

Clearwater Underground Water Conservation District Meeting
700 Kennedy Court
Belton, TX
Wednesday, February 16, 2022
Minutes

The Clearwater Underground Water Conservation District (CUWCD) held a Board meeting on Wednesday, February 16, 2022, 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:

Sandra Blankenship – WICD 1	Scott Gillman – permit applicant	Mike Keester – RWH&A
Cole Ruiz – Lloyd Gosselink	Jennifer Bronson-Warren – TPWL	Pete Diaz – USFWS
James Beach – AGS	Dr. Stephanie Wong – LRE	Dr. Joe Yelderian – Baylor
Blake Stapp – LMS		

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 January 12, 2022, Board meeting.*

Board members received the minutes of January 12, 2022, Board meeting and workshop in their Board packet to review prior to the meeting.

Secretary, Gary Young, moved to approve the minutes of January 12, 2022, 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 January 2022 (FY22) as presented.*

Board members received the monthly financial report for January 2022 in their Board packet to review prior to the meeting.

Vice President, David Cole, moved to accept the monthly financial report for January 2022 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 January 2022 (FY22) as presented.*

Board members received the monthly investment fund account report for January 2022 in their Board packet to review prior to the meeting.

Director, Scott Brooks, moved to accept the monthly investment fund account report for January 2022 as presented. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

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

Shelly Chapman commented that there were none.

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

7. *Hold Public Hearing on the following application:*

a) Discuss, consider, and take appropriate action if necessary, on a proposed combination drilling and operating permit not to exceed 0.389 ac/ft/yr. for Scott Gillman authorizing drilling and operating production from a new well (N1-21-004P) to be completed in the Middle Trinity aquifer at a rate not to exceed 17-gpm to produce groundwater for domestic use on a 6.704-acre tract located at 7573 Chaparral Road, Killeen, TX.

As presiding officer of the hearing, President, Leland Gersbach, called to order the public hearing at 1:33 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 by Mr. Gillman. Leland will hear testimony by Scott Gillman (applicant), Dirk Aaron (General Manager - CUWCD), 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 or protestants.

Leland administered an oath to all participants (Dirk Aaron, Mike Keester, Cole Ruiz, and Scott Gillman).

Scott Gillman addressed the Board and explained his need for a well.

Dirk gave a general explanation of the application and noted that the applicant worked with Tom Lovelace, he has met all criteria and has agreed to the special provisions laid out for him. Dirk replied to Leland's questions and stated that the application had been deemed administratively complete, all fees have been paid.

Mike Keesters presented his analysis of the application at hand. Leland addressed questions to Mike pertaining to his findings.

Leland addressed the applicant with questions of his understanding related to the proposed application and special provisions agreed upon. Scott Gillman replied that he understood and agreed to the special provisions.

Leland gave the Board an opportunity to ask any additional questions they might have concerning the application. Hearing none, Leland invited the applicant an opportunity for rebuttal. He had none.

Leland concluded the discussion on the application. Seeing that all parties had an opportunity to make their cases, Leland asked if any parties were interested in submitting additional evidence. There was none.

Leland concluded the evidentiary portion of the application at 2:05 p.m.

Leland asked for a motion to grant/deny/partially grant Scott Gillman's request for a combination drilling/operating permit of .389 ac-ft/year from the Hensell layer known as the Middle Trinity aquifer as described in today's hearing.

Director, Jody Williams, moved to grant Scott Gillman's request for a combination drilling and operating permit as presented to include all special provisions as discussed. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

Public Hearing closed Board meeting reconvened with President Leland Gersbach at 2:07 p.m.

8. *Discuss, consider, and take appropriate action if necessary, to accept the FY21 Financial Audit as presented by the District's contracted auditing firm.*

Blake Stapp with Ludwick, Montgomery & Stapp, P.C., presented the FY21 Financial Audit. He reported the facts and stated it was a clean audit. He commented that there were no concerns or issues to report.

Director, Scott Brooks, moved to accept the FY21 Financial Audit as presented. Vice President, David Cole, seconded the motion.

Motion carried 5-0.

(Recessed for a short break 2:25 p.m. – 2:30 p.m.)

Workshop convened with President, Leland Gersbach, at 2:30 p.m.

Workshop Item #1: Receive information on the Bell-Cor RHCP

Dirk presented information he has received regarding the RHCP.

Workshop Item #2: Receive presentation concerning potential management areas within Bell County.

Mike Keester made a presentation related to potential management areas within Bell County.

Workshop Item #3: Receive presentation by Pete Diaz (USFWS) concerning the status of the Salado Salamander.

Pete Diaz gave an update on the status of the Salado Salamander. He highlighted work done in FY21 and presented information regarding continued efforts in FY22.

Workshop Item #4: Receive information related to Groundwater Management Area 8, per the Joint Planning and Development of the Round 3 Desired Future Conditions.

Dirk noted that the Explanatory Report has been submitted to TWDB and we are waiting for them to accept it.

Workshop closed and Regular Board meeting reconvened with President, Leland Gersbach, at 4:32 p.m.

9. *Discuss, consider, and take appropriate action if necessary, to approve funding the 2022 USFW-TXF&W Conservation Office annual (Pete Diaz) Salado Springs & Salamander Monitoring Program under the Reimbursable Task Order.*

Dirk noted that this information was discussed in Workshop item #3. The money is already in the budget. Dirk just wanted to be sure the Board was still in agreement with funding this program.

Director, Jody Williams, moved to approve funding the 2022 USFW-TXF&W Salado Springs & Salamander Monitoring Program. Director, Scott Brooks, seconded the motion.

Motion carried 5-0.

10. *Discuss, consider, and take appropriate action if necessary, to authorize the General Manager to execute a contract with the City of Belton for the possible sale of approximately 1.2-acres of land owned by Clearwater UWCD located at 700 Kennedy Court, Belton, TX.*

Dirk explained that the District purchased 2.11 acres of land from the BEDC in 2010 and built the current building shortly after.

He commented that the City of Belton has committed to locating and acquiring property for Bell County in order to relocate some of the County facilities out of the downtown area in order to return these sites to the property tax roll.

The City of Belton proposed to purchase property from Clearwater and convey it to the County.

Dirk explained that if this is approved, the current property would be divided in to 2 tracts. The tract purchased by the City for Bell County would be used for a County storage facility that would include a large meeting room. This meeting room would be primarily for the use of Clearwater's Board meetings.

The City of Belton will pay surveying, replating, and closing cost for the property.

Dirk has been in discussion with the legal counsel regarding this purchase and has discussed certain aspects that would need to be considered and included in the agreement.

Director, Scott Brooks, suggested the Board convene to executive session to discuss particulars with legal counsel.

Board convened to Executive Session with President, Leland Gersbach, at 4:56 p.m.

Regular Board meeting reconvened with President, Leland Gersbach, at 5:12 p.m.

Following Executive Session, the Board discussed aspects to consider in an agreement with the City of Belton and Bell County.

Secretary, Gary Young, moved to authorize General Manager to negotiate and execute a contract with the City of Belton with the intent to ensure the concerns and needs of the District are met through the contract as relates to what Bell County is promising. Director, Jody Williams, seconded the motion.

Motion carried 5-0.

11. Discuss, consider, and take appropriate action if necessary, to approve the employment contract with District General Manager.

Leland noted that this item was discussed in Executive Session at the January Board meeting with legal counsel, Cole Ruiz. Cole made the suggested changes and submitted the contract back to the Board. All Board members reviewed and agreed with the changes.

Leland asked if the Board needed to convene to Executive Session for further discussion. No discussion was needed.

Leland asked for a motion.

Director, Jody Williams, moved to approve the employment contract with the District General Manager. Secretary, Gary Young, seconded the motion.

Motion carried 5-0.

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

- Major violation by landowner and driller. Dirk laid out information for a show cause hearing next month.
- Tristin is working on a draft of the Annual Report to give to the Board for review and edits at next month's meeting.
- TCEQ Directors report submitted.
- Annual Comptroller's reports completed online.
- Website has the required notice of elections.

13. Review 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*

(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:** Commented that he attended the TAGD Boot Camp this month. It was very informative and a good refresher course for him.
- **Scott Brooks:** None
- **David Cole:** Thanked GM/Staff for always doing a good job.

15. Discuss agenda items for the next meeting.


- Possible permit hearing
- Draft of the 2021 Annual Report

14. Set time and place of next meeting.

Wednesday, March 9, 2022, at 1:30 p.m. CUWCD office

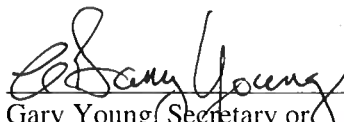
15. Adjourn.

Board Meeting closed and Workshop convened with President, Leland Gersbach, at 5:56 p.m.



Leland Gersbach, President

ATTEST:



Gary Young, Secretary or
Dirk Aaron, Assistant Secretary