

**MINUTES OF THE BOARD OF DIRECTORS' BOARD MEETING AND PUBLIC HEARING
NORTH TEXAS GROUNDWATER CONSERVATION DISTRICT**

Tuesday, January 10, 2023, at 10:00 a.m.

**Pilot Point ISD Administration Office
829 S. Harrison St.
Pilot Point, TX 76258**

Please note for in-person attendance that the Board meeting location can only accommodate a limited number of attendees to comply with state requirements related to in-person gatherings. In the event in-person attendance exceeds any state or local requirements, the District may provide an option for virtual participation for any overflow attendees as necessary and authorized by law.

Members Present: Joe Helmberger, David Flusche, Jimmy Arthur, Thomas Smith, Ron Sellman, Greg Peters (arrived 10:07 a.m.), Ronny Young, and Allen Knight

Members Absent: Lee K. Allison

Staff: Paul Sigle, Wayne Parkman, Kenneth Elliott, and Velma Starks

Visitors: Kristen Fancher, Law Offices of Kristen Fancher, PLLC

Public Meeting to Adopt Desired Future Conditions

Agenda

1. Call to Order; establish quorum; declare hearing open to the public; introduction of Board.
Board President Joe Helmberger called the public meeting to order at 10:00 a.m.
2. Review of Desired Future Conditions applicable to the District.
General Manager Paul Sigle reviewed the DFCs with the Board.
3. Public Comment on District's Desired Future Conditions (verbal comments limited to three (3) minutes each).
No public comments.
4. Consider and act upon adoption of the Desired Future Conditions applicable to the District.
Board Member Ronny Young made the motion to approve DFC Resolution No. 2023-01-10-02 adopting Desired Future Conditions. Board Member Thomas Smith seconded the motion. Motion passed.

DFCs Hearing adjourned at 10:05 a.m.

Permit Hearing

Agenda:

1. Call to Order; establish quorum; declare hearing open to the public; introduction of Board.

Board President Joe Helmberger called the Permit Hearing to order at 10:05 a.m.

2. Public Comment on the Production Permit Applications (verbal comments limited to three (3) minutes each).

No public comments.

3. Review the Production Permit Applications of:

New Production Permits

- a. **Applicant:** Town of Lakewood Village; 100 Highridge Dr, Lakewood Village, TX 75068
Location of Well: 101 Highridge Dr, Lakewood Village, TX 75068; Latitude: 33.143458°N, Longitude: -96.972347°W; About 1,100 feet east of W Eldorado Pkwy, at the intersection of Lakecrest Dr and Highridge Dr.
Purpose of Use: Municipal/Public Water System
Requested Amount of Use: 73,675,915 gallons per year
Production Capacity of Well(s): 500 gallons/minute
Aquifer: Trinity (Twin Mountains)

General Manager Paul Sigle reviewed the permit with the Board. Board Member Allen Knight made the motion to approve the permit. Board Member Ronny Young seconded the motion. Board Member Greg Peters abstained. Motion passed.

- b. **Applicant:** 4600 Ganzer Investments, LLC; 2505 N Hwy 360, Grand Prairie, TX 75050
Location of Well: N I-35, Denton, TX 76228; Latitude: 33.289571°N, Longitude: 97.179263°W; About 2,275 feet north of the I-35 and Ganzer Rd intersection, on the west side of I-35
Purpose of Use: Construction
Requested Amount of Use: 10,554,000 gallons through 2024
Production Capacity of Well(s): 175 gallons/minute
Aquifer: Trinity (Antlers)

General Manager Paul Sigle reviewed the permit with the Board. Brief discussion was held. Board Member Thomas Smith made the motion to approve the permit. Board Member Ron Sellman seconded the motion. Motion passed unanimously.

- c. **Applicant:** Elemental Management, LLC; 2121 Midway Road, Suite 240, Carrollton, Texas 75006
Location of Well: 17201 – 17437 County Road 531, Lavon, Texas 75189; Latitude: 33.02982°N, Longitude: 96.40625°W; About 4,150 feet east of the FM 2755 and County Road 541 intersection, and about 3,200 feet north of County Road 541
Purpose of Use: Landscape Irrigation and Surface Impoundment(s)

Requested Amount of Use: 54,968,288 gallons per year
Production Capacity of Well(s): 175 gallons/minute
Aquifer: Woodbine

General Manager Paul Sigle reviewed the permit with the Board. Board Member Thomas Smith made the motion to approve the permit. Board Member Allen Knight seconded the motion. Motion passed unanimously.

- d. **Applicant:** NICID, L.P.; 551 Saint Gabriel Way, McKinney, TX 75071
Location of Well: 15411 Riley Road, Pilot Point, Texas 76258; Latitude: 33.371848°N, Longitude: 96.846122°W; About 1,000 feet south of the FM 455 and Riley Road intersection, and about 300 feet west of Riley Road.
Purpose of Use: Concrete Batch Plant
Requested Amount of Use: 25,272,000 gallons per year
Production Capacity of Well(s): 100 gallons/minute
Aquifer: Woodbine or Trinity (Antlers); The applicant is planning on completing the well in the Woodbine, but there are concerns the Woodbine will not produce the proposed capacity of the well. If the Woodbine is incapable producing the 100 gallons/minute, the applicant will continue drilling to the Trinity (Antlers).

General Manager Paul Sigle reviewed the permit with the Board. Brief discussion was held. Board Member Greg Peters made the motion to approve the permit. Board Member Thomas Smith seconded the motion. Motion passed unanimously.

Permit Amendment

- e. **Applicant:** Big Sky Municipal Utility District.; 1980 Post Oak Boulevard, Suite 1380, Houston, TX 77056
Location of Wells: **Well #1:** South Branch Road, Krum, Texas 76248; Latitude: 33.248427°N, Longitude: 97.361792°W; About 2,500 feet north of US HWY 380 and 1,950 feet west of Big Sky Tr.; **Well #1A:** South Branch Road, Krum, Texas 76248; Latitude: 33.248189°N, Longitude: 97.368011°W; About 2,500 feet north of US HWY 380 and 3,850 feet west of Big Sky Tr.; **Well #3:** 1997 Eagle Wolf Dr, Ponder, TX 76259; Latitude: 33.252468°N, Longitude: 97.369671°W; About 3,550 feet north of the HWY 380 W and about 4,410 feet west of Big Sky Trail.; **Well #4:** 1997 Eagle Wolf Dr, Ponder, TX 76259; Latitude: 33.251792°N, Longitude: 97.364884°W; About 3,600 feet north of the HWY 380 W and about 1,950 feet west of Big Sky Trail; **Well NT-3299:** 2681 Prairie Sky Ln, Ponder, TX 76259 Latitude: 33.24947 °N, Longitude: 97.36079 °W; About 2,900 feet north of the HWY 380 W and about 1,660 feet west of Big Sky Trail.
Purpose of Use: Municipal/Public Water Systems and Landscape Irrigation
Requested Amount of Use: 118,243,959 gallons per year
Production Capacity of Well(s): **Well #1:** 230 gallons/minute; **Well #1A:** 230 gallons/minute; **Well #3:** 230 gallons/minute; **Well #4:** 230 gallons/minute; **Well NT-3299:** 26 gallons/minute
Aquifer: Trinity (Antlers)
Amendment: Increasing the previously approved amount of 58,860,000 gallons/year to 118,343,959 gallons/year for the well system. Increasing the existing well (Well #1 and Well #1A) capacities from 180 gallons/minute to 230 gallons/minute. Addition of two new wells (Well #3 and Well #4). Addition of an existing well (NT-3299), owned by LGI Homes, to be used for irrigation and required TCEQ surface water permit.

General Manager Paul Sigle reviewed the permit amendment with the Board. Board Member Allen Knight made the motion to approve the permit amendment. Board Member David Flusche seconded the motion. Brief discussion was held. Motion passed unanimously.

4. Consider and act upon the Production Permit Applications, including designation of parties and/or granting or denying the Production Permit Applications in whole or in part, as applicable.

All permits were individually approved.

5. Adjourn or continue permit hearing.

Board President Joe Helmberger adjourned the permit hearing at 10:24 a.m.

Board Meeting

Agenda:

1. Pledge of Allegiance and Invocation

President Joe Helmberger led the Pledge of Allegiance and Board Member Thomas Smith provided the invocation.

2. Call to order, establish quorum; declare meeting open to the public.

President Joe Helmberger called the meeting to order at 10:24 a.m., established a quorum was present, and declared the meeting open to the public.

3. Public Comment

There were no public comments.

4. Consider and act upon approval of the minutes from the November 8, 2022, Board meeting.

President Joe Helmberger asked for approval of the minutes from the November 8, 2022, meeting. Board Member Ron Sellman made the motion to approve the minutes. Board Member David Flusche seconded the motion. David Flusche, Allen Knight, and Ronny Young abstained. Motion passed.

5. Consider and act upon approval of invoices and reimbursements, Resolution No. 2022-12-13-1 and Resolution No. 2023-01-10-1.

General Manager Paul Sigle reviewed the liabilities with the Board. Board Member Ronny Young made the motion to approve Resolution No. 2022-12-13-1 and Resolution No. 2023-01-10-1. Board Member Thomas Smith seconded the motion. Motion passed unanimously.

6. Receive reports from the following Committees*:

- a. Budget and Finance Committee
 - i. Receive Monthly Financial Information

General Manager Paul Sigle reviewed the Financial Report with the Board.

- b. Investment Committee
 - i. Receive Quarterly Investment Report

General Manager Paul Sigle reviewed the Quarterly Investment Report with the Board. The Board decided that the District wait until after the end of the month and then set up the accounts in three month ladders.

- c. Management Plan Committee
 - i. Receive Quarterly Report

No update, will have Quarterly Report next month.

7. Discussion and possible action regarding brochures for the District.

General Manager Paul Sigle discussed brochures with the Board. The brochures are to be available to be downloaded from the website. Board Member Thomas Smith made the motion to have 1000 printed. Board Member Allen Knight seconded the motion. Motion passed unanimously.

The Board went into Executive Session at 10:43 a.m. for items 8, 10 and 11 after addressing items 9 and 12.

The Board Reconvened into Regular Session at 11:10 a.m.

8. Discussion and possible action on a Declaration of Drought.

No action to be taken.

9. Update and possible action regarding the process for the development of Desired Future Conditions (DFCs).

General Manager Paul Sigle informed the Board that the GMA 8 committee selected INTRA for GMA 8 consulting firm to update the model. The cost is to be divided among the GMA 8 districts.

10. Consider and act upon compliance and enforcement activities for violations of District rules.

Lime Rock Resources is in major violation of District rules: failure to permit well for change in usage, failure to submit accurate production reports, and failure to submit water use fees on time. Board Member Thomas Smith made the motion to fine Lime Rock Resources \$2500.00 for major violations of District rules. Board Member Allen Knight seconded the motion. Motion passed unanimously.

11. Discussion and possible action related to 88th Texas Legislative Session and Issues.

Board Member Greg Peters made the motion to provide information to Senator Springer's office. Board Member Thomas Smith seconded the motion. Motion passed unanimously.

12. General Manager's Report: The General Manager will update the board on operational, educational and other activities of the District.

- a. District's Disposal/Injection Well Program

No update

- b. Well Registration Summary

General Manager Paul Sigle reviewed the well registration summary with the Board. Seventeen wells were registered in November.

- 13. Open forum/discussion of new business for future meeting agendas.

No discussion.

- 14. Adjourn public meeting

President Joe Helmberger declared the meeting adjourned at 11:13 a.m.

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Velma Starks
Recording Secretary

Joe Allison
Secretary-Treasurer