

UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT
THURSDAY, DECEMBER 15, 2022
MINUTES OF MEETINGS
OF THE
BOARD OF DIRECTORS

INTRODUCTORY MATTERS

The Board may discuss, consider, and take appropriate action, including expenditure of funds as necessary or appropriate, on any item listed on this agenda:

1. Welcome guests and members of the public. The meeting convened at 5:00 p.m.
2. Roll call, establish a quorum, call Special Called Meeting, Public Hearings, and Regular Board Meeting to order; declare the Hearing and meetings open to the public.

Directors Present: Tracy Mesler, Shannon Nave, Mike Berkley, Tim Watts, and Don Majka

Directors Absent: Jarrod Reynolds and Brent Wilson

3. Pledges of allegiance to the flags.
4. No public comments were made.

SPECIAL CALLED MEETING

1. Director Nave moved to adopt Desired Future Conditions (DFCs) for the Trinity Aquifer Group as described in the Notice of Special Called Meeting posted on or before December 5, 2022 and incorporated herein by reference for all intents and purposes, and as previously adopted by Groundwater Management Area 8 (GMA 8), that are relevant and applicable to the Upper Trinity Groundwater Conservation District (UTGCD), including the adoption of Resolution 22-008: Adopting the Desired Future Conditions for the Trinity Aquifer Group. Director Majka seconded the motion. Motion passed unanimously.
2. GM Shaw gave an update on Groundwater Management Area 6 (GMA 6).
3. President Mesler adjourned the Special Called Meeting at 5:10 p.m.

PUBLIC HEARING

1. General Manager Shaw presented a report and recommendations to the Board regarding the following applications for permits, permit amendments, and/or requests for exceptions to the District's water well spacing or minimum tract size requirements.
 - A. **Applicant/Owner:** Sneader Properties, LLC — 2931 N FM 56, Glen Rose, TX 76043
Type of Application: Operating Permit
Location of well or proposed well: 4601 FM Rd 86, Tolar, TX
Requested Permit Volume: 2,000,000 gallons/year
General Manager's Recommendation: 2,000,000 gallons/year
Description of Request: Sneader Properties, LLC is seeking an operating permit in order to operate one existing commercial well to supply water for construction in the area.
 - B. **Applicant/Owner:** New Fairview MUD #1. — 3045 Lackland Road, Ft. Worth, TX 76116
Type of Application: Operating Permit Amendment and Exception to Minimum Well Spacing Requirements

Location of well or proposed wells: North of Pioneer Rd within Fairview Meadows Subdivision.

Requested Permit Volume: 58,400,000 gallons/year

General Manager's Recommendation: 58,400,000 gallons/year

Description of Request: New Fairview MUD #1 is seeking to amend an operating permit and an exception to the District's water well spacing requirements under District Rule 4.7, in order to drill and operate three new public water supply wells to supply water for Fairview Meadows subdivision. The proposed wells would fail to meet the spacing to other wells (3,250 ft.) and property lines (1,000 ft).

2. Discuss, consider, and possible action by the Board to approve or deny, in whole or in part, the applications for permits, permit amendments, and/or requests for exceptions to the District's water well spacing or minimum tract size requirements set forth above in this agenda.
 - A. GM Shaw presented his recommendations for the project proposed by Sneader Properties, LLC. Director Berkley made a motion to approve the Application for Operating Permit 062-H-OP, as presented, in the amount of 2,000,000 gallons per year. Director Watts seconded the motion. Motion passed unanimously.
 - B. GM Shaw presented his recommendations for the project proposed by New Fairview MUD #1. Director Nave made a motion to approve Operating Permit 023-W-OP, as presented, in the amount of 58,400,000 gallons per year. Additionally, the motion included the approval of the Applications for Exceptions to Spacing Requirements related to Well IDs 18374, 18552, and 18943. The approval of the applications for exception included the following stipulations: 1) perform some form of geophysical log of the boreholes and provide those logs to the District; 2) provide all pump test data to the District; 3) enter into an agreement with the District for the ongoing measurements of water levels in each of the wells; and 4) work with the District to ensure the wells are completed in such a way the District can install the necessary equipment to measure water levels. Director Majka seconded the motion. Motion passed unanimously.
3. President Mesler adjourned the Public Hearing at 5:28 p.m.

REGULAR BOARD MEETING

1. President Mesler announced that the discussion and possible appointment of a person to fill the vacancy on the Board of Directors will be postponed until all seven Directors are available to take part in the discussion. Additionally, he announced that the item will remain on the agenda until the position is filled.
2. Director Majka moved to approve the Consent Agenda, including:
 - A. Approval of minutes from Regular Board Meeting on November 17, 2022.
 - B. Approval of bank statements ending November 30, 2022, and current financial reports of the District.
 - C. Approval of Investment Report.
 - D. Payment of bills/invoices received through December 15, 2022.
 - E. Reimbursements for expenses incurred on behalf of the District through December 15, 2022 (including mileage reimbursements for Majka and Mesler).
 - F. Approval of Request for an Extension Applications submitted through December 15, 2022.Director Watts seconded the motion. Motion passed unanimously.
3. No items were pulled from consent agenda for further discussion.
4. Discussion regarding the following potential violations of District Rules:
 - A. Exempt Wells
 - 1) President Mesler moved to offer David Maynor, in lieu of litigation, a settlement to include the following: 1) a second major violation of District rules; 2) a penalty fee of \$500; and 3) the requirement

to plug the existing wells (Well IDs 15204 & 17740). Director Nave seconded the motion. Motion passed unanimously.

B. Non-Exempt Wells

- 1) Regarding Well ID 8148 in Parker Co. owned by Trickle Creek Ranch LLC, Director Nave motioned to offer, in lieu of litigation, a settlement which includes: 1) a 1st minor violation for multiple failures to conduct a meter reading within the required period; 2) a 1st Major Violation for multiple failures to both submit groundwater production reports within the required periods, and failure to submit the associated groundwater production fees within sixty (60) days of the date the fees are due; 3) requirement to submit an estimate, to the satisfaction of the GM, of the groundwater produced from January 2020 – June 2022; 4) pay groundwater use fees associated with the estimated production with a 25% late penalty by January 31, 2023; 5) a 2nd Major Violation for failure to obtain a permit; 6) pay a \$1,000 penalty fee associated with the 2nd major violation by January 31, 2023; 7) a requirement to submit an estimate of groundwater produced from July 2022 – December 2022, or whenever the production capacity is brought below 17.36 gpm, by January 31, 2023, and pay the associated fees; and 8) enter into an agreement, with the District, for the ongoing measurement of water levels in Well ID 8148. Director Majka seconded the motion. Motion passed unanimously.

5. **Management Report on Administrative and Operational Issues:** The General Manager and staff will brief the Board on the following and any other items included in the General Manager's written report, which may be discussed, considered, and acted upon by the Board, including authorizing the initiation of, managing, or resolving enforcement action or litigation where applicable.

- A. General Manager's report was submitted to the Board of Directors in advance of the Regular Board meeting.
- B. Discussion regarding delinquent customers of the District; no action was taken.
- C. Report on Education and Outreach activities; no action was taken.
- D. Report on injection well applications filed with the Railroad Commission; no action was taken.
- E. Well Registration and Groundwater Production reports; no action was taken.

6. Director Berkley moved to adopt 2022 budget amendments, as presented by staff:

- Move \$2,000 from Monitoring Well Program to Auto Fuel
- Move \$75,000 from Assigned Funds-Facilities/Building Fund to Property Development
- Move \$2,000 from Monitoring Well Program to Equipment Repair and Maintenance
- Move \$500 from Office Expense-other to Kitchen Supplies
- Move \$500 from Office Furniture to Supplies
- Move \$9,000 from Payroll Expense-Other to Medical Insurance
- Move \$9,000 from New Truck to Payroll Expense (Tax Liability)
- Move \$9,000 from Payroll Expense-Other to Salary
- Move \$5,000 from Legal Fees-Other to Legislative Consulting
- Move \$2,000 from Hydrology/Engineering to Outside Contract Services
- Move \$1,000 from Seminars-Directors to Seminars & Training Staff

Director Majka seconded the motion. The motion passed unanimously.

7. Attorney Brian Sledge of SledgeLaw Group gave a brief update regarding activities related to the District since the last Regular Board meeting.
8. The next Regular Board meeting is scheduled for Thursday, January 19 2023, at 5:00 p.m. at the District's office.
9. No new business was placed on the next meeting agenda.


10. President Mesler adjourned the meeting at 6:12 p.m.

PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS this 26 day of January 2023.

Attest:



Tracy Mesler, President



Secretary *VP* Shannon L. Nave