

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, TX
Tuesday, March 24, 2020
Minutes

In accordance with Governor Abbott's declaration of the COVID-19 public health threat, action to temporarily suspend certain provisions of the Texas Open Meetings Act, and Executive Order, a quorum of CUWCD's Board of Directors held its regular Board meeting by telephonic conference call and, for redundancy, videoconference on Tuesday, March 24, 2020 at 1:30 p.m. The meeting originated from the Clearwater UWCD Building, located at 700 Kennedy Court, Belton, Texas.

General Manager, Dirk Aaron, conducted a roll call at 1:30 p.m. He noted for the record that all Board members are present. Staff members present on-line are Dirk Aaron and Shelly Chapman. Tristin Smith, Education/Compliance Coordinator, has school aged children and is working remotely from home during this time. Corey Dawson, Field Technician, will begin working remotely from home on Wednesday. Dan Eckstrom, the Intern, has returned to Ft. Hood.

Procedures for the Board meeting were posted on our website.

Board Members Present:

Leland Gersbach, President, Pct. 1
David Cole, Vice President, At Large
Gary Young, Secretary, Pct. 2
Jody Williams, Director, Pct. 3
Scott Brooks, Director, Pct. 4

Absent:

Staff:

Dirk Aaron, General Manager
Shelly Chapman, Admin. Manager

Guest:

Cameron Turner – TWDB
Lamar Lewis – Rep. Shine's Office
Troupe Brewer – Lloyd Gosselink
Michelle Vernon – Applicant
Mike Gershon – Lloyd Gosselink

Jennifer Branson – USFWS
Scott Motsinger – Applicant
Mike Keester – LRE
Bill Schumann – Bell County

Josh Sendejar – TWDB
Tammy Raymond – Barton Springs
Vanessa Escobar – Barton Springs
Kodi Swain

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

Workshop Item #1. Receive General Manager update on COVID-19 operational and safety protocols.

Dirk asked Mike Gershon, the District's attorney, to explain the legality of what the District is doing and why. Dirk explained that staff was able to get this up and running less than 4 days. Dirk followed the lead of the Bell County Judge and Commissioners Court. The District will stay fully operational.

Mike explained that this type of meeting that was put together was prohibited under the Open Meetings Act until March 16th when the Governor suspended those provisions. The Governor strongly encouraged this type of meeting to maintain business as usual as best as possible. The District was proactive as soon as they were given the opportunity to conduct remote meetings. Other entities are looking to do these types of meetings too. Everything the District is doing is expressly intended by the Governor and the Attorney General.

Dirk explained that the District vetted several options with Engineer Austin, the District's IT consulting firm. Not only did they equip and train staff on the process, they built small remote computers to allow staff to remote into the server and work from home. Staff will be able to perform essential duties and continue to work with the well drillers and pump installers.

Staff have been maintaining distance and staying in their respective offices. Hand sanitizers have been installed throughout the building and an aggressive protocol has been established. Dirk stated that he had been sick off and on since the first week of February. He had been volunteering at stock shows and helping kids with their pigs. He tends to get sick this time of year. To ensure the safety of the staff, Board members, and others he has been in contact with, he was tested for the virus. His results were negative.

Workshop closed and regular Board meeting convened with President, Leland Gersbach, at 1:47 p.m.

1. ***Invocation and Pledge of Allegiance.***

President, Leland Gersbach, led the Pledge of Allegiance.
Vice President, David Cole, gave the invocation.

2. ***Public Comment.***

No public comments.

3. ***Approve minutes of the February 11, 2020 Board meeting and Workshop.***

Board members received the minutes of the February 11, 2020 Board meeting and workshop in their Board Packet to review prior to the meeting.

Secretary, Gary Young, moved to approve the minutes of the February 11, 2020 Board meeting and Workshop. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

4. ***Discuss, consider, and take appropriate action if necessary, to accept the monthly financial report for February 2020 (FY20) as presented.***

Board members received the monthly financial report for February 2020 in their Board Packet to review prior to the meeting.

Director, Scott Brooks, moved to accept the monthly financial report for February 2020 as presented. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

5. ***Discuss, consider, and take appropriate action if necessary, to accept the monthly investment fund account report for February 2020 (FY20) as presented.***

Board members received the monthly investment fund account report for February 2020 in their Board Packet to review prior to the meeting.

Vice President, David Cole, moved to accept the monthly investment fund account report for February 2020 as presented. Director, Jody Williams, seconded the motion.

Motion carried 5-0.

6. ***Discuss, consider, and take appropriate action if necessary, to approve the FY20 line item budget amendment as requested.***

Dirk presented the request for a line item budget amendment for the purpose of amending line item 54104 (Workers Comp). Dirk explained that TML does an audit of the District's workers comp and has adjusted the invoice up \$63.00. Dirk suggested moving \$63.00 from line item 54105 (Vehicle Liability).

Secretary, Gary Young, moved to approve the FY20 line item budget amendment as requested. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

7. ***Discuss, consider and take appropriate action if necessary, to accept the 2019 CUWCD Annual Report as presented.***

Dirk explained that the Board was presented with a draft of the report to review. Multiple people reviewed it for content, clarity, and accuracy. The final draft was vetted and reviewed several times. Dirk complimented Tristin Smith for her work on the report.

Secretary, Gary Young, moved to accept the 2019 CUWCD Annual Report as presented. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

8. ***Discuss, consider and take appropriate action if necessary, to approve sponsorship of the Texas 4-H2O Water Ambassador Program.***

Dirk requested the Board continue to sponsor this program. He provided the Board with a copy of the Sponsorship application and the Program's annual report. He pointed out the activities and the number of kids

in Texas that participate. Texas has the largest group. The Ambassadors volunteer and assist the District in education outreach programs at the local level.

Dirk asked the Board to increase their sponsorship amount to the \$2,500.00 level.

Director, Jody Williams, moved to approve the \$2,500.00 sponsorship for the Texas 4-H2O Water Ambassador Program. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

9. *Discuss, consider and take appropriate action if necessary, to approve registration and sponsorship of the 2020 Texas Groundwater Conference.*

Dirk informed the Board that the Texas Groundwater Summit is scheduled for September 1-3. He explained that the District has been one of the anchor sponsors. The last 3 years the District sponsored the program for the Summit at \$3,500.00. This sponsorship comes with 2 free registration. Dirk reminded the Board that all 5 of the Board members attend this meeting and the 2 free registrations help offset the cost.

Dirk requested the Board continue to be a sponsor at the \$3,500.00 level.

Leland mentioned that by the time the District pays registration, hotel, meals, and Director fees it comes close to \$10,000.00. Leland asked the Board to look at it and see if they still wanted to continue going.

Scott Brooks commented that he thought it was a valuable expenditure. The first time he attended, it was incredibly helpful in understanding what the Board does, how it functions, and how other Districts manage their business.

Gary Young agreed with Scott.

Jody Williams said it was very educational for him last year. If it doesn't become redundant, Jody would like to attend every year.

Director, Jody Williams, moved to approve registration and sponsorship of the 2020 Texas Groundwater Summit. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

10. *Discuss, consider and take appropriate action to if necessary, to approve construction of a Lower Trinity Monitor Well located at Peaceable Kingdom Road and Stillman Valley Road on property owned by A.W. Hines.*

Dirk introduced an opportunity for a potential Lower Trinity monitor well on property owned by A.W. Hines off Stillman Valley Road. The District budgeted \$70,000.00 this year to pursue the construction of monitor wells. The well would be in Scott Brooks precinct.

Developer, A.W. Hines, submitted an application for 4 wells on this property. He has paid all the fees, but the application is not administratively complete. Mr. Hines is waiting on some additional information and is working with the District's attorneys to make sure that his goals can be legally met and hold up over time.

Dirk commented that this application could not be deliberated on at this time but gave the Board some of the details associated with the application.

Tommy Lovelace is working with Mr. Hines on this project. Dirk received a quote from Tommy to drill this monitor well if its approved by the Board.

All of the details are still being worked out with Mr. Hines at this time. Construction of the monitor well, if approved by the Board, can only occur after Mr. Hines application is complete and deliberated on by the Board.

Dirk commented that this might be premature, but he wanted to get the information in front of the Board to think about. He suggested the Board might want to table this item until Mr. Hines application is complete and can be brought before the Board.

Vice President, David Cole, moved to table this item until the permit application is brought before the Board for deliberation. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

11. Hold public hearing on the following permit applications:

a) Discuss, consider, and take appropriate action if necessary, on the proposed operating permit of 0.67 ac-ft/year for Richard Castle authorizing drilling/operating permit from a proposed well (N2-20-001G) completed in the Edwards (BFZ) Aquifer to produce groundwater for office use located at 8398 S. I-35, Belton, TX 76513.

b) Discuss, consider, and take appropriate action if necessary, on the proposed operating permit of 0.59 ac-ft/year for the Richard and Joyce Dillman Revocable Living Trust authorizing drilling/operating permit from a proposed well (N1-20-001P) completed in the Edwards (BFZ) Aquifer to produce groundwater for domestic use located at 5095 Elm Grove Road, Belton, TX 76513.

As Presiding Officer of the hearing, President Leland Gersbach, called to order the public hearing at 2:29 p.m.

Leland gave a summary of the items to be considered and a brief explanation of the procedural issues. He confirmed a quorum of the Board was in attendance (remotely) to participate in the ruling of the application. Leland stated that the permit applications had undergone administrative and technical review by District staff, consultants, and legal counsel.

Leland began with agenda item 11a (Richard Castle application)

Leland will take evidence and hear testimony from Dirk Aaron (CUWCD General Mgr.), Mike Keester (District Hydrogeologist), Troupe Brewer and Mike Gershon (Legal Counsel), and Scott Motsinger (Applicant's Representative).

Leland invited anyone wishing to make a public comment or protest the application to speak up. There were no comments. Dirk noted, for the record, that he had a few people make inquiries regarding the facts of the hearing, but chose not to offer comments, support or protests of the application.

Leland administered oath to all participants. Parties verbally confirmed they took the oath were: Dirk Aaron, Mike Keester, Mike Gershon, Troupe Brewer, and Scott Motsinger.

Dirk gave a general explanation of what an N2 non-exempt well is. He replied to Leland's questions and stated that the application had been deemed administratively complete, all fees have been paid, and all criteria had been met. Dirk noted for the record that the well was originally an exempt well that was unregistered. The well is being move to a permitted well. The District did inspect the well during the transaction of the applicant purchasing the well.

Leland addressed questions related to Mike Keester's analysis. Based on Mike's report, drawdown will not adversely impact adjacent well owners. Mike agreed the special provisions discussed should be part of the annual permit. He also recommended the Board approve the application with the special provisions discussed.

Leland addressed questions to Scott Motsinger. Scott commented that the applicant understands the well will require to be metered, usage will be reported, and District staff will routinely make visits to assess water levels. When asked about installation of an observation port and access by staff to measure drawdown, Scott commented that he would have to verify that with the applicant. He was sure it would be okay. Scott was asked to confirm that with the applicant.

Leland asked the Board if they had any additional questions regarding the application. Hearing none, Leland stated that all parties had an opportunity to make their cases. He asked if anyone wished to submit any additional evidence. Hearing none, Leland deemed the evidentiary portion of the application concluded.

No other comments or discussion received from the Board.

Leland asked for a motion to grant, deny, or partially grant Richard Castle's request for a combination drilling/operating permit of 0.67 ac-ft/year from the Edwards (BFZ) aquifer to include all of the Special provisions outlined by the General Manager and Consultants.

Director, Scott Brooks, offered the motion to grant the request subject to the conditions agreed upon. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

Leland continued with agenda item 11b (Richard & Joyce Dillman Revocable Living Trust).

Leland will take testimony from Michelle Vernon (representing Richard and Joyce Dillman Revocable Living Trust) on the N1 drilling and operating permit application. He will also take testimony from Mike Keester (District Hydrogeologist), Dirk Aaron (General Manager) and Legal Counsel if needed.

Leland invited anyone wishing to make a public comment or protest the application to speak up. There were no comments.

Leland administered oath to all participants. Parties verbally confirmed they took the oath were: Dirk Aaron, Mike Keester, Mike Gershon, Troupe Brewer, and Michelle Vernon.

Dirk gave a general explanation of what an N1 non-exempt well is. He replied to Leland's questions and stated that the application had been deemed administratively complete, all fees have been paid, and all criteria had been met. The applicant will not be required to meter this well.

Leland addressed questions related to Mike Keester's analysis. Based on Mike's report, drawdown will not adversely impact adjacent well owners. Mike agreed the special provisions discussed should be part of the annual permit. He also recommended the Board approve the application with the special provisions discussed.

Leland addressed questions to Michelle Vernon. Michelle noted that she had procured the registered the encumbrance documents with the neighbor to meeting the 2-acre minimum tract size. Michelle understands that she will not have to meter the well. She has agreed to the special provision laid out.

Leland asked the Board if they had any additional questions regarding the application. Hearing none, Leland stated that all parties had an opportunity to make their cases. He asked if anyone wished to submit any additional evidence. Hearing none, Leland deemed the evidentiary portion of the application concluded.

No other comments or discussion received from the Board.

Leland asked for a motion to grant, deny, or partially grant Richard & Joyce Dillman Revocable Trust request for a combination drilling/operating permit of 0.59 ac-ft/year from the Edwards (BFZ) aquifer to include special provision outlined by the General Manager and Consultants.

Director, Scott Brooks, offered the motion to grant the request subject to the conditions agreed upon. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

12. *General Manager's Report concerning office management and staffing related to District Management Plan³.*

- Dirk will have updates at the next meeting related to GMA8 pumping numbers of Williamson and Travis Counties.
- Working to keep doors open. Staff working remote from home. Phones forwarded to Dirk.
- Will figure out protocols as we go.
- Still working through the beta version of the new Website.
- Leland asked Dirk to document everything he is doing to keep things running so there will be a procedure in place when he is gone.

13. 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. Information items only.)

Dirk touched on some of the topics and pointed pertinent information related to the reports.

14. Director comments and reports³.

- **Jody Williams:** Jody apologized for missing the February meeting. He was down with the flu. He thanked the staff for putting this virtual meeting together. It shows the District is here to help, not hinder people when it comes to permit applications. He encouraged staff to keep up the good work.
- **Gary Young:** The next GMA8 meeting is schedule for May 15th. Thanked Dirk and staff for putting the meeting together. This was his first time to participate in a meeting like this. It was easy and clear. Appreciated Dirk for getting it together so quickly.
- **David Cole:** Thanked staff for the technological approach for this meeting. It went very well.
- **Scott Brooks:** He echoed the comments of the other Board members. He was impressed how the staff was able to pull it off and able to continue to serve the constituents.
- **Leland Gersbach:** Went 100% better than he thought it would. Appreciates effort by staff.

15. Discuss agenda items for next meeting.

- Permit Hearing – A.W. Hines)
- Security Benefit quarterly report
- Monitor well

16. Set time and place of next meeting.

Wednesday, April 8, 2020 via telephonic/video conference

17. Adjourn.

Board meeting adjourned with President, Leland Gersbach, at 3:28 p.m.

 by Dirk Aaron electronically

Leland Gersbach, President

ATTEST:

 electronically

Gary Young, Secretary or
Dirk Aaron, Assistant Secretary