

**ELM CREEK WATERSHED AUTHORITY**  
**Regular Session Meeting**  
**August 11, 2022**

Notice is hereby given that a regular meeting of the Board of Directors of the Elm Creek Watershed Authority will be on August 11, 2022, beginning at 7:30 p.m. at the Elm Creek Watershed Authority Office, 19 S. 25<sup>th</sup> 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. Consideration and possible action to approve the consent agenda:
  - a. Minutes from the previous meetings
  - b. Income/Disbursements
4. Discuss, consider and take action, if necessary, to accept the watershed report as presented.
  - a. Site updates
  - b. NRCS programs
  - c. TSSWCB programs
5. Discuss, consider and take possible action on Site 39 land rights.
6. Discuss, consider and take action on the 2023 Budget.
7. Consideration and possible action to proposed the 2022 tax rate.
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 4th day of August, 2022

Daniel C. Lesikar, Chairman

  
\_\_\_\_\_  
By: Tricia Mackie



RECEIVED FOR POSTING

2022 AUG -4 P 1:00

**ELM CREEK WATERSHED AUTHORITY**  
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**August 11, 2022**

SHELLEY COSTON  
BELL COUNTY CLERK

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Daniel C. Lesikar, Chairman



By: Tricia Mackie

CO. CLK. FALLS CO.

AUG 04 2022

ED 01:00 P M

30



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Dated this 4th day of August, 2022

Daniel C. Lesikar, Chairman

  
By: Tricia Mackie

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 Aug 8, 2022

J. A. "Andy" Harwell, County Clerk  
McLennan County, Texas

By Harwell  
Deputy



**RECEIVED**  
8/11/2022





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Daniel C. Lesikar, Chairman

Filed 8 day of Aug.  
in 2022, At 2:16 P. M.  
JODI MORGAN  
County Clerk, Milam County, Texas  
By Melinda Morgan  
Deputy

  
By: Tricia Mackie



RECEIVED  
8/16/2022





Tricia Mackie

[Log Off](#)

## Open Meeting Submission

**TRD:** 2022004713  
**Date Posted:** 08/09/2022  
**Status:** Accepted  
**Agency Id:** 1199  
**Date of Submission:** 08/09/2022  
**Agency Name:** Elm Creek Watershed Authority  
**Board:** Elm Creek Watershed Authority  
**Committee:** Board of Directors  
**Date of Meeting:** 08/11/2022  
**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  
Regular Session Meeting  
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Dated this 4th day of August, 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 (texreg@sos.texas.gov)

To: elmcreekwsa@sbcglobal.net

Date: Tuesday, August 9, 2022 at 09:33 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: Elm Creek Watershed Authority

Committee: Board of Directors

Date: 08/11/2022 07:30 PM "TRD# 2022004713"

Notice posted: 08/09/22 09:32 AM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub\\_om\\_lookup\\$.startup?Z\\_TRD=2022004713](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2022004713)



ELM CREEK WATERSHED AUTHORITY  
INCOME AND DISBURSEMENTS

August 11, 2022

As of July 31, 2022

**INCOME AND DISBURSEMENTS**

**INCOME**

**TAX**

	<b>PRESENT</b>
BELL COUNTY	1,415.64
FALLS COUNTY	0.59
MCLENNAN COUNTY	411.52
MILAM COUNTY	702.24
	2,529.99
<b>TOTAL TAX INCOME</b>	<b>2,529.99</b>

**OTHER INCOME**

TSSWCB	Reimbursement for Weed Control	24,709.87
TSSWCB	Reimbursement for Site 34 Fertilizer	8,469.30
		\$ 33,179.17
<b>TOTAL OTHER INCOME</b>		<b>\$ 33,179.17</b>

CHECKING ACCOUNT BALANCE	\$ 97,323.88
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**INVESTMENTS**

ACCOUNT	MATURITY	AMOUNT	RATE	PRESENT
CITIZENS NATL BANK #91	12/3/22	600,000.00	0.450	221.92
CITIZENS NATL BANK #91	1/7/23	200,000.00	0.440	219.40
CLASSIC BANK #5323836	2/3/23	150,000.00	0.450	55.48
CLASSIC BANK #5825306	3/13/23	100,000.00	0.550	45.21
MEMBERS CHOICE #1936	Money Mark	249,839.53	0.450	95.50
INCOMMONS BANK #7946	7/15/23	250,000.00	1.000	123.29
HORIZON BANK #33068	7/5/23	250,000.00	1.500	71.93
BANCORP SOUTH #93706	9/24/22	250,000.00	0.200	126.03
CENTRAL NATL #2828689	1/18/23	250,000.00	0.200	124.66
BUCKHOLTS STATE BAN	1/21/23	250,000.00	0.350	218.15
TEXPOOL		834,738.49	1.521	967.40
FIRST NATL MOODY #102	5/11/2023	400,000.00	1.400	460.53
FIRST NATL MOODY #102	5/25/2023	250,000.00	1.500	308.40
		4,034,578.02		3,037.90

**OTHER DISBURSEMENTS**

Patricia Mackie	106.88 mileage reimbursement	2,426.24
Calvin Sanders	368.13 mileage reimbursement	3,334.63
Extraco	payroll tax	1,634.06
		7,394.93
<b>TOTAL OTHER DISBURSEMENTS</b>		<b>7,394.93</b>





10:36 AM  
08/11/22  
Cash Basis

Elm Creek Watershed Authority  
**Disbursements**  
July 15 through August 11, 2022

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	<u>Jul 15 - Aug 11, 22</u>
Ambit Energy	-154.07
ATT	-201.05
Evelyn Sanderson	-125.00
Falls County Appraisal District	-41.36
Falls County Tax Office	-322.00
Milam County Clerk	-1.00
Paper Graphics Printing	-279.31
Patricia Mackie	-471.05
Relhom Properties LLC	-550.00
Southern Infrastructure Group, LLC	-522,402.83
<b>TOTAL</b>	<b><u>-524,547.67</u></b>



**ELM CREEK WATERSHED AUTHORITY**  
**Monthly Report – 8/11/2022**

**Operation and Maintenance**

**Summer Inspections**

Summer inspections were conducted the third week in July. Most sites were about 3 feet below the lowest port, but a few were much lower.

- Broadleaf weed control using Chaparral very effective overall
- Tank mix using Pastora and Duracor fair to good control or suppression of johnsongrass along with excellent broadleaf control
- Fall 2022 - 22 dams need mowing
- Spring 2023 - 18 dams broadleaf weeds + johnsongrass treatment; 15 dams broadleaf weeds only; 11 dams in the rotation for fertilization
- Application for TSSWCB O&M program for these three maintenance activities was submitted on July 27 and we should know by mid-September if funding has been approved. Limited to \$20,000 per application, consequently about 2/3 of weed spraying would be covered.

Non-compliance with grazing policy resulted in letters sent to property owners with notice to suspend grazing and continuous access at: Site 37 (spillway portion only); Site 34; and Site 15. In addition, operators at four additional sites were contacted by phone or in person to discuss concerns with grazing and access at: Site 21; Site 31; Site 29; and Site 32.

**Site 26 and Site 30 - Five Wells Solar Project**

WSB Engineering provided information related to the proposed Five Wells Solar Project on July 14, including Erosion and Sediment Control Plans and SWPPP as required by TCEQ. The information was shared immediately with USDA-NRCS to review and provide comments. WSB indicated in their cover letter that hydraulic analysis using a model (HEC-RAS) that NRCS is familiar with was completed and showed zero change of 100 year water surface elevation for Site 26 and a 0.01 foot increase for Site 30. Last week NRCS requested the model information to verify the analysis and WSB supplied that late last week. We were hoping to have some feedback by this meeting, but NRCS has not completed their review.

**NRCS Programs**

**WFPO Program**

Not much to report on activities for the supplemental watershed planning at Sites 6R2 and 7Rev. M&E is ready to conduct survey in the auxiliary spillways of both proposed dams to locate sample areas for geotechnical investigations that will be used to determine stability for spillway function. The owner at Site 6R2 has been difficult to locate and contact in order to arrange access to the easement area.

**TSSWCB Dam Repair/Upgrade Program**

**Site 23:**

Southern Infrastructure Group continues to make good progress with the upgrade at Site 23. The ECWA board approval in the income and disbursements was for a payment request in the amount of \$522,402.83 for the

period 7/1-7/31/2022. ECWA portion of the amount is \$9,142.05 (1.75%) and TSSWCB portion is \$513,260.78. ECWA will also receive administrative payment of \$15,397.82.

SIG discovered a significant discrepancy in excavation, various earthfill, and drainfill yardages in late July from what was in the engineer's estimate and bid schedule. AECOM confirmed these errors:

Bid Item 12 Excavation, Common	from 69,200 cu.yds. to 104,700 cu.yds. @ \$9.50 per cu. yd. = \$337,250
Bid Item 13 Earthfill, Class A	from 30,615 cu.yds. to 37,000 cu.yds. @ \$14.00 per cu. yd. = \$89,390
Bid Item 14 Earthfill, Class B	from 279 cu.yds. to 8,000 cu.yds. @ \$14.00 per cu. yd. = \$108,094
Bid Item 15 Earthfill, Class C	from 818 cu.yds. to 80 cu.yds. @ \$95.00 per cu. yd. = <b>-\$70,110</b>
Bid Item 16 Earthfill, Class D	from 22,036 cu.yds. to 26,000 cu.yds. @ \$14.00 per cu. yd. = \$55,496
Bid Item 17 Earthfill, Class C	from 1375 cu.yds. to 2145 cu.yds. @ \$125.00 per cu. yd. = \$96,250
	Total for Modification No. 1: <b>\$616,370</b>

TSSWCB was contacted to determine if additional funds were available to cover the increases. As a result, the TSSWCB has prepared an amendment to the funding agreement that adds available funds to cover this and other contingencies through the remainder of the contract. The ECWA board will need to approve the amendment to increase the total cost of the project from \$3,600,000.00 to \$4,537,967.84. The ECWA portion increases from \$63,000.00 to \$79,414.44.

**Site 39:**

Met land appraiser Les Neugebauer on the Benolken property this week. He is close to having the appraisal completed. He ran into some issues with the property survey acreage not matching up with our metes and bounds survey, but that has apparently been worked out. Everything has to be defensible if the case goes to condemnation. He indicated he could have the appraisal done in one to one and a half weeks.

The TSSWCB had prepared an amendment to the funding agreement that would have added available funds, as it is almost certain that construction costs will exceed the existing agreement. Unfortunately, the failure of the engineering firm on the Site 23 design pulled in all of these funds.

**ELM CREEK WATERSHED AUTHORITY**  
**OFFICIAL MINUTES**  
**August 11, 2022**

Elm Creek Watershed Authority, Board of Directors, met in regular session on  
August 11, 2022, at 19 South 25<sup>th</sup> Street, Suite 500, Temple, Texas

**Directors present:** Ray Jungmann, Arvell Jungmann, Steve Rieves, Mike Maedgen, Bobby Henson, Robert Fleming, and Daniel C. Lesikar.

**Others present:** Calvin Sanders, Tricia Mackie.

The meeting was called to order by Daniel C. Lesikar, Chairman, at 7:30 p.m.

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

Steven Rieves made a motion to enter into an agreement with Falls County Tax Office for collections of taxes. The motion was second by Ray Jungmann. Motion passed.

Bobby Henson made a motion to approve Extraco online ACH transactions for payments to project agreement contractors. Arvell Jungmann second the motion. Motion passed.

**Watershed Report:** The watershed report was presented by Calvin Sanders. O&M: Mr. Sanders conducted summer inspections with the following results: broadleaf weed control was good and Johnsongrass control was fair, 22 sites need mowing, multiple sites will need weed control and fertilization. Applications for funding from TSSWCB has been submitted, but funding will be limited. Mr. Sanders has been watching closely for overgrazing due to the dry conditions. Multiple property owners were issued letters of non-compliance with suspended grazing at a few locations.

**Solar Project Update:** The solar project on Sites 26 & 30 (Five Wells) have provided erosion and sediment control information which has been forwarded to NRCS for review and comments. The information included zero change of 100-year water surface evaluation for Site 26 and 0.01 foot increase for Site 30. At this time NRCS has not completed their review.

**NRCS Programs:** No new information for Sites 6R2 and 7R projects. Geotechnical investigations will be conducted soon.

**TSSWCB Programs:** Dam Upgrades: Site 23-Southern Infrastructure Group is making good progress on the upgrade. A discrepancy in yardages has been discovered. AECOM confirmed the errors in the amount of \$616,370 increase to the agreement. TSSWCB was informed of the

errors and asked if additional funds were available. An amendment to the agreement has been prepared to cover the discrepancies and any other contingencies that may arise. This increases the amount covered by ECWA from \$63,000.00 to \$79,414.44. A motion was made by Bobby Henson to amend the agreement to \$79,414.44. Mike Maedgen second the motion. Motion passed.

Site 39-ECWA is awaiting completion of property appraisal.

A motion was made by Robert Fleming to approve the watershed report. Ray Jungmann second the motion. Motion passed.

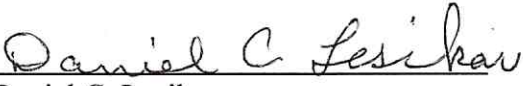
**Site 39:** No action.

**2023 Budget:** Tricia Mackie presented the suggested budget for board consideration. A motion was made by Mike Maedgen to approve the budget as proposed. Bobby Henson second the motion. Motion passed.

**2022 Proposed Tax Rate:** Bobby Henson made a motion to propose the 2022 tax rate at 0.0287. Ray Jungmann second the motion. Voting in favor: Ray Jungmann, Arvell Jungmann, Steven Rieves, Mike Maedgen and Bobby Henson. Present and not voting: Robert Fleming and Daniel C. Lesikar. Motion passed.

**Adjourn:** Arvell Jungmann made a motion to adjourn. Mike Maedgen second the motion. Motion passed. Meeting adjourned at 8:30 p.m.

**ATTEST:**

  
\_\_\_\_\_  
Daniel C. Lesikar  
Chairman

  
\_\_\_\_\_  
Director