

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, TX
Wednesday, July 14, 2021
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 a regular Board meeting by telephonic conference call and, for redundancy, video conference on Wednesday, July 14, 2021 at 1:30 p.m. The meeting originated from the Clearwater UWCD Building, located at 700 Kennedy Court, Belton, Texas.

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: (remote & in person)

Mike Keester – LRE
Clara Smith-Salgado – Baylor Univ.

Erin Atkinson – Halff Assoc.
Nathan McNeal – Applicant

Brian Smith
Danielle McNeal – Applicant

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

1. *Invocation and Pledge of Allegiance.*

Vice President, David Cole, gave the invocation.
Secretary, Gary Young, led the Pledge of Allegiance.

2. *Public Comment.*

None

3. *Approve minutes of the June 16, 2021 Board meeting and Workshop.*

Board members received the minutes of the June 16, 2021 Board meeting and workshop in their Board Packet to review prior to the meeting.

Secretary, Gary Young, moved to approve the minutes of the June 16, 2021 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 June 2021 (FY21) as presented.*

Board members received the monthly financial report for June 2021 in their Board Packet to review prior to the meeting.

Vice President, David Cole, moved to accept the monthly financial report for June 2021 as presented.
Director, Jody Williams, 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 June 2021 (FY21) as presented.*

Board members received the monthly investment fund account report for June 2021 in their Board Packet to review prior to the meeting.

Director, Scott Brooks, moved to accept the monthly investment fund account report for June 2021 as presented. Secretary, Gary Young, 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.*

Board members received the Employee Retirement Program quarterly report in their Board Packet to review prior to the meeting.

Secretary, Gary Young moved to accept the Employee Retirement Program quarterly report as presented. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

(President, Leland Gersbach requested the Board move to agenda item #8 at this time.)

8. *Hold public hearing on the following well applications:*

a) Discuss, consider, and take appropriate action if necessary, on the proposed combination drilling and operating permit of 0.40 ac-ft/yr. for Nathan & Danielle McNeal authorizing production from a proposed new well (N1-21-003P) completed in the Hosston layer of the Trinity Aquifer at 7-gpm to produce groundwater for the purpose of domestic use on a 2-acre tract located at 21152 State Hwy 195, Killeen, Texas 76542.

As Presiding Officer of the hearing, President Leland Gersbach, called to order the public hearing at 1:35 p.m. Leland gave a summary of the application to be considered and a brief explanation of the procedural issues. He confirmed a quorum of the Board was in attendance 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 reviewed the procedures that would apply to the hearing and noted the meeting had been properly noticed.

Leland stated anyone wishing to participate in the hearing, in support or protest, would need to sign up to speak and should do so while he addressed other procedural issues. Anyone wishing to speak will need to email schapman@cuwcd.org the online form as noted in the agenda.

As presiding officer, Leland will take evidence and sworn testimony, and rule on any procedural issues.

Leland noted that the Board would hear testimony and deliberate on the well application submitted by Nathan and Daniella McNeal. Leland will hear testimony by the applicant, Dirk Aaron (General Manager), and Mike Keester (LRE Water).

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

Leland administered an oath to all participants. Parties verbally confirmed they took the oath were: Dirk Aaron, Mike Keester, and Nathan and Daniella McNeal.

Dirk gave a general explanation of the application. 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.

Leland addressed questions related to Mike Keester's analysis. Mike Keester responded to Leland's questions. He also recommended the Board approve the application with the special provisions as discussed.

Leland gave the Board an opportunity to ask any additional questions they might have concerning the application. Hearing none, Leland concluded the discussion on the application at hand.

Dirk reminded the Board that these are simple adjustments between line-items.

Director, Jody Williams, moved to approve the budget amendments as requested. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

9. Discuss, consider, and take appropriate action if necessary, approve an exception to setback requirements per District rule 9.5.5(a)(e) for Magnolia First Baptist Church located at 2027 Connell Street, Belton, Texas.

Dirk explained the applicant's request for an exception to the District's requirement that wells observe a minimum set back of 50 feet from all property lines. The applicant requested a setback reduction of approximately 20 feet from the south property line of an existing well (E-21-008GU). The adjacent tract of land is owned by Rozella Moon. The applicant has obtained a signed waiver from the adjacent property owner, Rozella Moon, agreeing to the setback exception. This waiver will be attached to the well file and properly recorded at the County Clerk's Office if approved by the Board.

Dirk recommended the Board approve the exception to the set back.

Vice President, David Cole, moved to approve the request for an exception to the setback requirements for the existing well. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

10. Discuss, consider, and take appropriate action if necessary, to select the Auditing Firm based on committee report and recommendations of the SOQs submitted for Auditing Services per District Bylaws Article VII, Section 6.

Dirk explained to the Board that he only received one SOQ for Auditing Services. The SOQ was received from Ludwick, Montgomery & Stapp. David Cole, Gary Young, and Dirk Aaron reviewed the SOQ. They met with Kevin Cowan (representative for Ludwick, Montgomery & Stapp).

The committee gave a recap of the interview and their thoughts on this firm. Upon conclusion, the committee recommended accepting the SOQ from Ludwick, Montgomery & Stapp.

Vice President, David Cole, moved to approve the selection of Ludwick, Montgomery & Stapp for auditing services. Director, Jody Williams, seconded the motion.

Motion carried 4-0-1 (Director, Scott Brooks, abstained from the vote).

11. Discuss, consider, and take appropriate action if necessary, to conduct the annual performance review of the General Manager, in accordance with District Bylaws Article VI, Section 6.

Leland suggested the Board convene to Executive Session to discuss the annual performance review of the General Manager and other staff related items.

Executive Session convened with President, Leland Gersbach, from 4:05 p.m.

Board meeting reconvened with President, Leland Gersbach, at 5:02 p.m.

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

- Educational events are ramping back up. Dirk has been asked to speak at several community forums.
- Working to confirm location and date of the Bell County Water Symposium. Will have more information next month.
- There are a couple of permits pending. More information next month
- RFQ scoring and recommendations on Data Platform in August

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*

Dirk discussed the drought status report.

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

14. *Director comments and reports*³.

Jody Williams: Thanked Dirk for putting all the numbers together for the budget review.

Gary Young: Gary has been looking at the budget and crunching numbers. Thanked Dirk for all the hard work.

David Cole: None

Leland Gersbach: None

Scott Brooks: None

15. *Discuss agenda items for next meeting.*

- Possible Permit hearing
- RFQ recommendations for GIS platform
- Set preliminary tax rate

16. *Set time and place of next meeting.*

Wednesday, August 11, 2021 at 1:30 p.m.

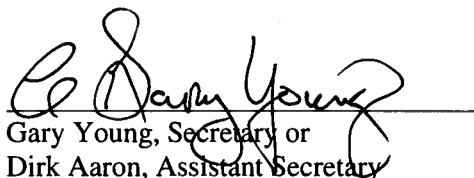
17. *Adjourn.*

Board meeting adjourned with President, Leland Gersbach, at 5:08p.m.



Leland Gersbach, President

ATTEST:



Gary Young, Secretary or
Dirk Aaron, Assistant Secretary