

Clearwater Underground Water Conservation District Meeting

700 Kennedy Court

Belton, TX

Wednesday, October 11, 2017

Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a board meeting on Wednesday, October 11, 2017 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

Absent: Gary Young

Public Advisory Committee:

Staff:

Dirk Aaron
Shelly Chapman

Guests:

Lou Fleischhauer – Collier Consulting

Workshop convened with President, Leland Gersbach, at 1:35 p.m.

Workshop Item #1. Receive update and review final agenda of the November 15, 17th Annual Bell County Water Symposium.

Dirk Aaron reviewed and discussed the agenda and events of the day for the annual Bell County Water Symposium. He acknowledged TAMU-Central Texas for letting the District use their facilities at no charge.

Workshop Item #2. Receive update related to the November 16-17 TAGD Leadership Training in Salado.

Dirk Aaron gave an update on the TAGED Leadership Training in Salado. He informed the Board that the District office will be closed for Staff to attend the training. He encouraged all Board members to attend as well. The event will be held at Tenroc Ranch in Salado. Tenroc is not charging TAGD for the use of the facility. Dirk asked the Board to let Shelly know if they will attend so she can get them registered and post the event at the District Clerk's office.

David Cole, Leland Gersbach, Wallace Biskup, and Judy Parker all confirmed they would attend. Dirk will get with Gary Young and let him know about the event.

Workshop Item #3. Discuss the status and timeline for final determination of Desired Future Conditions and Explanatory Report to occur for the DFC determination by GMA8 per TWC section 36.108.

Dirk Aaron briefed the Board on the status and timeline for the final determination of the DFC and explanatory report. He highlighted comments from LBG-Guyton regarding the DFC.

Workshop Item #4. Discuss and review chapter 36.051(b) related to Director's membership as a Director of another political subdivision.

Dirk Aaron read and gave a review of chapter 36.051(b) related to Director's membership as a Director of another political subdivision. He explained that Russell Krumnow, the District's Auditor, had contacted him to verify none of the District's Directors were on any other political subdivision Board. Wallace Biskup was on the Board of another political subdivision at one time, but resigned that position upon being elected to the Board of Directors for CUWCD.

Workshop closed and Board Meeting convened with President, Leland Gersbach at 2:01 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 September 20, 2017 Board meeting.**

Director, David Cole, moved to approve the minutes of the September 20, 2017 Board meeting. Vice President, Wallace Biskup, seconded the motion. **Motion carried 4-0** (Director, Gary Young, absent).

4. **Discuss, consider, and take appropriate action if necessary to accept the Monthly Financial Report for September 2017 (FY17) as presented.**

Secretary, Judy Parker, moved to accept the Monthly Financial Report for September 2017 as presented. Vice President, Wallace Biskup, seconded the motion. **Motion carried 4-0** (Director, Gary Young, absent).

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. Secretary, Judy Parker, seconded the motion. **Motion carried 4-0** (Director, Gary Young, absent).

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

Secretary, Judy Parker, moved to accept the Quarterly Deferred Compensation Employee Retirement Program account report as presented. Director, David Cole, seconded the motion. **Motion carried 4-0** (Director, Gary Young, absent).

7. **Discuss, consider, and take appropriate action if necessary to approve the FY17 line item budget amendments as requested.**

Shelly Chapman presented the request for FY17 line item budget amendments for the purpose of amending administrative expenses for line item 50900-Travel & Hotel. District staff attended additional meetings in FY17 requiring overnight stays.

Secretary, Judy Parker, moved to approve the FY17 line item budget amendments as requested. Director, David Cole, seconded the motion. **Motion carried 4-0** (Director, Gary Young, absent).

8. **Discuss, consider, and take appropriate action if necessary to approve the participation in the TWDB-TexMesonet weather station cost share program for secondary weather stations in Bell County.**

Dirk Aaron reminded the Board of Dr. Greene's presentation at the last Board meeting in regard to the weather station cost share program. Dirk asked if the Board was interested in participating in this program based on Dr. Greene's presentation. Dirk and Dr. Greene have identified potential locations for primary and secondary sites. County Commissioners are also working to secure funding and sites for TexMesonet weather stations. If the Board votes to move forward with this, Dirk suggests that they do so with the idea of cost sharing 4 secondary weather stations at \$3000/ea. The money would come from the Districts reserve fund.

Director, David Cole, moved to participate in the cost sharing program of 4 secondary weather stations not to exceed \$3,000/each from reserve funds. Secretary, Judy Parker, seconded the motion. **Motion carried 4-0** (Director, Gary Young, absent).

9. **Discuss, consider, and take appropriate action if necessary to approve the FY18 line item budget amendments as requested.**

Shelly Chapman presented the request for FY18 line item budget amendments for the purpose of adjusting Insurance amounts and adding line item 54105 to separate facility liability from vehicle liability, and for the purchase of a generator for the Mobile Classroom. Adjustments requests are as follows:

Transfer Amount	From	To
\$270.16	Insurance: 54101 Liability	Insurance: 54102 Property

\$759.76	Insurance: 54101 Liability	Insurance: 54105 Vehicle
\$384.24	Insurance: 54103 Surety Bonds	Insurance: 54105 Vehicle
**\$4,000	Reserve Funds	Mobile Classroom Exp: 53785 (generator)

Dirk Aaron suggested to the Board that the District try and sell the existing generator. The consensus of the Board was to keep the existing generator since it was already paid for in the previous budget year and go ahead and purchase a new one that will work with the Mobile Classroom.

Secretary, Judy Parker, moved to set aside \$4,000 from reserve fund for the purchase of a new generator and keep the existing one, and to approve the other line item adjustments as presented. Director, David Cole, seconded the motion. **Motion carried 4-0** (Director, Gary Young, absent).

Public Hearing opened with President, Leland Gersbach, at 2:31p.m.

10. Hold public hearing on the following permit application:

a). Discuss, consider and take appropriate action if necessary on the proposed N2 combination drilling/operating permit of .14 ac-ft/yr, for Heart of Texas Feed (Kevin Spurlock), authorizing a combination drilling/operating permit (well# N2-17-001P) completed in the Edwards BFZ Aquifer on an 2.00 acre tract located at 3310 FM2484, to produce groundwater for office use.

For the record, Leland stated that it is October 11, 2017 at 2:31 p.m., and the hearing is being recorded by audiotape as required by statute and our rules. As the President of the District's Board of Directors, Leland will serve as the Presiding Officer of the hearing. A quorum of the Board of Directors will also officiate and participate in ruling on the application.

Leland gave a summary of the applications and reviewed the procedures that will apply for the hearing and the Board's action on the application. He noted for the record, that the hearing had been properly noticed according to State and District rules. Notice of the hearing was posted at the District Office and at the County Courthouse Annex on Friday, September 29, 2017 at 11:10 a.m.

Leland informed anyone wishing to participate in the hearing or protest the applications will need to sign up to speak and gave them the opportunity to do so.

As the Presiding Officer, Leland will take evidence and sworn testimony, and rule on any procedural issues. As set forth in Chapter 36 of the Texas Water Code and the District's Rules, the permit application must meet certain elements to be approved, elements that General Manager, Dirk Aaron, will cover in his review and recommendation.

Leland explained that the permit applications have undergone administrative and technical review by District staff, consultants, and legal counsel. The Board will first hear a presentation from District staff, which will include (1) staff's review of the evidence filed by the permit applicant; (2) staff's recommended action on the permit applications; and (3) the Board's questions to the General Manager.

The Board may ask questions of the General manager, legal counsel, the District's consultants, the applicant, and any interested parties. The Board may request that additional evidence be presented by the applicant or interested parties, and the hearing may be continued to do so. A final decision on the application is not required today, but may be made upon the close of evidence, or no later than 60 days of the conclusion of this hearing. The final decision will involve the Board acting on the application by either denying the permit application, granting the permit application as requested, or granting the permit application in part.

Leland acknowledged those participating in the hearing.

Leland opened the hearing for public comments or protests. There were none.

Leland asked all parties speaking on any part of the application to stand and take an oath. Leland administered the oath.

Leland asked questions of General Manager, Dirk Aaron. Dirk explained what an N2 permit is. He commented that the application is administratively complete, all elements of the application have been addressed, and the application was properly posted per Chapter 36 and District Rules. Dirk noted that a meter is required for this well and the applicant agreed to special provision as described by District Staff.

Leland questioned LBG-Guyton's (District consultant) analysis of the application. Dirk responded that the proposed permitted amount would not adversely impact adjacent well owner's ability to produce groundwater per LBG-Guyton's report. Dirk recommended the Board approve the application with special provisions recommended.

Leland asked the Board if they had any other questions concerning this application? There were none.

Leland concluded the discussion on the Heart of Texas Feed application and asked if any other parties were interested in submitting additional evidence? There were none.

Leland concluded the evidentiary portion of the hearing and asked for a motion to grant/deny/partially grant Heart of Texas Feed's request for a combination drilling/operating permit of .14 acre feet per year from the Edwards BFZ Aquifer to include special provisions outlined by the General Manager and Consultants.

Motion offered by Secretary, Judy Parker. Seconded by Director, David Cole to grant Heart of Texas Feed's request for a combination drilling/operating permit with special provisions as stated. **Motion carried 4-0** (Director, Gary Young, absent).

Public Hearing closed and Board meeting reconvened at 2:44 p.m.

11. Discuss, consider and take appropriate action if necessary to approve an exception to setback requirement per District rule 9.5.5(a)(e) for Curtis Lloyd and Veeca Lunn Wickliffe at 411 Victory Lane, Belton.

Dirk explained that the applicant was requesting an exception to the District's spacing requirement for setback. The property is in Morgan's Point but outside the service area of the City of Morgan's Point. Currently the property owner is drawing water from the lake. They are being required to pull their pump from the lake. The applicant is asking for a setback reduction of approximately 30 feet from the property line. The applicant has provided the required waiver from the adjacent property owner and all signatures have been notarized. The proposed well will have a shared well agreement with adjacent property owner, George Fort. The approved HUD shared well agreement has been filed and will be properly recorded at the County Clerk's office. Dirk recommends approving the request and notes all requirements have been met.

Vice President, Wallace Biskup, moved to approve the exception to the setback. Secretary, Judy Parker, seconded the motion. **Motion carried 4-0** (Director, Gary Young, absent).

12. Discuss, consider and take appropriate action if necessary to redefine the current public advisory committee structure to defined stakeholder committees.

Dirk presented his thoughts to the Board to redefine the structure of the PAC to a defined stakeholder committee. He gave the Board an outline of his ideas which highlighted the purpose, selection, source of membership, and structure. The Board discussed their thoughts and were in agreement with the recommendations presented.

Director, David Cole, moved to redefine the current PAC structure to a defined stakeholder committee structure as presented with a continued liaison of the Commissioners Court. Vice President, Wallace Biskup, seconded the motion. **Motion carried 4-0** (Director, Gary Young, absent).

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

- Suggest a formal presentation/year end reports from USGS, Baylor, and USFWS on December 13th prior to the District's annual Christmas reception.

- TWCA meeting in San Antonio Oct 19-20.
- January 25-26 the District has been invited to participate at the annual meeting of the Texas Groundwater Association in San Marcos. The District will display the Mobile Classroom at this event.

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

- Drought Status Report**
- Education Outreach Update**
- Monitoring Wells**
- Rainfall Reports**
- Well Registration Update**
- 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. Information items only.)

15. Public Advisory Committee Comments.

None

16. Director comments and reports.

Judy Parker: Announced that she will not be running in the 2018 election.

Wallace Biskup: None

Leland Gersbach: None

David Cole: None.

Gary Young: absent

17. Discuss agenda items for the next meeting.

- FY17 Budget close out

18. Set time and place for next meeting.


Wednesday, Nov 8th, 1:30 p.m.

19. Adjourn.

Board meeting adjourned with President, Leland Gersbach, at 3:23 p.m.


Leland Gersbach, President

ATTEST:



Wallace Biskup, Vice President
or
Judy Parker, Secretary