

**ELM CREEK WATERSHED AUTHORITY**  
**Regular Session Meeting**  
**August 8, 2023**

Notice is hereby given that a regular meeting of the Board of Directors of the Elm Creek Watershed Authority will be on August 8, 2023, 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
  - d. Site 39
  - e. Site 23
5. Discuss, consider and take action to approve website & logo creation.
6. Consideration and possible action to order 2023 election, hire election officials, and enter into a joint election if possible.
7. Discuss, consider and take action, if necessary, to approve easement crossings by the Chillingham Solar Project.
8. Consideration and possible action on Tax Abatement with Butler Weldments Corp.
9. Discuss, consider and take action to approve the 2024 Budget.
10. Discuss, consider and take action to propose the 2023 Tax Rate.
11. Consideration and possible action to fulfill and/or cover general manager position.
12. 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 1st day of August, 2023

Daniel C. Lesikar, Chairman



By: Tricia Mackie



2023 AUG -1 P 2:56

**ELM CREEK WATERSHED AUTHORITY****Regular Session Meeting****August 8, 2023**SHELLEY COSTON  
CO. CLK. BELL CO. TX

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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 8/7, 2023

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

By PCM Dum  
Deputy

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.

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Dated this 1st day of August, 2023

Daniel C. Lesikar, Chairman



By: Tricia Mackie





Filed 4<sup>th</sup> day of Aug.  
in 2023, At 1:52 P.M.  
JODI MORGAN  
County Clerk, Milam County, Texas  
By Melinda Contreras  
Deputy

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Daniel C. Lesikar, Chairman

**PAID**  
CK. NO. \_\_\_\_\_  
DATE \_\_\_\_\_

  
By: Tricia Mackie

Handwritten notes in the top left corner, including the number '100' and some illegible scribbles.

AID

100  
100





Tricia Mackie

[Log Off](#)

## Open Meeting Submission

**TRD:** 2023004411  
**Date Posted:** 08/01/2023  
**Status:** Accepted  
**Agency Id:** 1199  
**Date of Submission:** 08/01/2023  
**Agency Name:** Elm Creek Watershed Authority  
**Board:** Elm Creek Watershed Authority  
**Committee:** Board of Directors  
**Date of Meeting:** 08/08/2023  
**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** Tricia Mackie, Office Mgr.  
**Obtained From:**  
**Agenda:** ELM CREEK WATERSHED AUTHORITY  
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Dated this 1st day of August, 2023 Daniel C. Lesikar, Chairman

By: Tricia Mackie

New Submission

ELM CREEK WATERSHED AUTHORITY  
INCOME AND DISBURSEMENTS

August 8, 2023

As of July 31, 2023

**INCOME AND DISBURSEMENTS**

**INCOME**

TAX		PRESENT
BELL COUNTY		2,122.95
FALLS COUNTY		64.46
MCLENNAN COUNTY		88.78
MILAM COUNTY		669.42
<b>TOTAL TAX INCOME</b>		<b>2,945.61</b>

**OTHER INCOME**

Five Wells Solar	Reimbursement for Admin Costs	5,000.00
<b>TOTAL OTHER INCOME</b>		<b>\$ 5,000.00</b>

EXTRACO CHECKING ACCOUNT BALANCE	\$ 104,782.67
FIRST NATL MOODY CHECKING ACCOUNT BALANCE	\$ 4,039.84
MEMBERS CHOICE MM CHECKING BALANCE	\$ -

**TOTAL CHECKING ACCOUNT \$ 108,822.51**

**INVESTMENTS**

ACCOUNT	MATURITY	AMOUNT	RATE	PRESENT
CITIZENS NATL BANK #91	12/3/23	600,000.00	3.250	1,583.01
CITIZENS NATL BANK #50	4/7/24	200,000.00	3.940	1,964.60
CLASSIC BANK #5551583	1/8/24	150,000.00	4.050	-
CLASSIC BANK #5687286	2/23/24	100,000.00	4.050	-
MEMBERS CHOICE #1936	04/20/24	251,149.70	4.750	-
INCOMMONS BANK #7941	7/15/24	250,000.00	5.250	205.48
HORIZON BANK #33068	7/5/24	250,000.00	4.750	308.40
CADENCE BANK #937000	1/24/24	250,000.00	2.500	-
CENTRAL NATL #2828686	2/18/24	250,000.00	4.000	2,493.16
BUCKHOLTS STATE BAN	1/21/24	250,000.00	4.000	-
TEXPOOL		1,371,668.74	5.124	6,248.28
TREASURY BILLS	7/31/2023	99,589.72	5.385	410.28
TREASURY BILLS	7/3/2023	99,618.63	5.190	381.37
TREASURY BILLS	7/5/23	99,586.75	5.237	413.25
TREASURY BILLS	10/24/2023	147,411.75	5.400	-
		4,369,025.29		14,007.83

**OTHER DISBURSEMENTS**

Patricia Mackie	43.23 mileage reimbursement	2,320.83
Calvin Sanders	358.94 mileage reimbursement	3,732.34
Extraco	payroll tax	1,725.40
Southern Infrastructure Grc	Payment #16	160,227.81

**TOTAL OTHER DISBURSEMENTS 168,006.38**



6:21 PM  
08/08/23  
Cash Basis

Elm Creek Watershed Authority  
**Disbursements**  
July 14 through August 8, 2023

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	<u>Jul 14 - Aug 8, 23</u>
Ambit Energy	-168.32
ATT	-169.65
Dollar Tree	-12.72
Espinoza Fence	-3,520.00
Evelyn Sanderson	-125.00
Green's Sausage House	-64.93
HEB	-37.85
Kathleen Pinckney	-212.50
Milam County Clerk	-1.00
Oscar Store	-32.29
Patricia Mackie	-476.60
Relhom Properties LLC	-550.00
Southern Infrastructure Group, LLC	-158,843.16
Wal-Mart	-54.09
<b>TOTAL</b>	<u><u>-164,268.11</u></u>





**ELM CREEK WATERSHED AUTHORITY**  
**Monthly Report – 8/8/2023**

**Operation and Maintenance**

**Summer inspections:** inspections were conducted at each of the 34 dams to check operation conditions and determine maintenance needs for the remainder of 2023 and through spring 2024. Mowing will be needed at 25 dams covering 252.1 acres this fall. Fertilization will be needed at 12 dams totaling 168.8 acres next spring. Weed spraying will be needed at 32 dams totaling 360.2 acres next spring. Application has been made for TSSWCB O&M grant program funding for all of these activities to receive 90% reimbursement. Heartland Construction Services has been contacted to provide a quote for the mowing to be completed this October and, if acceptable, a service contract will be awarded. Heartland is familiar with all of the dam sites and how to access.

**Site 21 – recurring beaver problem:** identified beaver activity during summer inspection. USDA Wildlife Services reported removal of 3 beavers last week and still working on this site. ECWA had buildup of mud and debris removed last summer and will need to schedule again in order to allow drainage through the lowest port. ECWA will arrange the installation of hog panels around the riser to discourage beaver activity and hopefully reduce recurrence of buildup.

**Site 14 – completion of perimeter fence replacement:** when the perimeter fence was replaced at Site 14 in 2019, the owner requested that a segment of power fence he had installed on the west side of the spillway be left as is. During the July 2023 inspection ECWA found that the property had been sold and the new owner had removed the power fence. ECWA had Espinoza Fencing construct the remaining 440 feet of perimeter fence last week.

**Solar Projects and ECWA Easements**

ECWA is working with ENGIE (Five Wells Solar project owner) to establish a permanent access route to Site 26 in the Five Wells solar project. ECWA met with ENGIE staff yesterday to review the route and measures to facilitate crossing low areas that include culverts and low water crossings. ECWA will need to monitor and confirm that the route is completed as discussed and adequate to reach the dam. ECWA will also need to provide an agreement allowing ENGIE to place the crossings in the ECWA easement area. An agreement has been prepared for board approval.

ECWA is working with ENGIE (Chillingham Solar project owner) to assure set back of Chillingham solar facilities from ECWA easements at Site 13R and Site 14. ENGIE has submitted plans showing their facilities will be set back 25 feet from the ECWA detention pool easement at each site. No solar facilities are planned near the dam or spillway at either site. A separate agenda item presents a request by ENGIE to cross under the detention pool easement at both sites with bores that would contain cables.

**NRCS Programs**

No new activity related to NRCS programs.

**TSSWCB Dam Repair/Upgrade Program**

**Site 23:**

A check prior to final was completed last Friday. There are punch list items that Southern Infrastructure Group (SIG) is working to complete by next week, including removal of the construction campsite, grading and placement of rock on property owner access road, fencing, culvert installation on the Crews property, and final demobilization. The biggest holdup was rock riprap, as the quarry has run out of the



rock needed to complete the wave berm. SIG expected to get rock early this week to be able to complete that item. Another significant issue that has arisen is the depletion of water in the reservoir for irrigation. There is about 8 acres that will be planted with bermudagrass seed. The seed will be drilled and mulch applied, but no watering will be done. Ideally the seed could emerge and have time to develop a root system if rain comes in September to October. The stand will need to be evaluated this fall to determine if temporary cover needs to be planted for this winter followed by sprigging or seeding next spring. The acreage that was sprigged is doing well and was to receive one final irrigation before the pipe is removed.

ECWA board approval in the income and disbursements was for a payment request in the amount of \$160,227.81 for the period 7/1-7/31/2023. ECWA portion of the amount is \$2,803.99 (1.75%) and TSSWCB portion is \$157,423.82. ECWA will also receive administrative payment of \$4,722.71. With this payment 100% of the contract total amount has been paid. A final contract modification will be needed to add funds for quantity overages.

**Site 39:**

ECWA, with contributions from Kat Pinckney and AECOM, has assembled information necessary for advertisement of the dam upgrade construction. The Texas State Soil and Water Conservation Board budget has been approved that includes funding to be added to the existing agreement that would meet the engineer cost estimate for construction.

It is recommended that the ECWA board proceed with advertisement. A board member will need to be appointed to serve as contracting officer for the contract.

M&E has indicated they could work for ECWA as technical representative through the construction, providing guidance to the contracting officer. M&E could meet with the contractor and AECOM project manager and inspector at regular monthly progress meetings during the construction. M&E could review monthly payment applications for contracting officer approval. M&E could serve as the contact for property owners through the project. This would minimize additional work for the ECWA secretary. Cost of services from M&E has not been determined, but any costs could be covered by the reimbursement ECWA will receive for contract administration. At 3.5 percent of the estimated \$4.5 million construction cost, that would come to over \$150,000.

A request for reimbursement was submitted to TSSWCB last week for land rights costs. See breakdown below:

<b>Elm Creek (Cen-Tex) Watershed Site 39 Dam Upgrade Land Rights Costs</b>			
<b>Item</b>	<b>Payee</b>	<b>Date</b>	<b>Cost</b>
Metes and Bounds Survey	Hughes	Sept. 2021	\$ 3,050.00
Land Appraisal	Bridgewood	Feb. 2023	\$ 4,000.00
Easement Coord., signing, recording	Secrest	Apr. 2023	\$ 425.00
Purchase of Easement	Benolken	Apr. 2023	\$ 69,550.00
Attorney for Eminent Domain Case	Sanderford & Carroll	Jan. 2022 to Apr. 2023	\$ 18,594.45
		<b>Total</b>	<b>\$ 95,619.45</b>

Letters are prepared for board signature to be sent to the two property owners where construction activities will be conducted: Frank and Lisa Benolken; and Bill Meadows.

**ELM CREEK WATERSHED AUTHORITY  
OFFICIAL MINUTES**

**August 8, 2023**

Elm Creek Watershed Authority, Board of Directors, met in regular session on  
August 8, 2023, at 19 South 25<sup>th</sup> Street, Suite 500, Temple, Texas

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

**Others present:** Calvin Sanders and Tricia Mackie

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

**Public Comment:** No comment.

**Website Information:** Richard Stone discussed the services he conducts for Lower Brushy Creek Watershed and costs associated with such services as well as website opportunities. The board thanked him for his information. A motion was made by Bobby Henson to hire DK Small Business to build and host the ECWA website for 1 year. Motion was second by John Perryman. Motion passed.

**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. Arvell Jungmann second the motion. Motion passed.

**Watershed Report:** The watershed report was presented by Calvin Sanders. O&M: Inspections have been completed and needs addressed. 25 sites will need mowing this fall; 12 sites will require fertilizer and 32 sites will need weed spraying in the spring. A request for bid has been sent to Heartland for the mowing this fall. Funding to cover some of the expense has been applied for through the TSSWCB. Site 21 has beaver causing issues again. USDA Wildlife has removed 3 animals. Mr. Sanders suggests installing hog panels to reduce the problems. Site 14 perimeter fence was completed with a portion of the fence being a power fence. The power fence was removed by new landowner. ECWA has replaced the perimeter fence in place of the power fence.

ECWA is working with ENGIE to establish a permanent access route to Site 26. ECWA is also working with ENGIE to establish boundaries set back 25 feet around easements on Sites 13R & 14.

NRCS Pgm: No new activity.

Dam Repairs/Upgrades: Site 23-Check prior to final has been completed. A few items are being worked on to complete by next week including campsite removal, rock on access road, and culvert installation on Crews property.

Site 39-ECWA is ready to advertise for construction. TSSWCB funding is approved including enough to meet engineer estimates. Mr. Sanders suggested proceeding with advertising. A board member will need to act as the Contracting Officer. M&E is willing to provide guidance through construction, payments, etc. (i.e., Liasson for CO & ECWA). Letters have been prepared for notification of

construction to landowners. A motion was made by Mike Maedgen to advertise for construction on Site 39 upgrade. Arvell Jungmann second the motion. Motion passed. Bobby Henson made a motion appointing Mike Maedgen as Contracting Officer and Daniel C. Lesikar as Alternate Contracting Officer. The motion was second by Ray Jungmann. Motion passed.

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

**2023 Election:** A motion was made by Ray Jungmann to order the 2023 election of ECWA Board of Directors and to allow ECWA to contract jointly with counties, school districts and other entities to conduct elections as necessary for the November 7, 2023 election. Bobby Henson second the motion. Motion passed.

**Chillingham Solar Project Crossing:** A motion was made by Bobby Henson to allow Chillingham Solar to cross under the easement connecting Sites 13R & 14. Motion was second by Ray Jungmann. Motion passed.

**Butler Weldments Corp Tax Abatement:** Mike Maedgen made a motion to deny the tax abatement with Butler Weldments Corp. John Perryman second the motion. Tax Abatement denied.


**2024 Budget:** A motion was made by Bobby Henson to adopt the 2024 Budget. Mike Maedgen second the motion. Motion passed.

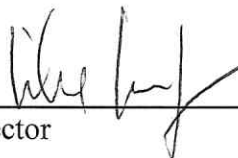
**2023 Tax Rate:** Mike Maedgen made a motion to propose the 2023 tax rate at 0.0250. Ray Jungmann second the motion. Votes as listed: IN FAVOR: Mike Maedgen, John Perryman, Bobby Henson, Arvell Jungmann, Ray Jungmann; NOT VOTING: Daniel C. Lesikar. Motion passed.

**General Manager Position:** Board of Directors asked Tricia Mackie to post the listing.

**Adjourn:** Arvell Jungmann made a motion to adjourn. Ray Jungmann second the motion. Motion passed. Meeting adjourned at 9:26 p.m.

**ATTEST:**

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

  
\_\_\_\_\_  
Director