

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, TX
Wednesday, October 13, 2021
Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a Board meeting on Wednesday, October 13, 2021 at 1:30 p.m. at 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:

Hector Hernandez – Hilliard Dozer	Greg Neal
Cole Ruiz – Lloyd Gosselink	Susan Humiston – Salado
Sandra Blankenship – WICD 1	Mike Keester - LRE

Board meeting convened with President, Leland Gersbach at 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 September 8, 2021 Board meeting.*

Board members received the minutes of the September 8, 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 September 8, 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 September 2021 (FY21) as presented.*

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

Vice President, David Cole, moved to accept the monthly financial report for September 2021 as presented.
Director, Scott Brooks, 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 September 2021 (FY21) as presented.*

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

Secretary, Gary Young, moved to accept the monthly investment fund account report for September 2021 as presented. Director, Jody Williams, 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 Security Benefits Retirement Summary in the Board packet to review prior to the meeting. Dirk Aaron briefly explained the report.

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

Motion carried 5-0.

7. *Discuss, consider, and take appropriate action if necessary, to approve the FY21 line-item budget amendments as requested.*

Shelly Chapman and Dirk Aaron presented a request as listed below. They noted that these are simple adjustments between line items to cover additional expenses and prepare for FY21 budget closeout.

Vendor	Line Item	Invoice Amount	Available Funds	Amount Requested	New Balance	From	Available Funds	New Balance
Tom Lovelace	53140-Monitor Well Exp	\$3,180.00	\$2,045.17	\$1,134.83	\$3,180.00	53141-Weather Stations	\$1,418.78	\$283.95
HALFF	53306-DataBase Hosting	\$3,000.00	\$0.00	\$1,800.00	\$1,800.00	53311-Website hosting	\$1,800.00	\$0.00
				\$1,200.00	\$3,000.00	53500-Computer Software/Hardwa	\$2,931.86	\$1,731.85
Lloyd Gosselink	53702-Endangered Spec	\$8,915.00	\$6,264.00	\$2,651.00	\$8,915.00	53703-General Rules/Accountabilit	\$7,815.80	\$5,164.80
LRE (invoice 1)	53731-Permit Review (G	\$810.00	\$0.00	\$810.00	\$810.00	53130.4-Investigations	\$1,022.00	\$212.00
LRE (invoice 2)	53731-Permit Review (G	\$810.00	\$0.00	\$212.00	\$212.00	53130.4-Investigations	\$212.00	\$0.00
				\$598.00	\$810.00	53130.2-Investigations	\$645.00	\$47.00
AGS	50605-GMA8-Technical	\$3,893.00	\$837.50	\$3,012.48	\$3,849.98	50610-GMA8-Administrative	\$3,012.48	\$0.00
				\$43.02	\$3,893.00	50550-Election Exp	\$500.00	\$456.98

Vice President, David Cole, moved to approve the FY21 line-item budget amendments as requested. Director, ~~Scott~~ Brooks, seconded the motion.

Motion carried 5-0.

8. *Discuss, consider, and take appropriate action if necessary, to approve the FY22 line-item budget amendments as requested.*

Shelly and Dirk presented the request for line-item budget amendments to cover increase in Facility/Insurance costs that were not available at the time the FY22 budget was set. These are simple adjustments between line items.

Vendor	Line Item	Invoice Amount	Available Funds	Amount Requested	New Balance	From	Available Funds	New Balance
TML	54101-Liability	\$2,003.12	\$1,300.00	\$227.80	\$1,527.80	54104-Worker's Comp	\$227.80	\$0.00
				\$424.84	\$1,952.64	54105-Vehicle Liability	\$424.84	\$0.00
				\$50.48	\$2,003.12	54103-Surety Bonds	\$1,200.00	\$1,149.52
TML	54102-Property	\$1,849.26	\$1,800.00	\$49.26	\$1,849.26	54103-Surety Bonds	\$1,149.52	\$1,100.26

Correction noted by David Cole

Director, Scott Brooks, moved to table this item until the next meeting. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

Public Hearing opened with President, Leland Gersbach, at 1:42 p.m.

9. Hold public hearing on the following well application:

a) Discuss, consider, and take action if necessary, on the request for an amendment to an existing operating permit of 73.2 ac-ft/yr. to authorize an additional production of 205.8 ac-ft/yr. of groundwater not to exceed 279 ac-ft/yr. for Trinity Oasis LLC dba JH Dozer & Materials. The existing well (N2-13-002P) is completed in the Hosston Layer (loser layer) of the Trinity aquifer to produce groundwater for beneficial industrial use for mining and crushing aggregates.

As Presiding Officer of the hearing, President Leland Gersbach, called to order the public hearing at 1:42 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.

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 Trinity Oasis LLC. Leland will hear testimony by the applicant, Dirk Aaron (General Manager), Mike Keester (LRE Water), Cole Ruiz (Lloyd Gosselink Attorneys at Law), and any qualified party to the case.

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 (Dirk Aaron, Mike Keester, Hector Hernandez, Greg Neal, Cole Ruiz).

Greg Neal, representing Trinity Oasis LLC addressed the Board regarding the application for an amendment to their existing operating permit.

Hector Hernandez described the type of material Trinity Oasis produces and the need for additional water.

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.

All parties had an opportunity to make their cases. Leland asked if there were any other parties interested in submitting additional evidence. Hearing none, Leland concluded the evidentiary portion of the application at **2:24 p.m.**

Leland asked for a motion to grant/deny/partially grant Trinity Oasis LLC's request for an operating permit amendment for 205.8 ac-ft/year, from the Hosston layer know as the Lower Trinity Aquifer described in the hearing.

Director, Scott Brooks, moved to grant the request for an operating permit amendment for 205.8 ac-ft/year from the Hosston Layer known as the Lower Trinity Aquifer. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

Public Hearing ended 2:25 p.m. and Workshop convened with President, Leland Gersbach, at 2:30 p.m. following a 5-minute break.

Workshop item #1: Receive information on ESA-RFP.

Dirk Aaron presented information related to the ESA-RFP. He noted that the first draft had been amended by Judge Blackburn. The Board members and potential Karst Coalition members received a note with his thoughts moving forward. A timeline was presented. Dirk asked the Board to direct him moving forward and allow him to represent the District.

Workshop item #2: Receive information related to redistricting in Bell County.

Dirk presented information related to redistricting in Bell County.

Workshop item #3: Receive information related to ARPA fund.

Dirk was asked to research information related to ARPA and presented his findings to the Board.

Workshop item #4: Receive information related to the 2021 Bell County Water Symposium.

Dirk updated the Board on the upcoming Water Symposium. He discussed venue, topics, and sponsorships.

Workshop item #5: Receive information related to Groundwater Management Area 8, per the Joint Planning and Development of the Round 3 Desired Future Conditions.

Dirk and Gary will be attending GMA8 on 11/4/21 in Cleburne, TX. He will update the Board at the next meeting.

Workshop closed and regular Board meeting re-convened with President, Leland Gersbach, at 3:13 p.m.

10. Discuss, consider, and take appropriate action if necessary, to initiate an Interlocal Agreement with Bell County Commissioners Court for continued efforts by CUWCD to evaluate rural area proposed plats and groundwater availability studies as needed.

Dirk presented information related to the initiation of an IAL with Bell County Commissioners Court. He explained the need for the agreement related to platting and well approvals and gave example to substantiate the need for such an agreement.

After discussion and questions from Board members, it was determined that more information and discussion was needed. A recommendation was made by Dirk and legal counsel (Cole Ruiz) to table this item for now.

Director, Scott Brooks, moved to table this discussion. Director, Jody Williams, seconded the motion.

Motion carried 5-0.

11. Discuss, consider, and take appropriate action if necessary, to initiate an Interlocal Agreement to develop a Regional Habitat Conservation Plan (RHCP) in Bell County.

Information was presented regarding the need for an ILA to develop than RHCP in Bell County. Dirk explained what it means for Bell County and the need for an ILA. The Board instructed Dirk to initiate the agreement and collaborate with Cole Ruiz and Judge Blackburn. Cost for an RHCP was discussed.

Director, Scott Brooks, moved to approve Dirk Aaron to work with Cole Ruiz and Judge Blackburn to initiate and ILA to develop and RHCP in Bell County not to exceed \$30,000 cost to the District. Director, Jody Williams, seconded the motion.

Motion carried 5-0.

12. General Manager's report concerning office management and staffing related to District Management Plan.

- SB2 was passed by the 86th TX Legislature. Dirk explained that SB2 created a variety of new notice and website posting requirements for the District. Dirk and Tristin worked to make sure the District is in compliance.
- Working with consultants on management area zones.

13. Review monthly report and possible consideration and Board action on the following:

- Drought Status Reports*
- Education Outreach Update*
- Monitoring Wells*
- Rainfall Reports*
- Well Registration Update*
- Aquifer Status Report & Non-exempt Monthly Well Production Reports*

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

14. Director's comments and reports.

- **Leland Gersbach:** None
- **Jody Williams:** None
- **Gary Young:** None
- **Scott Brooks:** Thanked Dirk for researching the ARPA funds and bringing the information before the Board.
- **David Cole:** Thanked Dirk and Staff for always working hard and making CUWCD a reputable District.


15. Discuss agenda items for the next meeting.

- Permits –Stillman Valley Ranchettes.
- Revisit tabled agenda item #10 regarding ILA with Bell County.

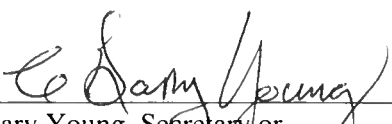
16. Set time and place of next meeting.

Wednesday, November 10, 2021 at 1:30 p.m.

17. Adjourn.


Leland Gersbach, President

ATTEST:


Gary Young, Secretary or
Dirk Aaron, Assistant Secretary