

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, Texas
Friday, August 23, 2013
Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a board meeting on Friday, August 23, 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
Bill Schumann
Bradley Ware

Staff:

Dirk Aaron
Shelly Chapman

Guests:

Mike Gershon – Lloyd Gosselink Attorneys at Law
Tim Brown – Bell Count Commissioner

Board Meeting called to order with President, Leland Gersbach, at 1:30 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 July 16, 2013 Board Meeting and Workshop.*

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

Convened to Public Hearing with President, Leland Gersbach at 1:32

4. *Hold Public Hearing on the proposed tax rate for tax year 2013.*

President, Leland Gersbach opened the Public Hearing at 1:32 p.m for comments and discussion from the public. No comments were made by the public. President Gersbach closed the Public Hearing.

Public Hearing closed by President, Leland Gersbach at 1:33 p.m. and Board meeting reconvened.

5. *Discuss, consider and take appropriate action if necessary to adopt District Budget for FY2014.*

General Manager, Dirk Aaron, presented the FY14 final budget proposal to the Board. He included information on items of interest and consideration regarding studies of the Trinity and Edwards Aquifers in the coming year, monitor well construction, monitor well expenses and repairs with the City of Temple, phase 3 of the water quality study with USGS, and website management upgrade for PDI system with Karl Hamson.

Judy Parker moved to adopt the FY14 Budget as presented. Vice-President, Wallace Biskup, seconded the motion. **Motion carried 5-0.**

6. *Discuss, consider and take appropriate action if necessary to adopt the District tax rate for tax year 2013.*

Dirk reminded the Board that they set the preliminary tax rate of \$0.0040/\$100 valuation based on information provided by the Tax Appraisal District.

Director, David Cole, moved to approve tax rate of \$0.0040/\$100 valuation. Director, Bill Bartlett, seconded the motion. **Motion carried 5-0.**

7. ***Discuss, consider and take appropriate action if necessary to amend the District Administrative Fee Schedule.***

Dirk Aaron discussed and explained the current Administrative Fee Schedule. He presented the Board with a summary of permit reviews and associated costs for FY11, FY12, and FY13 as a reference and consideration of the Staff recommendations. Dirk presented 3 possible options to be considered based on past technical reviews and potential legal expenses:

Option 1: N1 & N2 <10 ac-ft/yr. go to a flat rate fee. N2 (10 ac-ft/yr. or greater) than the base fee for technical and legal expenses, applicant pays additional cost; if less, applicant is refunded.

Exempt: No fee	
N1:	\$ 750.00 (flat fee)
N2 < 10 ac-ft/year:	\$ 1,000.00 (flat fee)
N2 from 10 to 37 ac-ft/yr:	\$ 3,500.00
N2 > 37 ac-ft/year:	\$ 5,000.00

Option 2: Charged flat fee as listed for all technical review and deliverables. Bill all applicants for legal fees in addition to the technical fees.

Exempt: No fee	
N1:	\$ 750.00 (flat fee)
N2 < 10 ac-ft/year:	\$ 1,000.00 (flat fee)
N2 from 10 to 37 ac-ft/yr:	\$ 3,500.00 (flat fee)
N2 > 37 ac-ft/year:	\$ 5,000.00 (flat fee)

Option 3: Keep the current administration fee schedule in the current form.

After discussion of the options Director, Judy Parker, suggested leaving the N1 permits at a flat fee of \$200 on either option.

Director, David Cole, likes option #2 with flat rate fees. It makes the budgeting process easier for the applicant and simplifies the account process. He agreed with Judy Parker that he would like to see the N1 fee remain a \$200 flat fee.

Vice President, Wallace Biskup, was more interested in option #1. He preferred the idea of invoicing the applicant for costs over the particular administrative fee. He didn't like the idea of a "flat fee".

Director, Judy Parker, questioned the Dirk on his preference. Dirk commented that he liked the idea of a "flat rate" fee (or option #2).

President, Leland Gersbach, said the District should look at it this year and see how it plays out.

Secretary, Judy Parker, moved to approve Option 2 with amendment to N1 of \$200. Director, David Cole, seconded the motion. **Motion carried 4-1** with Vice President, Wallace Biskup, opposing.

Convened to Workshop with President, Leland Gersbach at 2:13 p.m.

Workshop #4. Discuss the Endangered Species Act issue as it relates to the Salado Salamander.

The District's Attorney, Mike Gershon, gave the Board an update on the listing of the Salado Salamander on the endangered species list. This week was the deadline for USFW Service to make a decision on the listing of the Salamander. The service has granted a 6 month extension on the listing in order obtain further scientific information. That leaves the Stakeholders with a 30 day comment period. The deadline for comments is September 19th. The deadline for USFW to make a decision is February 22, 2014. The Service already listed 2 of the species to the south and has given an extension to the Salado and Georgetown Salamander. Bell County Commissioner, Tim Brown, also commented on the salamander issue. He mentioned that the Bell County Stakeholders are already ahead of the game with the emphasis they have placed on scientific information being gathered. Williamson County has spent over 1 million dollars so far and our stakeholders have only spent about \$60,000. Mr. Brown mentioned that the next step will probably be the development of an HCP. This is something that will need to be grant funded. Mr. Brown also mentioned another option they are exploring would be to purchase a conservation easement. Dr. Yelderman's research should be available soon.

Workshop #3. Discuss District Policy on payment of Director fees and reimbursement of expenses for FY14.

Leland Gersbach commented that he would like guidelines in order to approve fees and reimbursements. He has worked with Dirk to find a policy that has been put in place. There is no policy. He questioned what meetings/events the Board should receive fees/reimbursement. He would like to get direction for the other Board members on this subject. Director, Bill Bartlett, suggested that Leland and Dirk come up with a recommendation and present it to the Board at the next meeting. Leland recommends that Board fees are paid for any board meeting that there is a set agenda. The Board gave Dirk direction to reach out to other Districts and see what their policy is.

President, Leland Gersbach, closed workshop and reconvened to Board Meeting at 2:55 pm

9. Public Advisory Committee comments.³

Bradley Ware commented that the District is a taxing entity and shouldn't be charging full price. There are a lot of people in the county that don't have wells on their property and are paying Clearwater taxes that should make up the difference.

Bill Schumann commented on the administration fees. He suggested that maybe the District have a flat fee for N1 and N2 permits less than 10 acre feet and on N2 permits greater than 10 acre feet we include a "not to exceed" dollar amount. This would also help the applicant with budgeting this expense.

President, Leland Gersbach, closed the Board meeting and entered into Executive Session with District's Attorney at 3:06 p.m.

Board meeting reconvened with President, Leland Gersbach, at 3:42 p.m.

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

Dirk brought the Board up to date on the Fletcher N1 well. He informed the Board that the property was not legally subdivided. Staff will now verify properties are properly subdivided from this point. The application is still on administrative hold at this time.

Dirk is addressing the well driller complaint.

Dirk received a complaint about a farm not in compliance. Dirk contacted the farmer (Dean Mikeska) via certified mail. Mr. Mikeska has been in contact with Dirk and is in the process of getting his wells in compliance.

Tenroc Ranch is pursuing an N2 permit at this time for his business. The process has begun and Dirk is working closely with Mike Cornet.

Armstrong WSC has finished their pumping tests. They will be providing us with the final data.

Dirk researched a Health Spending Account for Todd. It is not available to us since we don't have a healthcare plane.

10. Director comments.³

Judy Parker – GMA8 meeting is coming up on September 24th.

11. Discuss agenda items for next meeting.

12. Set time and place of next meeting.


September 10, 2013 @ 1:30

18. Adjourn.

Meeting adjourned by President, Leland Gersbach at 4:10 pm.


Leland Gersbach, President

ATTEST:


JUDY PARKER, Secretary

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