

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, TX
Wednesday, May 11, 2016
Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a board meeting on Wednesday May 11, 2016 at 1:30 p.m. 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
Gary Young, Director

Public Advisory Committee:

Bill Schumann
Henry Bunke

Staff:

Dirk Aaron
Shelly Chapman

Guests:

Lou Fleischhauer – Collier Consulting
Brant Konetchy – LBG-Guyton
Dr. Joy Yelderman – Baylor
Stephanie Wong – Baylor

Joe Cooper – MTGCD
Ty Embrey – Lloyd Gosselink
Jillian North – UTGCD

Board meeting convened with President, Leland Gersbach, at 1:30 p.m.

1. Invocation and Pledge of Allegiance:

Vice President, Wallace Biskup gave the invocation.
Secretary, Judy Parker led the Pledge of Allegiance.

2. Public comment.

None.

3. Approve minutes of the April 13, 2016 Board meeting.

Director, Gary Young, moved to approve the minutes of the April, 2016 Board meeting and Workshop. 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 for April 2016 as presented.

Vice President, Wallace Biskup, moved to accept the monthly financial report for April 2016 as presented. Secretary, Judy Parker, 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.

Director, David Cole, moved to accept the monthly Investment Fund account report as presented. Vice Secretary, Judy Parker, seconded the motion. **Motion carried 5-0.**

6. Conduct public hearing as required to receive public comments on the Proposed GMA8 DFC's per Section 36.108(d-2) during the required 90 day public comment period ending July 12, 2016..

Public Hearing opened with President, Leland Gersbach, at 1:33 p.m.

President, Leland Gersbach called to order the Public Hearing at 1:33 p.m. He introduced the other members of the Board in attendance. He explained that the District is holding this public hearing to accept public comment

on the proposed DFCs for the Edwards BFZ aquifer and the Trinity aquifer in Bell County. The purpose of the hearing is to allow interested members of the public an opportunity to provide comments related to the proposed DFCs to the Board of Directors.

Leland reminded the Board members, staff, and all attendees that today they are in "hearing mode" to receive comments from the public. Board members will refrain from making any comments. The Board cannot deliberate or agree to any recommendation presented at this time.

Leland went on to explain that CUWCD is one of eleven GCDs located wholly or partially within GMA8 and listed the other Districts within GMA8. He noted at the last GMA8 joint planning meeting, held April 1st, the District representatives voted to approve the proposed DFCs, which were distributed to the District on April 18th. The distribution began the 90 day comment period which will close at 5:00 p.m. on July 12, 2016.

The proposed DFCs approved by the District Representatives in GMA8 are described in terms of acceptable drawdown levels for each subdivision of the Trinity aquifer and maintaining spring flow for Edward BFZ aquifer. Leland explained further how the levels of drawdown are measured in the Trinity Aquifer and requirements for the Edwards BFZ aquifer.

Leland noted, for the record, that the hearing had been properly noticed by posting the notice at the District Courthouse on April 29th as well as a public notice in the Temple Daily Telegram and Killeen Daily Herald. The notifications occurred 12 days prior to today's hearing thus meeting the minimum ten day notice per Section 36.108 (d-2) of the Texas Water Code. The District will provide, to the public, access to the proposed DFCs and supporting documentation on the District's website and at the District headquarters.

Prior to taking public comments, Leland instructed General Manager, Dirk Aaron, to present an overview of the District's statutory responsibility and the efforts related to the DFC process, and highlight specific facts and potential results relating to the Board's decision for the proposed DFC for Bell County. He encouraged all interested parties to arrange time with Dirk outside of the hearing to ask questions related to the DFC determination process.

Dirk presented a TWDB video summarizing the DFC process; he summarized the GMA8 DFC timeline, and explained CUWCD's proposed DFCs and the potential impact.

Leland thanked Dirk for the orientation, general overview, and reminder that the proposed DFCs are not final at this time. He reminded the Board and attendees that the hearing is an orientation on the DFCs and instructed them to refrain from asking questions.

Leland opened the hearing for public comment. Those interested in appearing must signed in with District Staff. Leland limited all comments to 5 minutes and asked Shelly Chapman to keep track of time. This will allow each person and equal opportunity to present verbal comments. Leland also noted that written comments may be submitted prior to the close of business on July 12, 2016.

Public Comments

1.) Dr. Joe Yelderman (Baylor University)

Dr. Yelderman complimented the District. He has worked with the District on and off for the past several years. He noted that the District has done an extensive and complete job looking at all of the things they need to look at to make these decisions. The District has been active with GMA8 and their neighbors in other Districts and have looked at things from a science perspective. He stated that the District has put in a lot of work and is well prepared to make these decisions.

Leland thanked Dr. Yelderman for his comments.

(No other public comments.)

Leland commented that those wishing to provide written comment may have done so prior to the hearing. Dirk replied that he has not received any written comments at this time. He has had inquiries on how to get to the data on the District's website and how to access it through the drop box.

Leland reminded attendees that they may still submit written comment and encouraged them to do so by the close of business on July 12, 2016.

Public Hearing closed with President, Leland Gersbach at 2:08 p.m.

7. Hold public hearing on the following permit application:

a) Discuss, consider, and take appropriate action if necessary on the proposed operating permit of .60 ac-ft/yr, for Charles P. Dunifer authorizing production from an existing well (well #N2-16-002G) completed in the Edwards BFZ aquifer located at 402 N Main Street, Salado, Texas.

Public Hearing opened with President, Leland Gersbach, at 2:09 p.m.

President, Leland Gersbach called to order the hearing on the application described under Agenda Items #7 This application was filed by Charles Dunifer. Leland officially opened the hearing at 2:09 p.m. and reminded everyone that the hearing is recorded by audiotape as required by statute and district rules. As the President of the District's Board of Directors, Leland served as the Presiding Officer of the hearing.

Leland reviewed the procedures that apply to the hearing and Board's potential action on the applications. Leland announced the hearing has been properly noticed, pursuant to statute and the District Rules.

Anyone wishing to participate in the hearing must sign up to speak. Dirk Aaron commented that no parties had signed up to speak.

Leland noted that he would take appearances by Dirk Aaron, General Manager; Mike Keester, Hydrologist, and Mike Gershon, Attorney, will be available by phone if needed. Dirk quickly pointed out the Brandt Konetchy, with LBG-Guyton, was available to speak in place of Mike Keester. He also noted that Mr. Dunifer was going to try to be at the meeting but had not shown up yet.

Leland administered an oath to all parties speaking on any part of the application.

Dirk presented the fact of the application and noted that all criteria regarding the application had been met. He recommended the applicant be permitted the .60 acre feet/year with special conditions previously agreed upon by Mr. Dunifer.

Public Hearing closed with President, Leland Gersbach at 2:08 p.m.

No further discussion was necessary.

Secretary, Judy Parker, moved to approve the proposed operating permit of .60 ac-ft/year with specified requirements. Director, David Cole, seconded the motion. **Motion carried 5-0**

8. Discuss, consider and take appropriate action if necessary to set the Board meeting calendar dates for June, July, and August 2016.

Dirk presented Board meeting dates for June, July, and August 2016 for the purpose of the FY17 budget development process. Dirk asked the Board to review the dates suggested and provide ideas for additional studies prior to the June 8th Board meeting.

Wed. June 8 th	Regular Board Meeting and Budget Work session.
Wed. July 20 th	Regular Board Meeting and Budget Work session.
(Aug. 5 th —estimated date)	Rollback tax rates calculated and provided to CUWCD).
Wed. Aug. 10 th	Regular Board Meeting; finalize budget; set preliminary tax rate; set date for public hearing and adoption of tax rate.
(Aug. 12 th	Publish notice in newspaper announcing Aug 19, 2016 public hearing on tax rate & adopt FY17 budget.)
Fri. Aug. 19 th	Board Meeting & Public Hearing on tax rate; Adopt FY17 Budget and tax rate; File copy of adopted budget and tax rate with County Clerk's office.
(Sept 1 st	Provide adopted tax rate to the Tax Appraisal District)
(Oct 1 st	New budget year begins.

Secretary, Judy Parker, moved to approve the Board meeting dates recommended for June, July, and August as related to the FY17 budget development process. Director, David Cole, seconded the motion. **Motion carried 5-0.**

9. Discuss, consider and take appropriate action if necessary to approve the proposed site plan and contract from the Design-Build firm for the construction of the on-site district storage facility.

Dirk informed the Board that this agenda item will be on presented to the board next month. Mr. Doss is working to on options to get the price of construction down. Mr. Doss has made some recommendation on how to save money. The biggest challenge at the moment is how to connect water and sewage to the building. Once Mr. Doss presents his site plan recommendation and cost analysis, we will discuss different scenarios. Judy commented that the District needs this building and she doesn't want to get bogged down with nickel and diming the cost down. She is concerned that we will waste time and the cost of materials we continue to rise before a final price is agreed upon. Leland asked for a motion to table this agenda item until the next meeting.

Director, Gary Young, moved to table agenda item 9 until the next meeting. Vice President, Wallace Biskup, seconded the motion. **Motion carried 5-0.**

10. Discuss, consider and take appropriate action if necessary to approve the FY16 line item budget amendments as requested.

Staff requested a budget amendment for line item 53780 (subscription). Subscription renewals were a little high than anticipated therefore requiring an amendment. Dirk informed the Board that the District will be dropping the Austin American Statesman delivery and renewing with the online version. This will save the District approximately \$250 a year.

Staff recommends moving available funds of ~~\$30.4~~ ^{30.43} from line item 53750 (printing) to line item 53780 (subscriptions). *bec lsgp*

Director, David Cole, moved to approve the line item budget amendment as requested by staff. Vice President, Wallace Biskup, seconded the motion. **Motion carried 5-0.**

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

- Todd is working on refreshing the District website. He has put in about 20 hours so far.
- UMHB student will be working with Todd on a project to create an interpretive video about the District.

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

- a. *Drought Status Reports*
- b. *Education Outreach Update*
- c. *Monitoring Wells*
- d. *Rainfall Reports*
- e. *Well Registration Update*
- f. *Aquifer status Report & Non-Exempt Monthly Well Production Reports.*

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

13. Public Advisory Committee Comments.

Bill Schumann commented that the Commissioner's Court is very happy with the work the District has been involved in. They are please with all of the science and research being completed. He commended the District for following the rules and the management plan. He mentioned that Mike Sweeny will be speaking at Charter Oakes at 7:00 on Wednesday if anyone is interested in attending. He encouraged everyone to attend.

14. Director comments and reports.

Judy Parker – Region G last week. Nothing new to report. Still waiting to hear back from TWDB on amendments submitted. Kip Averitt is working on a project called "Goldwater". She encouraged the Board to read up on this project.

David Cole – Attended the stakeholders meeting Thursday. The meeting was very informative.

15. Discuss agenda items for the next meeting.

- Public Hearing – Ross permit application
- Storage Building
- USGS presentation

16. Set time and place for next meeting.

Wednesday, June 8, 2016 at 1:30 p.m.


17. Adjourn.

Board meeting adjourned and Workshop convened with President, Leland Gersbach, at 3:22 p.m.

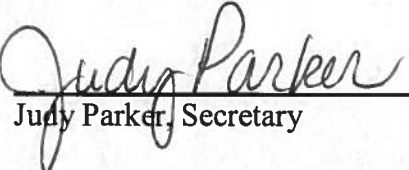
Workshop item #1: Review calendar dates and confirm board attendance at the 2016 Texas Groundwater summit.

Texas Groundwater Summit is set for Aug 23-25 in San Marcos. Rooms have been reserved and the necessary information submitted to TAGD regarding the Program Sponsorship of \$2,500 per Board action last month.

Dirk encouraged Board members to let Staff know if they plan to attend so that the necessary registration can take place. He reminded the Board that the District gets 2 registrations as part of the sponsorship program the District is participating in.


Leland Gersbach, President

ATTEST:


Judy Parker, Secretary