

Minutes from the March 15th, 2011 PCCD regular scheduled meeting
to be presented on April 19th, 2011 for Board approval and
subject to corrections, additions, deletions and approval.

March 15th, 2011

Notices of this regular meeting were posted in the Hays and Caldwell County Courthouses at least 72 hours prior to the meeting. Receipts of the notices are on file in the office of Plum Creek Conservation District.

Checks were reviewed and signed, just prior to the call to order, by Vice President, James O Lipscomb.

2:00 PM The meeting was called to order by Vice President of the Board, James O. Lipscomb, with the following Board members present: Peter Reinecke (Secretary/Treasurer), Lucy Knight (Director), Ben Twidwell (Director) and Fred Rothert (Director). Also present were Johnie Halliburton (Executive Manager), Bob Wilson (PCCD Attorney) Feathergail Wilson (PCCD Geologist) and PCCD staff Karen Bassett, Korey Schuelke and Dan Meyer. Minutes were taken by Karen Bassett and transcribed by Korey Schuelke.

2:00PM Vice-President Lipscomb requested motions or comments regarding the minutes of the regular meeting held on February 15th, 2011. Mrs. Knight made a motion that the minutes of the regular meeting held on February 15th, 2011, be accepted as circulated. Mr. Rothert provided the second and the motion passed unanimously.

2:00PM Vice-President Lipscomb requested any unfinished business that required the Board of Directors' attention. Mr. Halliburton informed the Board of Directors that the fertilizer bids for all sites had been received and the Board of Directors needed to make a decision as to which bid to accept. Mr. Halliburton then informed the Board of Directors of the amount of fertilizer and herbicide to be applied, according to the soil samples' analyses that had been performed. Mr. Halliburton informed the Board of Directors that the Plum Creek Conservation District had received a total of two bids. The Plum Creek Conservation District received bids from Lindemann's Fertilizer in Cost, Texas and from Ehrig Brothers Fertilizer in Gonzales, Texas. Vice-President Lipscomb then read the two bids received to the Board of Directors. Vice-President Lipscomb stated that the bid from Ehrig Brothers Fertilizer was twenty-eight thousand five hundred eighty-two dollars (\$28,582.00). Vice-President Lipscomb stated that the bid from Lindemann's was thirty-two thousand seven hundred thirty-three dollars (\$32,733.00). Mr. Twidwell made a motion that the Plum Creek Conservation District use the low bidder, Ehrig Brothers Fertilizer, for their fertilizer services. Mr. Rothert provided the second and the motion passed unanimously.

2:05PM Vice-President Lipscomb requested discussion of Item IV on the agenda. Mr. Halliburton informed the Board of Directors that Murfee Engineering was unable to attend the meeting for March 15th, 2011.

2:05PM Vice-President Lipscomb then requested discussion of Item V on the agenda. Mr. Halliburton then informed the Board of Directors that the City of Kyle was requesting to build a building and a parking lot on their designated parkland within the Plum Creek Conservation District's easement at Site 2. It would require the raising of the elevation of the area where the building would be built, but it would not change the storage capacity of the reservoir. Mr. Halliburton stated that the Natural Resources Conservation Service's engineers had been consulted regarding this project and they had no objections to the proposed plan. Mr. Kerry Urbanowicz, with the City of Kyle Parks and Recreation Department, then addressed the Board of Directors regarding the project at Site 2 in greater detail. Mr. Bob Wilson then posed questions to Mr. Urbanowicz for the benefit of the Board of Directors. Vice-President

Lipscomb then presented Mr. Bob Wilson with a copy of the City of Kyle's proposal for his perusal and informed the Board of Directors that they would return to this item later. Mr. Halliburton then discussed a maintenance agreement that was needed between the City of Kyle and the Plum Creek Conservation District regarding Site 2 and Site 3. The Board of Directors then instructed Mr. Bob Wilson to begin drafting a possible maintenance agreement between the City of Kyle and the Plum Creek Conservation District regarding Site 2 and Site 3.

- 2:14PM Vice-President Lipscomb then requested discussion of Item VI on the agenda. Mr. Halliburton then discussed the possible inter-local agreement that was being negotiated with the Plum Creek Watershed Partnership. The Board of Directors then discussed the adjustments that were necessary prior to any inter-local agreement being approved.
- 2:19PM Vice-President Lipscomb then requested a report from the Natural Resources Conservation Service's District Conservationist, Mr. Isidro Morales. Mr. Morales informed the Board of Directors that the Site 8 grass planting failure will have to be remedied by the Plum Creek Conservation District. Mr. Morales recommended the spreading of seed and rolling it in rather than disturbing the soil for sprigging grass.
- 2:22PM Vice-President Lipscomb then requested a report from the Plum Creek Conservation District's Attorney, Mr. Bob Wilson. Mr. Bob Wilson then discussed the status of the easement acquisitions for the proposed Site 5 Rehabilitation Project. Mr. Bob Wilson discussed the request by the Southlake Ranch Homeowners Association for the Plum Creek Conservation District to reimburse them for their attorney's fees regarding the condemnation suit in order to acquire the easement on their property for the Site 5 Rehabilitation Project. Mr. Reinecke made a motion to reimburse the Southlake Ranch Homeowners Association for the attorney's fees incurred, regarding the condemnation suit, in order to acquire the easement on their property for the Site 5 Rehabilitation Project in an amount not to exceed four thousand dollars (\$4,000.00). Mr. Twidwell provided the second and the motion passed unanimously. Mr. Bob Wilson then discussed the request by the Southlake Ranch Homeowners Association to lease their property for cattle grazing. Mr. Bob Wilson then discussed negotiations with the City of Kyle, regarding the proposed easement contract, as it pertains to the Site 5 Rehabilitation Project. Mr. Bob Wilson then discussed the status of the proposed land purchase contract from the City of Lockhart for the proposed new Plum Creek Conservation District office building. Mr. Bob Wilson then discussed current legislation regarding the portion of Caldwell County that is in both the Plum Creek Conservation District and the Gonzales County Underground Water Conservation District, as well as other legislation that may affect the Plum Creek Conservation District. Mr. Bob Wilson also gave his recommendation about the City of Kyle's Proposed Plan for Site 2. Mr. Reinecke made a motion that the City of Kyle's Proposed Plan for Site 2 be approved subject to protection from liability associated with impoundments behind the dam. Mrs. Knight provided the second and the motion passed unanimously.
- 2:35PM Vice-President Lipscomb requested discussion of Item VII on the agenda. Mr. Halliburton then discussed the status of the Site 5 Rehabilitation and the status of the Site 5 Operations and Maintenance Agreement. Mr. Bob Wilson then discussed the status of the federal government's budget as it applies to the Plum Creek Conservation District's ongoing projects.
- 2:40PM Vice-President Lipscomb then requested discussion of Item VIII on the agenda. The Board of Directors then discussed a resolution or statement supporting landowners' ownership in groundwater below the land. After some discussion, no action was taken.

- 2:41PM Vice-President Lipscomb requested a report from the Plum Creek Conservation District's Geologist, Mr. William Feathergail Wilson. Mr. Feather Wilson then gave the Board of Directors a presentation regarding the impact of hydraulic fracturing on fresh water supply. Mr. Feather Wilson then showed a video showing procedures for hydraulic fracturing. Mr. Feather Wilson then discussed possible rules or policies regarding hydraulic fracturing that may be necessary. Mr. Feather Wilson then discussed maps he had produced regarding the southeastern part of Caldwell County. Mr. Bob Wilson and Mr. Feather Wilson then discussed the City of Lockhart's #10 water well. The City of Lockhart plans to drill a replacement well for their #10 well and the Plum Creek Conservation District requests that Mr. Feather Wilson be present during the drilling of this well. Mr. Feather Wilson then discussed preparations required for the next Plum Creek Conservation District Newsletter. The Board of Directors then posed questions to Mr. Feather Wilson regarding the maps he had constructed.
- 3:11PM Vice-President Lipscomb requested a report from the Plum Creek Conservation District's Assistant Manager, Mr. Daniel Meyer. Mr. Meyer then showed the Board of Directors a map of area leased for water and existing water wells using a computer application. Mr. Meyer also discussed permit applications in this area, as well as currently permitted wells. Mr. Meyer also showed the Board of Directors some breach inundations areas within his computer applications. Mr. Meyer then discussed a petition presented by the Hays Caldwell Public Utilities Agency in regards to the Groundwater Management Area-13's desired future conditions. Mr. Meyer then discussed the main discussion items within the Hays Caldwell Public Utilities Agency's petition. Ms. Trish Carls, attorney for the Hays Caldwell Public Utilities Agency, then discussed the position of her clients with the Board of Directors. Mr. Meyer then discussed drought contingency plans and water conservation plans, as well as a seminar he had attended recently in Waco, Texas regarding these plans. Mr. Meyer then showed the Board of Directors a banner that had been made for the Plum Creek Conservation District staff to take to events in which they are involved.
- 3:36PM Vice-President Lipscomb requested a report from the Plum Creek Conservation District's Executive Manager, Mr. Johnie Halliburton. Mr. Halliburton discussed letters sent regarding the federal budget as it pertains to watershed funding. Mr. Halliburton discussed grant money available from the Caldwell-Travis Soil and Water Conservation District and the Hays County Soil and Water Conservation District for dam maintenance. Mr. Halliburton discussed the Texas Association of Watershed Sponsors' new website. Mr. Halliburton then informed the Board of Directors that he and Mr. Schuelke recently attended the Texas Commission on Environmental Quality's Dam Safety Workshop in Brady, Texas. Mr. Halliburton informed the Board of Directors that Mr. Schuelke had been cleaning debris from multiple structures. Mr. Halliburton informed the Board of Directors that Spiller Backhoe would begin work at Site 6 in the next couple of weeks. Mr. Halliburton also informed the Board of Directors that the Plum Creek Golf Course, located at the Plum Creek Conservation District's Site 1, had recently been sold.
- 3:45PM Vice-President Lipscomb then discussed with Mr. Bob Wilson the need for the Building Committee to begin preparing in case the purchase of land from the City of Lockhart is approved by the Lockhart City Council.

3:45PM Vice-President Lipscomb requested comments from the public that were in attendance. Mr. Kerry Urbanowicz with the City of Kyle questioned whether he was able to move forward with his site plan with the earlier presented motion. Mr. Bob Wilson told Mr. Urbanowicz that the earlier motion should suffice as long as the details could be worked out with the City of Kyle's Attorney, Ms. Paige Saenz.

3:48PM Mr. Twidwell made a motion to adjourn. Mr. Rothert provided the second and the motion was approved unanimously.

Vice President

Secretary/Treasurer