

ELM CREEK WATERSHED AUTHORITY
Regular Session Meeting
April 14, 2022

Notice is hereby given that a regular meeting of the Board of Directors of the Elm Creek Watershed Authority will be on April 14, 2022, beginning at 7:30 p.m. at the Elm Creek Watershed Authority Office, 19 S. 25th Street, Suite 500, Temple, Texas.

AGENDA

1. Call to Order.
2. Public Comment.
Citizens who desire to address the Board of Directors on any matter may sign up to do so prior to this meeting. Public comments will be received during this portion of the meeting. Please limit comments to 3 minutes. No discussion or final action will be taken by the Board of Directors.
3. Question and Answer session with City of Temple Reinvestment Zone.
4. Consideration and possible action to approve the consent agenda:
 - a. Minutes from the previous meetings
 - b. Income/Disbursements
 - c. Budget
 - d. Quarterly Report
5. Discuss, consider and take action, if necessary, to accept the watershed report as presented.
 - a. Site updates
 - b. NRCS programs
 - c. TSSWCB programs
6. Consideration and possible action to approve bid and award contract for Site 23 construction.
7. Consideration and possible action to purchase office equipment.
8. Adjourn.

The Elm Creek Watershed Authority Board of Directors may adjourn into Executive Session regarding any appropriate provision of the Open Meetings Act on any of the above topics.

PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, or BRAILLE ARE REQUESTED TO CONTACT ELM CREEK WATERSHED AT 254-778-1961 TWO WORKING DAYS PRIOR TO THE MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.

Dated this 8th day of April, 2022

Daniel C. Lesikar, Chairman



By: Tricia Mackie

FILED FOR RECORD

2022 APR -8 A 11: 18

SHIELLEY COSTON
CITY CLERK, BELL CO. TX

ELM CREEK WATERSHED AUTHORITY
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Dated this 8th day of April, 2022

Daniel C. Lesikar, Chairman

THE STATE OF TEXAS
COUNTY OF McLENNAN

This is to certify that the Notice of a Meeting, a copy of which is attached hereto, was posted on the official bulletin board at the Courthouse, as required by Article 62.52-17 V. T. C. S.

Executed on April 12, 2022
9:14 AM
J. A. "Andy" Harwell, County Clerk
McLennan County, Texas

By [Signature]
Deputy

By: [Signature]
Tricia Mackie



RECEIVED
4/19/2022

ELM CREEK WATERSHED AUTHORITY
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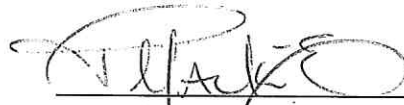
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Dated this 8th day of April, 2022

Daniel C. Lesikar, Chairman



By: Tricia Mackie

Filed 11th day of April
in 2022, At 3:41 P.M.
JODI MORGAN
County Clerk, Milam County, Texas
By McCarthy
Deputy



RECEIVED
4/19/2022



Tricia Mackie

[Log Off](#)

Open Meeting Submission

TRD: 2022002057
Date Posted: 04/08/2022
Status: Accepted
Agency Id: 1199
Date of Submission: 04/08/2022
Agency Name: Elm Creek Watershed Authority
Board: El
Committee: Board of Directors
Date of Meeting: 04/14/2022
Time of Meeting: 07:30 PM (##:## AM Local Time)
Street Location: 19 S. 25th Street
City: Temple
State: TX
Liaison Name: Tricia Mackie
Liaison Id: 1
Additional Information Obtained From: Tricia Mackie, Office Mgr.
Agenda: ELM CREEK WATERSHED AUTHORITY
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Dated this 8th day of April, 2022 Daniel C. Lesikar, Chairman

By: Tricia Mackie

New Submission

[HOME](#)

[TEXAS REGISTER](#)

[TEXAS ADMINISTRATIVE CODE](#)

[OPEN MEETINGS](#)

S.O.S. Acknowledgment of Receipt

From: texreg@sos.texas.gov

To: elmcreekwsa@sbcglobal.net

Date: Friday, April 8, 2022, 10:54 AM CDT

Acknowledgment of Receipt

Agency: Elm Creek Watershed Authority

Liaison: Tricia Mackie

The Office of the Secretary of State has posted
notice of the following meeting:

Board: EI

Committee: Board of Directors

Date: 04/14/2022 07:30 PM "TRD# 2022002057"

Notice posted: 04/08/22 10:54 AM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub_om_lookup\\$.startup?Z_TRD=2022002057](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2022002057)

ELM CREEK WATERSHED AUTHORITY
INCOME AND DISBURSEMENTS
March 10, 2022

As of February 28, 2021 **INCOME AND DISBURSEMENTS**

INCOME

TAX

	PRESENT
BELL COUNTY	19,773.28
FALLS COUNTY	2,233.46
MCLENNAN COUNTY	4,004.44
MILAM COUNTY	<u>14,326.21</u>
TOTAL TAX INCOME	40,337.39

OTHER INCOME

TSSWCB	Site 23 Easement Reimbursement	<u>137,202.76</u>
TOTAL OTHER INCOME		137,202.76

CHECKING ACCOUNT BALANCE \$ 183,748.67

INVESTMENTS

ACCOUNT	MATURITY	AMOUNT	RATE	PRESENT
CITIZENS NATL BANK #9:	12/3/22	600,000.00	0.450	229.32
CITIZENS NATL BANK #9:	1/7/23	200,000.00	0.440	-
CLASSIC BANK #5323836	2/3/23	150,000.00	0.450	89.18
CLASSIC BANK #5825306	3/13/22	100,000.00	0.700	59.45
MEMBERS CHOICE #1936	Money Mark	249,464.03	0.450	86.10
FIRST NATL MOODY #11:	5/22/22	250,000.00	0.600	-
INCOMMONS BANK #794:	7/15/22	250,000.00	0.600	127.40
HORIZON BANK #33068	7/5/22	250,000.00	0.350	74.33
BANCORP SOUTH #9370:	9/24/22	250,000.00	0.200	-
CENTRAL NATL #282868:	1/18/23	250,000.00	0.200	-
BUCKHOLTS STATE BAN	1/21/23	250,000.00	0.350	252.05
TEXPOOL		837,457.88	0.063	38.82
FIRST NATL MOODY #10:	5/12/2022	400,000.00	0.600	203.88
		<u>4,036,921.91</u>		<u>1,160.53</u>

OTHER DISBURSEMENTS

Patricia Mackie	78.98 mileage reimbursement	2,320.28
Calvin Sanders	124.61 mileage reimbursement	2,613.24
Extraco	payroll tax	1,441.08
TOTAL OTHER DISBURSEMENTS		<u><u>6,374.60</u></u>

10:09 AM
03/10/22
Cash Basis

Elm Creek Watershed Authority
Disbursements
February 11 through March 10, 2022

	<u>Feb 11 - Mar 10,...</u>
Ambit Energy	-42.29
ATT	-197.21
CivCast	-99.99
Evelyn Sanderson	-100.00
Falls County Appraisal District	-41.36
HEB	-15.75
Intuit Software	-304.15
Kathleen Pinckney	-573.40
M & E Consultants	-8,094.40
McLennan County Appraisal District	-39.05
Milam Appraisal District	-315.07
Milam County Clerk	-1.00
Patricia Mackie	-471.05
Relhom Properties LLC	-550.00
Sanderford & Carroll, P.C.	-1,082.97
Staples	-38.40
Tax Appraisal District of Bell County	-926.50
Texas Association of Watershed Spons...	-250.00
United States Postal Service	-198.00
Victor O. Schinnerer & Company	-320.00
TOTAL	<u><u>-13,660.59</u></u>

ELM CREEK WATERSHED AUTHORITY
INCOME AND DISBURSEMENTS

April 14, 2022

As of March 31, 2021

INCOME AND DISBURSEMENTS

INCOME

TAX

	PRESENT
BELL COUNTY	20,643.10
FALLS COUNTY	639.26
MCLENNAN COUNTY	449.57
MILAM COUNTY	1,539.25
	23,271.18
TOTAL TAX INCOME	23,271.18

CHECKING ACCOUNT BALANCE \$ 189,014.95

INVESTMENTS

ACCOUNT	MATURITY	AMOUNT	RATE	PRESENT
CITIZENS NATL BANK #91	12/3/22	600,000.00	0.450	207.12
CITIZENS NATL BANK #91	1/7/23	200,000.00	0.440	-
CLASSIC BANK #5323836	2/3/23	150,000.00	0.450	51.78
CLASSIC BANK #5825306	3/13/22	100,000.00	0.550	53.70
MEMBERS CHOICE #1936 Money Mark		249,464.03	0.450	95.36
FIRST NATL MOODY #111	5/22/22	250,000.00	0.600	242.47
INCOMMONS BANK #7946	7/15/22	250,000.00	0.600	115.07
HORIZON BANK #33068	7/5/22	250,000.00	0.350	67.13
BANCORP SOUTH #93700	9/24/22	250,000.00	0.200	123.29
CENTRAL NATL #2828689	1/18/23	250,000.00	0.200	-
BUCKHOLTS STATE BAN	1/21/23	250,000.00	0.350	-
TEXPOOL		837,567.17	0.154	109.29
FIRST NATL MOODY #102	5/12/2022	400,000.00	0.600	184.15
		4,037,031.20		1,249.36

OTHER DISBURSEMENTS

Patricia Mackie	71.37 mileage reimbursement	2,234.32
Calvin Sanders	236.93 mileage reimbursement	3,535.99
Extraco	payroll tax	1,716.24
Texas Workforce Commiss	unemployment tax	17.31
Card Services	March stmt	273.16
	TOTAL OTHER DISBURSEMENTS	7,777.02

10:08 AM
04/14/22
Cash Basis

Elm Creek Watershed Authority
Disbursements
March 11 through April 14, 2022

	<u>Mar 11 - Apr 14, 22</u>
Ambit Energy	-40.79
Arvell Jungmann	-394.77
ATT	-247.88
Bobby Henson	-228.08
Central Texas SWCD	-411.98
City of Temple	-43,160.56
Daniel Lesikar	-484.24
Evelyn Sanderson	-100.00
John Perryman	-244.46
Kathleen Pinckney	-773.40
Mike Maedgen	-359.67
Milam County Clerk	-1.00
Patricia Mackie	-471.05
Ray Jungmann	-394.77
Relhom Properties LLC	-550.00
Robert Fleming	-235.10
Sanderford & Carroll, P.C.	-2,531.94
Steven Rieves	-221.06
TerraSol LLC	-23,804.55
United States Treasury	15.32
Wal-Mart	-17.19
TOTAL	<u><u>-74,657.17</u></u>

Elm Creek Watershed Authority
Profit & Loss Budget vs. Actual
 January through December 2022

	Jan - Dec 22	Budget	\$ Over Bud...	% of Bu...
Ordinary Income/Expense				
Income				
Income from Taxes	162,566.51	385,000.00	-222,433.49	42.2%
Total Income	162,566.51	385,000.00	-222,433.49	42.2%
Gross Profit	162,566.51	385,000.00	-222,433.49	42.2%
Expense				
Advertising	0.00	1,000.00	-1,000.00	0.0%
Allocation (Collection) Expe...	1,637.05	6,500.00	-4,862.95	25.2%
Communications	642.30	3,500.00	-2,857.70	18.4%
Contract	649.99	3,000.00	-2,350.01	21.7%
Contract Labor	0.00	0.00	0.00	0.0%
Director-Per Diem	2,000.00	10,500.00	-8,500.00	19.0%
Down Stream Structure	0.00	6,000.00	-6,000.00	0.0%
Dues and Subscriptions	325.00	325.00	0.00	100.0%
Easements	0.00	0.00	0.00	0.0%
Elections	0.00	5,000.00	-5,000.00	0.0%
Insurance	320.00	10,000.00	-9,680.00	3.2%
Maintenance	0.00	200,000.00	-200,000.00	0.0%
Mileage	1,583.83	10,000.00	-8,416.17	15.8%
Miscellaneous	0.00	500.00	-500.00	0.0%
Office Supplies	1,017.81	4,000.00	-2,982.19	25.4%
Payroll Expenses	28,488.27	86,000.00	-57,511.73	33.1%
Professional Fees	13,744.57	20,000.00	-6,255.43	68.7%
Recording Fees	5.00	350.00	-345.00	1.4%
Rent	1,650.00	6,600.00	-4,950.00	25.0%
Tax Increment Zone Payment	0.00	51,000.00	-51,000.00	0.0%
Training	0.00	1,900.00	-1,900.00	0.0%
Travel & Ent	35.67	5,000.00	-4,964.33	0.7%
Utilities	166.08	1,800.00	-1,633.92	9.2%
Total Expense	52,265.57	432,975.00	-380,709.43	12.1%
Net Ordinary Income	110,300.94	-47,975.00	158,275.94	-229.9%
Other Income/Expense				
Other Income				
Interest Income	4,227.40	20,000.00	-15,772.60	21.1%
Reimbursed Income	154,505.76			
Total Other Income	158,733.16	20,000.00	138,733.16	793.7%
Net Other Income	158,733.16	20,000.00	138,733.16	793.7%
Net Income	269,034.10	-27,975.00	297,009.10	-961.7%

ELM CREEK WATERSHED AUTHORITY
Monthly Report – 4/14/2022

Operation and Maintenance

Spring Vegetative Maintenance

Reimbursement of 90% is approved for all spring maintenance through the Texas State Soil and Water Conservation Board (TSSWCB) O&M grant program. Total cost, if all scheduled work done, is \$49,929, with ECWA portion \$4,993.

- Low bid for fertilization (13 sites/160.3 acres) was \$148.50 per acre by TerraSol and was completed the third week in March.
- Low bid for broadleaf weed treatment (22 sites/255.8 acres) was \$69.50 per acre by TerraSol. This work to be completed by mid-May.
- Low bid for a tank mix treatment of broadleaf weeds and johnsongrass (10 sites/105.4 acres) was \$79 per acre by Buster Crawson and we hope to underway soon as johnsongrass is approaching the proper growth stage.

Flowage Easement Channel Repair – Site 13R

A service contract was entered with Heartland Construction Services for repair of the lower portion of the channel for \$8,500 (NRCS engineer's estimate \$14,506). This includes shaping, replacement of bermudagrass sod/topsoil, and temporary fencing. This work should be underway next week, weather permitting.

Site 5A Auxiliary Spillway/Exit Channel Stream Crossing

A service contract was entered with Heartland Construction Services for construction of a rock stream crossing of the exit channel and armored ramp entering the auxiliary spillway for \$19,250 (NRCS engineer's estimate \$20,559). This work should be underway within the next couple of weeks, weather permitting.

Aquatic Mammals

APHIS-Wildlife Services has been working at several dams where beaver activity was identified during inspections. A total of 9 beavers were removed from 4 sites since the first of the year.

Dam Safety and Emergency Action Plans

Breach inundation maps have been completed for each of the dams with Emergency Action Plans. The maps come with a list of current property owners. This information will be shared with TCEQ, county emergency management, and City of Temple emergency services.

NRCS Programs

WFPO Program

Funding through the WFPO program had been acquired for the supplemental watershed planning of Sites 6R2 and 7 Rev. A work order was issued by the TSSWCB on behalf of NRCS for a maximum of \$579,824 to M&E Consultants, LLC. The work is to be completed by January 15, 2024. Planning will address current conditions and design considerations, economic feasibility, and compliance with NEPA and NHPA.

TSSWCB Dam Upgrade Program

Site 39:

The eminent domain case is pending in Falls County District Court and ECWA attorney is following the process. The attorney has spoken to the defendant and encouraged them to keep trying to work with ECWA towards settlement. The landowners understand that they are being sued and have secured legal representation. This week the ECWA attorney discussed the case with the landowners' attorney and there is indication they may be open to settling the case before going much further through the court. A meeting with all parties will be scheduled in early May to hopefully arrive at an agreement. If an agreement still cannot be reached, the ECWA attorney has a land appraiser secured, as current appraisal is required for the condemnation hearing.

The TSSWCB has indicated that additional funding may be available if we are able to advertise construction of the Site 39 dam upgrade project this year.

Site 23:

The solicitation for construction at Site 23 was posted online at civcastusa.com on February 25. A pre-bid conference and site showing was held March 16. Bids were accepted through 10AM on April 6. Three bids were received:

Southern Infrastructure Group, Dallas, TX:	\$3,569,569.00
Leaday Construction, LLC, College Station, TX:	\$4,079,506.30
3B Construction, Bremond, TX:	\$2,504,490.85

The low apparent bidder, 3B Construction, was notified on April 8, 2022 that its bid was disqualified. Evaluation of references by the project engineer failed to locate and confirm previous work and the description of work cited in the references did not demonstrate performance of work similar to that specified in the IFB. Bid items were also deemed to be significantly unbalanced.

The second low bidder, Southern Infrastructure Group, has undergone evaluation of bid items, references and equipment schedule. As a result of the evaluation, the project engineer and contracting consultant recommended to the ECWA Contracting Officer (CO) that Southern Infrastructure Group is qualified to be awarded a contract for the work and is the lowest responsive and responsible bidder.

ELM CREEK WATERSHED AUTHORITY OFFICIAL MINUTES

April 14, 2022

Elm Creek Watershed Authority, Board of Directors, met in regular session on
April 14, 2022, at 19 South 25th Street, Suite 500, Temple, Texas

Directors present: Ray Jungmann, Arvell Jungmann, Daniel C. Lesikar, Bobby Henson, Steven Rieves, Mike Maedgen, and John Perryman.

Others present: Calvin Sanders, Tricia Mackie, Bryan Daniel and Tim Shover.

The meeting was called to order by Daniel C. Lesikar, Chairman, at 7:29 p.m.

City of Temple Reinvestment Zone (RZ): Bryan Daniel thanked ECWA for being a participant. Mr. Daniel explained the purpose of the RZ including construction and maintenance of infrastructure: sidewalks, water, wastewater, etc. and bringing new business into communities. Mr. Daniel answered questions presented by the board.

Consent Agenda: Minutes: Bobby Henson made a motion to approve the previous meeting minutes as mailed. The motion was second by Ray Jungmann. Motion passed.

Income and Disbursements were read aloud by Tricia Mackie. A motion was made by Bobby Henson to receive, approve and file income and disbursements for February. Arvell Jungmann second the motion. Motion passed. A motion was made by Bobby Henson to receive, approve and file income and disbursements for March. Ray Jungmann second the motion. Motion passed.

Budget: Tricia Mackie presented the budget. No action taken.

Quarterly Report: Tricia Mackie presented the report. A motion to accept and file the 1st Quarter Report was made by Bobby Henson. Arvell Jungmann second the motion. Motion passed.

Watershed Report: The watershed report was presented by Calvin Sanders. O&M: TSSWCB approved reimbursement of 90% of spring maintenance. Fertilization was completed in March, weed control should be completed in May, and weed/Johnsongrass should be underway in the near future (waiting on wind to recede).

Site 13R flowage easement repair: Heartland Construction won bid at \$8500 with engineer's estimate at \$14,506.

Site 5A stream crossing: A contract was issued to Heartland Construction for \$19,250 with engineer's estimate at \$20,559.

APHIS-Wildlife Services have been working to trap and remove Beaver from 4 sites.

Dam Safety/EAPs: Breach inundation maps have been completed and will be shared with local officials.

NRCS Programs: Funding for supplemental planning of Sites 6R2 and 7R have been acquired. The work should be completed by 1/15/2024.

Dam Upgrades: Site 39-attorneys are working on eminent domain with a meeting scheduled for May for possible agreement. If no agreement, a current appraisal will be required. Additional funding may be available if advertising of construction is during the 2022 year.

Site 23: Invitation for bids, site showing, and bid opening has been completed with 3B Construction with the low bid. The low bidder was disqualified. Evaluation of 2nd low bidder was completed and a recommendation has been made by the project engineer and contracting officer to award to Southern Infrastructure Group as lowest responsive and responsible bidder.

A motion was made by Bobby Henson to approve the watershed report. Steve Rieves second the motion. Motion passed.

Site 23: A motion was made by Mike Maedgen to approve the 2nd low bid submitted by Southern Infrastructure Group and award contract. Ray Jungmann second the motion. Motion passed.

Office Furniture: A motion was made by Bobby Henson to purchase a fire proof filing cabinet. Mike Maedgen second the motion. Motion passed.

Adjourn: Arvell Jungmann made a motion to adjourn. Steve Rieves second the motion. Motion passed. Meeting adjourned at 8:12 p.m.

ATTEST:



Daniel C. Lesikar
Chairman



Steven Rieves
Vice-Chairman