

REGULAR MEETING OF THE CITY COUNCIL, CITY OF SHALLOWATER, MAY 21, 2024 AT 7:00 P.M.
WITH THE FOLLOWING MEMBERS PRESENT:

ROYKING POTTER
MAYOR
ASHLEY CARR
ADMINISTRATIVE ASSISTANT
RUSSEL MOSES
CITY ADMINISTRATOR

ALDERMAN:
CHRIS CODY
JASON WHITE
TROY WHITE
KYLE YEAGER

Others Present: Leonard Nail, James Andrews, Brandon Scroggins, Ruben Ponce, Julie McMahan, Shawn Claunch, and TJ McAuley

Pledge Of Allegiance: The meeting was opened at 7:02 p.m. by Mayor Pro Tem Cody.

Invocation: Invocation was offered by Mayor Pro Tem Chris Cody.

Administer the Swearing in of Alderman Place 5, Troy White by Issuing the Statement of Officer and Oath of Office: Judge McAuley issued the Statement of Officer and the Oath of Office to Alderman Place 5, Troy White. The council congratulated him and thanked him for his continued service.

Open Forum: Open forum was opened at 7:07 p.m. Mayor Potter closed open forum at 7:35 p.m.

Department Reports:

Fire Department: Alderman J. White stated that he could answer any questions as the Chief was out of town. There were no questions.

Emergency Management: Alderman J. White stated that he could answer any questions as the Chief was out of town. There were no questions.

Municipal Court: Judge McAuley stated PD helped out by rounding up warrants and they were able to get a few on payment plans and removed. Ashley Carr stated that there are 107 warrants, twelve new cases, five truancy cases, twelve on payment plans, thirteen deferred, one community service, and eleven driver's safety courses and two awaiting trial. There were no questions.

Police Department: Assistant Chief Andrews mentioned that TCOLE Rep conducted an audit on the PD and there were no negative findings. He added that they just completed their qualifications. They are waiting on the mock up for the graphics on the Durango and will get it striped soon.

Consider and Discuss Bids for Asbestos Abatement for Building: The quotes were presented, one for just the lobby at \$4,150 and \$11,200 for the entire building, but it did not include the required air monitoring which runs approximately \$600-\$900 per day during demolition. Alderman Yeager asked if Russel had an opinion. Russel Moses stated that we have to the front period and if it is in here, he thinks we should get it out and not have to do this again later. Mayor Potter stated that in his opinion we do not have a choice. Judge McAuley asked if his insurance is just paying for the front part or the whole building. Russel stated that they are only paying for the front part. Mayor Potter stated that it just brought the issue to our attention and we will abate the entire building. Assistant Chief Andrews stated that neither of the quotes included the air monitoring and he is still waiting to hear back from on other quotes and these quotes did not include the flooring. Mayor Potter stated that he recommended the item be tabled to get more information.

Code Enforcement: Officer Claunch provided a written report. He stated that Mr. Hohertz mentioned the area near the cluster mailboxes and had questions on who owns it and who is responsible for maintaining it. Russel stated that he would look into it. There were no further questions.

Public Works: Ruben Ponce presented a written report. There were no questions.

Consider and Discuss Water and Sewer Updates and Engineering Report-

Leonard Nail, Parkhill: Leonard Nail stated that the emergency lift station is coming along and he requested information from David Ockerman and has not received anything back yet. He added that the limestone has created an issue at the Water Treatment Plant in the lift station there the pH coming out of the plant is causing corrosion of the pumps and he is looking into the most economical and sustainable way to resolve the issue. He stated that it may be more economical to purchase cheaper pumps versus the Flygt and every couple of weeks pull them and perform maintenance and clean them. They may need to be replaced every few years, but that could be more cost effective than the much more expensive pumps. He said he has requested numbers from Brian Stevens. There was discussion on if it could replumbed and the cost to complete that to avoid the issue. Mayor Potter asked Mr. Nail to speak on the research he has done regarding the private irrigation well request. Mr. Nail explained that he visited with Brent Hogan, with Lubbock County, and any well placed in a lot of less than an acre

requires a variance from the Lubbock County. He stated that TCEQ does not regulate them, the guidance is found in the Texas Administrative Code and with the High Plains Underground Water District. He mentioned that there is a new rule that any irrigation lines have to be cased now and there are required distances from the leach field. He provided the rules for homes and the number of bedrooms and the required distances. He also stated a double check would be required. He added that irrigation wells that produce less than 17.5 gallons per minute do not have to be permitted, but with 32 feet of saturation in this area it is likely that a well could produce that amount.

Consider and Discuss Variance to Place a Private Well at 1905 13th Street in

Highland Trails for Brandon Scroggins: Mayor Potter stated that Mr. McMahan the developer has been very supportive of the request to allow private irrigation wells and very fair in his request, but he does agree with the city allowing private wells inside the city. He mentioned that Mr. McMahan offered the city the water rights for everything that had not been platted yet, but he thinks over 60 wells would negate the water rights. Alderman Yeager mentioned that he does not want to give up the water revenue and Alderman Cody agreed. Alderman T. White stated that it is a risk and a loss to the city and there is no benefit to allowing them. Mr. Scroggins stated that the City of Lubbock allows them. Alderman T. White mentioned that their water sources do not come from inside their city limits so it does not affect them the way it would to allow them in Shallowater. He stated that the water that is pumped from the aquifer in Shallowater is right below our feet and the council has to protect that resource. He added that the city is looking for other resources and the city purchases water from the City of Lubbock when it is needed, but that is not a sustainable plan and private well production from inside the city limits will deplete the resource here. Mr. Scroggins stated that builders will not want to build if private wells are not allowed. Alderman Yeager stated that if people want to live inside the city and in the school district, he did not agree that a private well would be the deciding factor and mentioned that he pays the city bill for watering his yard as do all of the other residents. Mayor Potter explained that all of this was discussed up front with the previous developer and Mr. McMahan is doing everything he can to be fair, but the city ordinance is in place to monitor the resource. Mr. Scroggins stated that it did not state in the deed restrictions that private wells were not permitted. Alderman T. White stated the city does not create the deed restrictions, the developer does, and the city operates on the city's code of ordinances and the ordinances were and have been available for several years. He stated that this ordinance has been in place for a reason and it is to protect the resource. Alderman Yeager stated that the council has to look at the long-term effects for the city's ability to produce water. Mr. Scroggins stated that George was not aware of this until he mentioned

it. Mayor Potter stated that is a fair statement, but when the development first started this was discussed and it was known to the previous developer. He said that Mr. McMahan has listened to both sides and done everything he can to be fair, but the city was and has been up front with the codes and this ordinance has been on the books and available since it was adopted in 2002. Alderman T. White made the motion to deny the request for the variance to place a private well at 1905 13th Street in Highland Trails for Mr. Scroggins. Alderman Yeager made the second. The motion carried with 4 in favor and Alderman Scarlett absent.

Consider Minutes of Previous Meeting: Alderman Yeager made the motion to approve minutes from previous meetings. Alderman J. White made the second. The motion carried with 4 in favor and Alderman Scarlett absent.

Consider Financial Report: Alderman Cody made the motion to approve the financial report. Alderman Yeager made the second. The motion carried with 4 in favor and Alderman Scarlett absent.

Consider Bills Payable: Alderman J. White made the motion to approve the bills payable. Alderman Yeager made the second. The motion carried with 4 in favor and Alderman Scarlett absent.

There being no further business, meeting was adjourned at 7:42 p.m.

Amanda Cummings, City Secretary

Royking Potter, Mayor