

ELM CREEK WATERSHED AUTHORITY

Regular Session Meeting

February 8, 2024

Notice is hereby given that a regular meeting of the Board of Directors of the Elm Creek Watershed Authority will be on February 8, 2024, beginning at 7:00 p.m. in the Elm Creek Watershed Authority office, 19 South 25th Street, Suite 500, Temple, Texas.

MEETING 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/Disbursement
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 Contract
5. Consideration and possible action to approve amendments to easement crossings on Site 26 and Five Wells Solar Center LLC.
6. Update on ECWA Website.
7. Consideration and possible action to appoint individual to fill field manager position.
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 1st day of February, 2024

Daniel Lesikar, Chairman

By: 
Tricia Mackie, Office Manager

2024 FEB -1 P 1:57

ELM CREEK WATERSHED AUTHORITY
Regular Session Meeting
February 8, 2024

SHELLEY CUSTON
 CO. CLK. BELL CO. TX

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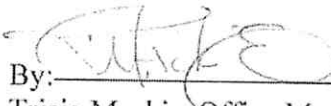
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Daniel Lesikar, Chairman

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 Feb 5, 2024

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

By J. Green
Deputy

By: [Signature]
Tricia Mackie, Office Manager



RECEIVED
2/7/2024

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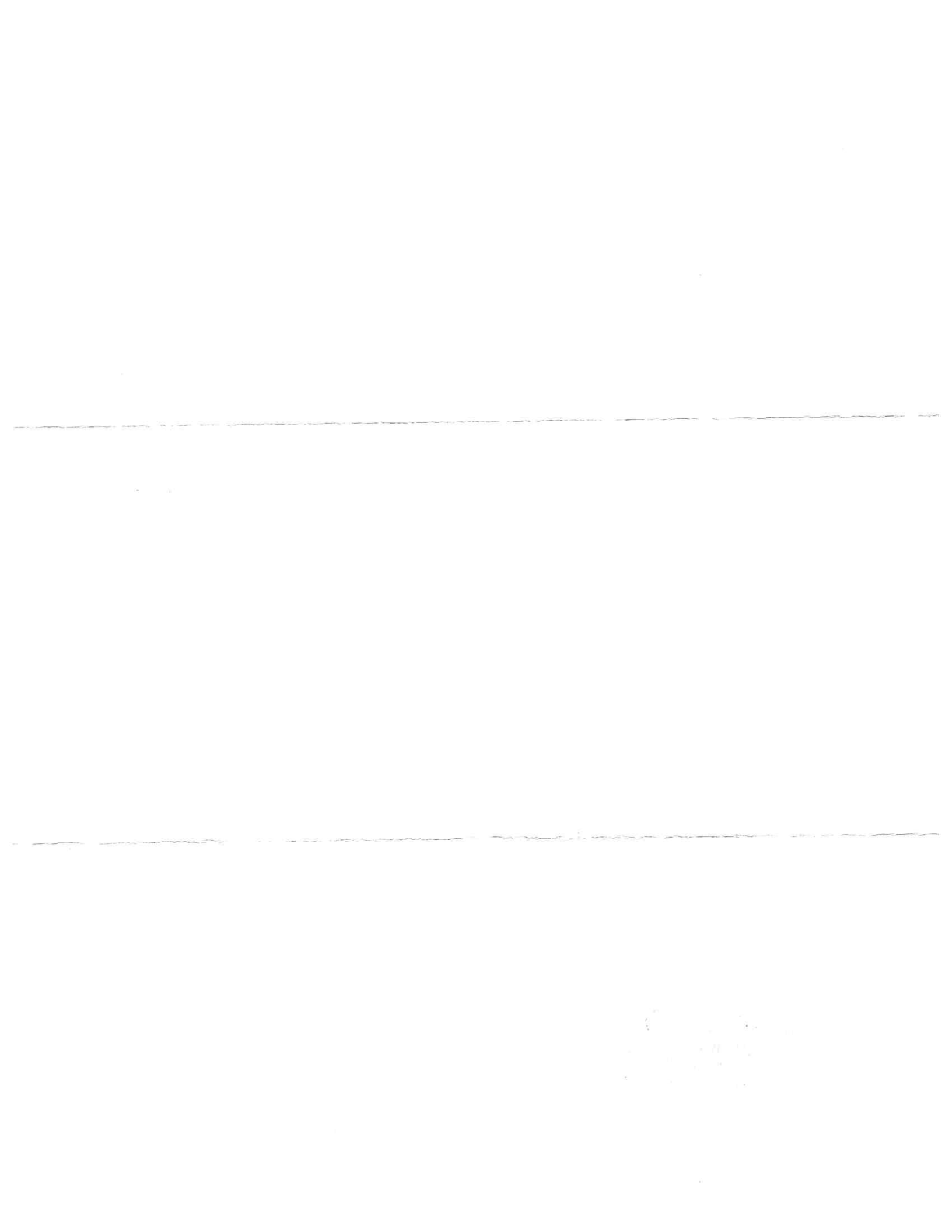
Filed 7th day of Feb.
in 2024, At 9:31 A.M.

JODI MORGAN
County Clerk, Milam County, Texas
By Melinda Contreras
Deputy

By: [Signature]
Tricia Mackie, Office Manager



RECEIVED
2/13/2024





Tricia Mackie

[Log Off](#)

Open Meeting Submission

TRD: 2024000657
Date Posted: 02/01/2024
Status: Accepted
Agency Id: 1199
Date of Submission: 02/01/2024
Agency Name: Elm Creek Watershed Authority
Board: Elm Creek Watershed Authority
Committee: Board of Directors
Date of Meeting: 02/08/2024
Time of Meeting: 07:00 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
 Regular Session Meeting
 February 8, 2024

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ELM CREEK WATERSHED AUTHORITY

INCOME AND DISBURSEMENTS

February 8, 2024

As of January 31, 2023

INCOME AND DISBURSEMENTS

INCOME

TAX

	PRESENT
BELL COUNTY	95,111.41
FALLS COUNTY	1,617.72
MCLENNAN COUNTY	5,049.70
MILAM COUNTY	<u>13,073.44</u>

TOTAL TAX INCOME 114,852.27

OTHER INCOME

TSSWCB	Reimbursement-mowing	15,485.25
TSSWCB	Reimbursement-Site 39 Patin payment #1	151,404.37
TSSWCB	Reimbursement-Site 39 Patin payment #2	384,755.14

TOTAL OTHER INCOME 551,644.76

EXTRACO CHECKING ACCOUNT BALANCE	\$ 103,768.82
FIRST NATL MOODY CHECKING ACCOUNT BALANCE	\$ 9,161.37
MEMBERS CHOICE MM CHECKING BALANCE	\$ -

TOTAL CHECKING ACCOUNT \$ 112,930.19

INVESTMENTS

ACCOUNT	MATURITY	AMOUNT	RATE/YIELD	PRESENT
CITIZENS NATL BANK #5	1/3/25	600,000.00	5.100	-
CITIZENS NATL BANK #5	4/7/24	200,000.00	3.940	1,985.84
CLASSIC BANK #5551583	1/8/25	150,000.00	4.770	1,015.27
CLASSIC BANK #5687286	2/23/24	100,000.00	4.050	-
MEMBERS CHOICE #1936	03/21/24	257,199.54	4.840	-
INCOMMONS BANK #794	7/15/24	250,000.00	5.250	1,114.73
HORIZON BANK #33068	7/5/24	250,000.00	4.750	1,010.53
CADENCE BANK #93700C	1/24/24	250,000.00	2.500	-
CENTRAL NATL #2828689	2/18/24	250,000.00	4.000	2,520.55
BUCKHOLTS STATE BAN	1/21/25	250,000.00	5.090	-
TEXPOOL		2,023,864.15	5.346	7,076.93
TREASURY BILLS	3/19/2024	99,179.44	5.407	-
TREASURY BILLS	2/20/2024	<u>147,345.00</u>	5.542	<u>-</u>
		4,827,588.13		14,723.85

OTHER DISBURSEMENTS

Patricia Mackie	38.19 mileage reimbursement	2,429.47
Murray McCarley	263.98 mileage reimbursement	1,713.75
Extraco	payroll tax	1,219.20
Card Services	January stmt	101.53
Patin Construction	Payment #3	421,841.00

TOTAL OTHER DISBURSEMENTS 427,304.95

11:03 AM
02/15/24
Cash Basis

Elm Creek Watershed Authority
Disbursements
January 12 through February 8, 2024

	<u>Jan 12 - Feb 8, 24</u>
Ambit Energy	-49.70
ATT	-213.09
Central Texas SWCD	-368.70
Heartland Construction Services, LLC	-9,000.00
Kathleen Pinckney	-100.00
Milam County Clerk	-1.00
Patin Construction LLC	-378,365.50
Patricia Mackie	-505.76
Relhom Properties LLC	-550.00
United States Postal Service	-87.36
Victor Insurance Managers LLC	-320.00
Wal-Mart	-223.37
TOTAL	<u>-389,784.48</u>

ELM CREEK WATERSHED AUTHORITY
Monthly Report – 2/8/2024

Operation and Maintenance

Mowing: Reimbursement payment received.

Site 21 – Recurring beaver problem: Second beaver caught. Updated invoice received from Heartland Construction submitted for payment. Will then be submitted to SWCB and TSSWCB for reimbursement.

Site 25 – Located in Milam County may have beaver problem. Contacted USDA, no trapper in Milam County will cost ECWA \$250.00 per trip for a trapper to come up. Usually takes 4 trips. Will go and check for signs of beaver.

Site 14 – Possible beaver issue land owner said he would take care of it.

TSSWCB Dam Repair/Upgrade Program

Site 23- Erosion downstream at both Stilling Basin area and also downstream at old gravel filter. Email Karen Green and was advised to fill in and grass over. Meet with Tom Beach at site who said he could work up some plans that I could use to get work done.

Site 23 – Road work. Working with Mike Northcut and Karen Green NRCS and USDA to get help on design to deal with runoff from field and auxiliary spillway that floods road location. Also found erosion below outlet basin after current rainfall. Located old culverts that are plugged up. Recently found erosion damage below outlet basin. Sent pictures to Ms. Green asking for help.

Site 23 – Gravel Cleanup. Working on locations to put gravel after removing from sites. To put at road location?

Site 23 – Gate on Crews Property. At new location of fence. H-Braces are in place for 16ft Gate. Espinoza Fencing gave price of \$550 to provide red gate and install at location.

Site 39: Work is progressing on site 39. ACECOM and M&E Consultants are working with them on submittals and daily reports. Working 6 days a week when weather allows. Mod for larger slide gate approved. Having to pump water out of borrow area. Processed two invoices from

Patin Construction and sent off for reimbursement. Received third invoice and waiting for payment to be able to send off for reimbursement.

Site 13R: Meet with Mr. Coufal at his home along with grandson. Showed him copy of Operation and Maintenance Agreement for Elm Creek (Cen-Tex) Watershed dated Jan 1983 that he had signed. He is wanting to put the Duck Blind on floats and move off the embankment and pull back adjacent to embankment during season. I told him I would need a letter of request from him for the Feb 8 Board Meeting. After receiving a letter from Mr. Coufal trying to change the facts. I have decided that the only way to deal with the issues is to send a Demand Letter through attorney.

Solar Project and ECWA Easements

Sites 26, and 31. Meet with Surveyor with M&E Engineering to get GPS Survey points on dams as part of possible upgrade from Low to High Hazard. Drive access route on Site 26 and had to go off designated access to avoid debris in road. Contacted Five Well Solar and Engie Solar to get cleaned up. Drove access route on Site 26 later and was okay

Site 26 Amendment for Crossing Easement: Received First Amendment to Crossing Agreement from Five Wells Solar Center LLC for change in location of crossing. Original Crossing Agreement between ECWA and Five Wells had a Maximum Allowable Variance or not more than 100ft as depicted in Exhibit C. The original Exhibit C showed electrical conduits crossings near each other going under the flowage easement of Site 26. Under the Amendment the Exhibit C shows the electrical conduits crossing farther apart and outside the 100ft variance so a new Amendment needs to be signed. Went out to site on Wednesday Feb 7, 2024 to look at conduits. Contacts Sonny Taunton and Callie Thomason took me to location below dam off ECWA easement, and did not know about other easements even after showing them map. Waiting for reply from Five Wells Solar.

Stillhouse Solar LLC Affidavit: Letter sent to Stillhouse Solar by email.

AUI Solar / Bell Solar: Received a request for Affidavit for proposed solar facility in

Linewood Bell Renewable: Received a request for Affidavit for proposed solar facility in Oenaville Area.

**ELM CREEK WATERSHED AUTHORITY
OFFICIAL MINUTES**

February 8, 2024

Elm Creek Watershed Authority, Board of Directors, met in regular session on
February 8, 2024, at 19 South 25th Street, Suite 500, Temple, Texas

Directors present: Ray Jungmann, Arvell Jungmann, Brian Hoelscher, Daniel C. Lesikar, Mike Maedgen, Jerry Lancaster, John Perryman, and Bobby Henson

Others present: Murray McCarley and Tricia Mackie

The meeting was called to order by Daniel C. Lesikar, Chairman, at 7:00 p.m.

Public Comment: None.

Field Manager Position: Murray McCarley submitted his resignation. The board discussed the open position with Seth Byers. A motion was made by Arvell Jungmann to offer the position to Mr. Byers and John Perryman second the motion. The motion was amended to include pay at \$35/hr., 6 month probation period and 2/3 healthcare effective immediately by Bobby Henson. Ray Jungmann second the amendment. Amended 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 Murray McCarley. O&M: Beaver has been an issue on a couple of sites with the county trapper working to capture and remove the animals, and one landowner working to remove the animals on his property.

Site Updates 23-Mr. McCarley is working with NRCS to design a road with culverts, etc. to re-route the water runoff from the fields. Erosion on the downstream area from recent rains has become a problem. Mr. McCarley is working with Tom Beach to create a plan to correct the issue. Espinoza Fence submitted an estimate of \$550.00 to purchase and install a gate on the Erskine fenceline. Bobby Henson made a motion to accept the bid from Espinoza Fence to purchase and install the gate. Ray Jungmann second the motion. Motion passed. 39-Ongoing construction. 13R-Letter from Ed Coufal concerning removal of duck blind. The board asked Mr. McCarely to contact attorney and send a demand letter to have the blind removed.

Solar Project Requests: Sites 26 & 31-Mr. McCarley is working with engineer to see about upgrading dams to High Hazard.

Amendment to Easement Crossings on Site 26: Met with solar company employees to discuss and locate the crossings, employees did not know where the crossings were located. Mr. McCarley told employees to get the information and get back with him.


Affidavits for Solar Farms: Letters have been prepared and sent.

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

ECWA Website: Mrs. Mackie is working to put information together for submittal.

Adjourn: Arvell Jungmann made a motion to adjourn. Ray Jungmann second the motion. Motion passed. Meeting adjourned at 8:15 p.m.

ATTEST:



Daniel C. Lesikar
Chairman



Director