

SITH Congregational Meeting Minutes via Zoom – Sunday, October 11, 2020 (10112020 SITH Congregational Meeting Minutes)

Call to Order: 11:05am by President Alison Kothe

Quorum met using Voting Member Roster for Fall, 2020, updated 9/30/2020 – Secretary, Kathy Kilberg

Purpose: Review and approve Easement and Shared Water Well Agreement between Spirit in the Hills Lutheran Church and its neighbor, 1836 MG Enterprises, LLC.

Allison reviewed the agreement and then asked for discussion. Several questions were raised:

SY: What benefits to SITH

Alison: Easement property is not needed for SITH building; SITH needs for setback purposes and use of neighbor's public water supply in the future.

MH: Is this agreement in perpetuity?

Alison: Yes

LH: Was a water study completed on our current well?

Pastor: Well was certified by TCEQ upon purchase of property in August, 2019. This is different than well. The public water supply will be piped to our fence line. SITH is, then, responsible for cost of connecting and activating public water supply.

PY: Concerned with easement and water as they are sticky situations?

Alison/Pastor: At the end of the agreement, there is a map showing SITH property and 1836 property and showing the need for the setback with the public water use as required by TCEQ. If we do not provide easement, SITH usage of the land will not change. SITH will continue to use their well until such time as required by law to switch to a public water supply (60 days of occupancy with more than 25 people).

LB: Is it possible to sell the land? Should/could SITH charge rent for the easement?

Alison: SITH needs the land for its own required setback. Both entities can use the land as setbacks.

Randy Heckmann: SITH future drawings use this area for parking (gravel) and still it is an easement. Restriction is cannot build anything on it.

MH: What is SITH potential vulnerability and limitations?

Pastor: There is a cap on annual maintenance for the public water supply. It provides potable water only. We have a tank for use by the fire department which is filled by the well.

FS: Why does neighbor need public water supply?

Alison: Neighbor is building a grouping of tiny homes on property.

RG: Is disagreement in the future, then what happens?

Pastor: Terms are spelled out in #3 of the agreement

LR: Is the neighbor's old well continuing to be utilized? Concern is irrigation and landscape for tiny homes can consume a lot of water.

Alison/Pastor: Do not know...explore.

MI: Can you clarify that SITH existing well is fine and the public water supply is the infrastructure in place when SITH needs it?

Alison: Yes. Law reads if property is used more than 60 days with 25 people/day then SITH is required to have public water access. If SITH were to create their own public water supply, they would have to request easement from neighbor as property is not wide enough to meet requirements.

SM: Can we get around the 60 days , 25 people with gallons of usage vs. days/people?

Pastor: No, law is written using days.

BR: Can SITH park cars on easement?

Randy Heckmann: Per TCEQ, okay to park on easement as long as it is fresh gravel, it is still considered impervious cover. Easement cannot be designated as parking lot.

LB: Neighbor is gaining financially, should we?

Randy Heckmann: SITH will need an easement in its future when it needs a public water supply.

If the company goes out of business and property is not purchased, SITH cannot use water supply.

MH: Concern with the legal agreement – there is a need to consult with someone with easement and water right experience; pay an attorney to represent SITH interests.

Original motion made by Council:

MOTION: Council recommends approval of the Easement and Shared Water Well Agreement with the inclusion of the following:

1. No payments will be made by SITH until water connection is made and active
2. Change from 10 days to 30 days payment period before service disconnected
3. Number of structures at 2106 Bee Creek should be changed from one to three

Amended to include:

4. An additional legal review of the agreement by an attorney with expertise in land and water right issues in the State of Texas before agreement is signed.

MOVED: Mike Huggins; 2nd Phyllis Youngdahl

MOTION PASSED

Lisa Baker MOVED the question; 2nd Dick Davis

MOTION PASSED

Vote on amendment

Call to vote: Mary Huggins; 2nd Joel Nihlean

MOTION PASSED

MOTION AS AMENDED

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MOTION PASSED

Council will search for legal counsel to review the agreement.

Closing prayer: Pastor Drew

MOTION: Adjourn at 12:35pm

MOVED: Phyllis Youngdahl; 2nd Lisa Baker

MOTION PASSED