27 ft. reduction in the spacing requirements. She is actually requesting a 17 ft. reduction. Ms. Capps and her neighbor, Mr. Thomas, lost their permits to pull water from Lake Belton for domestic purposes. They are being required to develop a plan and submit it to the USACE.

Dirk informed the Board that there is ample space on the property to place this well within the required setbacks, it is most efficient desirable to place the new well in the front yard (east side) location (adjacent to Red Bird Trail) to take advantage of the power supply, and avoid removing trees adjacent to the home (north side). In addition, our rules require a minimum set back of 100 feet from the nearest septic system and lateral lines which are in the back yard (West side) of the home. The applicant wishes to keep the well on her tract of land that the home sites (see attached aerial map) on and avoid placing the well on her adjacent lot to the north. Thus it is not possible to place the well 50' back from the front property line.

The proposed well would be located 23' from the front property line as opposed to the required 50'. The application indicates that there is approximately 40' of right of way between this front property line and the adjacent property on the east side of Red Bird Trail. Therefore, the new well is located approximately 63' from the property to the north. As a result, the property owner to the north will in no way be affected by the proposed reduction in setback. The well observes the required setback from the other three property lines.

Typically, the "affected" property owner is to be contacted as well; however, in this situation, **no property owners are affected.** This also allows the board to take action in at a regular board meeting per District Rules 11.5 (c) Exceptions to Spacing Requirements the Board may proceed, upon notice to the applicant only and without hearing, and take action to grant or deny the exception in full or in part.

Dirk introduced Tommy Lovelace (Tom Lovelace Water Well Drilling and Service). Tommy clarified TDLR's position on such issues. Tommy spoke with TDLR. TDLR will allow the drillers to go to the opposite side of the road for spacing requirements.

Secretary, Judy Parker, moved to allow the 17 ft. reduction. Vice President, Wallace Biskup, seconded the motion. **Motion carried 5-0.**

8. *Discuss, consider and take appropriate action if necessary to approve exception to District rules 11.5 Spacing Requirements to allow a 32 ft. reduction in the east (front) setback adjacent to Red Bird Trail, and 17.5 ft. reduction in the south (front) setback adjacent to Songbird Trail, on property located at 2202 Songbird Trail, Morgan's Point Resort, (Tom Thomas) to allow construction of a new well for domestic use.*

Dirk informed the Board that this is the same scenario as agenda item #7.

Director, Bill Bartlett, moved to allow the reduction in spacing requirements as indicated. Vice President, Wallace Biskup, seconded the motion. **Motion carried 5-0.**

4. *Discuss, consider and take appropriate action if necessary to accept the monthly financial report as presented.*

General Manager, Dirk Aaron, presented the monthly Financial Report to the Board.

Secretary, Judy Parker, moved to accept the monthly Financial Report as presented. Director, Bill Bartlett, seconded the motion. **Motion carried 5-0.**

5. *Discuss, consider and take appropriate action if necessary to accept the monthly Investment Fund account report as presented.*

General Manager, Dirk Aaron, presented the monthly Investment Fund Account Report to the Board.

Director, David Cole, moved to accept the monthly Investment Fund Account Report as presented. Vice President, Wallace Biskup, seconded the motion. **Motion carried 5-0.**

6. *Discuss, consider and take appropriate action if necessary to accept the Quarterly Deferred Compensation Employee Retirement Program account report as presented.*

Dirk presented and explained the Retirement Program Quarterly Report to the Board and the process for reconciling the account.

Vice President, Wallace Biskup, moved to accept the Quarterly Report as presented by Dirk Aaron. Director, David Cole, seconded the motion. **Motion carried 5-0.**

9. *Discuss, consider and take appropriate action if necessary on conducting the annual performance review of the General Manager, in accordance with District Rule 3.1 and Salary Compensation for District Staff in FY14.*

Dirk reminded the Board, that in accordance with District Rules, they are to evaluate the General Manager in July each year. Dirk accordingly evaluated each of the Staff members and informed the Board that he rated the staff very high. He informed the Board of the Staff strengths and criticisms. Dirk informed the Board that Staff has asked for advanced training in their particular areas. The Directors commented that they were pleased with the performance of the Staff and encouraged them to seek advanced training.

Dirk informed the Board that they could convene to Executive or closed session to discuss evaluations of the Staff and General Manager. President, Leland Gersbach, asked Dirk his preference on a closed session. Dirk stated that he preferred the Board to conduct the performance review in a manner that they were most comfortable with. Leland informed Dirk that he previously sent out a performance review to the Directors and that he received glowing reviews from each one. The Board agreed that there was no need to enter into executive/closed session. Leland informed Dirk that he will review the performance evaluations with him at another time with approval of the Board.

President, Leland Gersbach, asked that the minutes show that a performance review of the General Manager had been conducted.

(No action taken. Not an action item.)

10. General Manager's Report concerning office management and staffing related to District Management Plan.

General Manager, Dirk Aaron, updated the Board on current events and items related to the District Management Plan:

- Fletcher-Long N1 Application is on administrative hold. Dirk explained the circumstances to the Board. The Fletchers were not forthright about issues regarding septic system. Applicant did not get proper approval from Michael Jahns or the Commissioners Court.
- Complaint has been made with TDLR against a local well driller. Dirk has conducted a preliminary investigation of the complaints. Investigation on going. Dirk requested information regarding the current complaint, past complaints and resolutions from TDLR.
- Another complaint has been made that a local farmer is irrigating under center pivots and is pulling water from wells on his property or from the Little River. He does not have an operating permit from the District nor does he have a permit to draw out of the river. Dirk will follow up with TCEQ and BRA.
- Armstrong Well Update. Dirk is not comfortable with the Driller. Reminded the Driller that the permit is for the Lower Trinity and that the other layers will be sealed off. Dirk opted to have the District's hydrologist on site to verify things were being done properly.
- Synoptic measurements will be starting soon. Contacts are being made to well owners. 41 wells have been identified for testing. Static water level measurements will begin next week.
- Staff Development for Todd and Shelly. Todd would like to have ESRI Training and Shelly would like advanced QuickBooks training.
- The State Audit is complete. Dirk received preliminary (un-official) information that the District is in compliance. Final determination has not been made.

11. Receive monthly report and possible consideration and Board action on the following:

a. Salado Creek stream flow gauges

Dirk Aaron presented information on stream flow gauges and drought status reports.

b. Education Outreach Update

Todd Strait submitted his report on Education Outreach. Dirk Aaron touched on some of the highlights.

c. Monitoring wells

Dirk Aaron presented the measurements of the monitor wells.

d. Rainfall

Dirk Aaron discussed the rainfall totals in conjunction with the drought status report.

e. Well registration

Shelly Chapman informed the Board that 4 new exempt wells and 1 grandfathered well was registered in the month of June.

f. Non-exempt Monthly well production

Dirk Aaron presented the monthly well production information to the Board.

Copies of the Monthly Staff Reports were given to the Board Members to review. No action required. Informational items only.

12. Public Advisory Committee comments.³

None

13. Director comments.³

Leland inquired about PAC member Marvin Green. He has been to any meetings lately and probably needs to be replaced. Wallace Biskup will get in touch with him.

Judy Parker had a request from the River Ridge HOA for the District to make a presentation at their next meeting in August. Dirk will be glad to attend.

Wallace Biskup thanked Dirk and the Staff for all their hard work and efforts.

14. Discuss agenda items for next meeting.

Workshop: Budget process

15. Set time and place of next meeting.

August 6, 2013 @ 1:30

16. Adjourn.

Meeting adjourned by President, Leland Gersbach at 4:47 pm.

Workshop reconvened with President, Leland Gersbach at 4:47 pm.

Workshop:

3. Review and discuss items of interest pertaining to Bar-W Consulting and studies for FY14.

Dirk informed the Board that Randy Williams with Bar-W has identified 4 projects for consideration in FY14 and briefly discussed them with the Board.

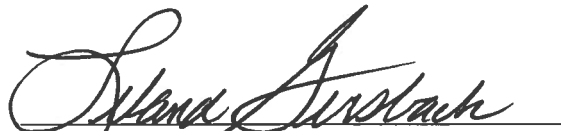
1. Synoptic Water level measurements of the Edwards and Trinity Aquifers.
2. Trinity Aquifer pumping tests
3. Review of Trinity Aquifer pumping distribution.
4. Develop specifications for N. Trinity GAM Run by TWDB.

Leland Gersbach suggested that Dirk look at all the studies and proposals that have been presented and prioritize what needs to be done.

4. Review and discuss items of interest concerning FY14 Budget.

Budget items have been discussed throughout the meeting. Dirk discussed items that were changed as suggested in last month's workshop. He also discussed several other line items that needed to be addressed and adjusted.

Workshop closed by President Leland Gersbach at 5:12 pm


Leland Gersbach, President

ATTEST:


JUDY PARKER, Secretary

(A compact disc of this meeting is available upon request.)