

Minutes  
Lakeway Municipal Utility District  
Board of Directors Meeting  
January 27, 2021

On March 13, 2020, Governor Abbott issued a disaster proclamation certifying that the novel coronavirus COVID-19 poses an imminent threat of disaster for all counties in the State of Texas. Governor Abbott also issued Executive Order GA-08 (March 19, 2020), which was extended by Executive Order GA-14 (March 31, 2020), requiring all Texans to take actions to slow the spread of COVID-19 by minimizing social gatherings and in-person contact with people who are not in the same household until April 30, 2020.

**INSTRUCTIONS FOR PUBLIC PARTICIPATION**

On March 16, 2020, Governor Abbott suspended various provisions of the Open Meetings Act that require government officials and members of the public to be physically present at a specified meeting location. Pursuant to that suspension, the Board will meet via telephone and members of the public will not be allowed to attend this meeting in person.

**PURSUANT TO THE STATEMENTS ABOVE PUBLISHED ON THE AGENDA, THIS MEETING WAS HELD VIA TELECONFERENCE.**

The Board of Directors met in SPECIAL session at 3:30PM at 1097 Lohmans Crossing, Lakeway, Texas, with the following Directors present:

Directors Present:

John Sayre  
Don Goff  
Jerry Hietpas  
Larry Burmeier  
Lawrence Christian

Directors Absent:

None

Staff Present:

Earl Foster  
Loyd Smith

1. Determine quorum and Call to Order.
  - Meeting was called to order at 3:35PM.
  - Hietpas declared a quorum present and called the meeting to order.
2. Pledge of Allegiance was led by Hietpas.
3. Citizens: None.

4. Discussion and possible action on Real Estate Appraisal Report from the Texas Department of Transportation for property along Stewart Road and fronting on 620.
  - Foster explained that the State needed to purchase this property in order to accommodate the widening of RR 620. This is a bid from the State offering to buy the property.
  - Hietpas said the State has spelled out exactly what they want and has made a firm offer to purchase the property.
  - Foster noted the proposal had applied 60% depreciation to several items including the fence and the sign but added those figures back into the offer in the Cost to Cure section making the offer whole. The offer is \$312,825 for 1.473 acres plus \$25K which brings the total to \$337,825.
  - Hietpas asked what they are getting for the extra \$25K; Foster replied that the money may be coming from 2 different sources, and the extra may be for them to avoid going through condemnation process and giving them clear title. Foster also noted this is the max the State will offer, and this is a very fair offer.
  - Hietpas asked if we needed to declare the land surplus; Foster replied that he believed this is different, but that the Board can go that route in February if it is needed. We have already removed that portion of the land from the permit, and Foster can check with our attorney to see about the surplus issue.
  - Hietpas said that this is a large piece of land used for a spray field, and that may in future years become surplus. He noted no one has a problem with LMUD selling the land.
  - Sayre moved to approve the sale of the land at \$337,825 as presented in the proposal; Christian seconded.
  - Sayre said he does not believe we need to declare the land surplus.
  - Hietpas said we may not, that he is just covering the bases. Hietpas added that the motion is proper.
  - Burmeier asked if the State should pick up our legal fees.
  - Foster said he sent our attorney a copy and that she will draft the final, or HDR Engineering will. Foster said he believes the legal and closing costs will be on LMUD's dime.
  - Sayre noted the extra \$25K will more than take care of those fees.
  - General Board Discussion.
  - Motion passed unanimously.
  
5. Discussion and possible action on "Eighth Amendment to Commercial Contract Unimproved Property" by and between the District and HSD-Holdings, Ltd., pertaining to the sale of land generally situated at 1829 Lohmans Crossing, Lakeway, Texas.
  - Foster said the original closing date was January 31, 2021, and that this extension for 60 days moves that date to March 31, 2021. He also noted that LMUD had originally held back a 50' strip of property, approximately 3.648 acres, but that HSD-Ltd Holdings wishes to purchase 1.473 acres of that piece. That is valued at

\$236,892 which this amendment adds back to the Closing #3 in September of 2022.

- Burmeier asked if we wanted the land for right of way; Foster replied we have a 10” line that runs from the Eastern edge of the property to Lohmans, and that HSD Holdings-Ltd. Has agreed to give us an easement to accommodate that.
- Foster recapped the amendment saying closing #1 is moved to March 31, 2021 and closing #3 price will be adjusted up by \$236,892. Foster also asked the Board to allow the President and the General Manager to work with HSD-Holdings, Ltd to approve and sign the Eighth Amendment.
- Sayre moved to approve the Eighth Amendment as presented by Foster above; Burmeier seconded.
- General Board Discussion.
- Hietpas noted that nothing has changed the intent of the contract.
- Motion passed unanimously.

ADJOURNMENT

The meeting was adjourned at 4:05PM.

  
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 Loyd Smith, Finance/Administration Manager

Minutes approved on the 10th day of February 2020.

  
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 Jerry Hietpas, President, Board of Directors

ATTEST:

  
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 Don Goff, Secretary, Board of Directors

