

2023 FEB - 3 P 4: 52

ELM CREEK WATERSHED AUTHORITY SHELLEY COSTON
Regular Session Meeting CO. CLK. BELL CO. TX
February 9, 2023

Notice is hereby given that a regular meeting of the Board of Directors of the Elm Creek Watershed Authority will be on February 9, 2023, beginning at 7:00 p.m. at the Elm Creek Watershed Authority Office, 19 S. 25th Street, Suite 500, Temple, Texas.

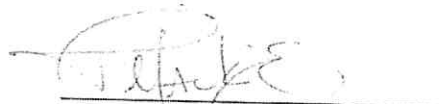
AGENDA

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. 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 possible action to appoint director to fill vacancy.
7. 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 2nd day of February, 2023

Daniel C. Lesikar, Chairman


By: Tricia Mackie

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Daniel C. Lesikar, Chairman



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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 Feb 9, 2023

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

By 
Deputy



RECEIVED
2/14/2023

S.O.S. Acknowledgment of Receipt

From: TexReg@sos.texas.gov (texreg@sos.texas.gov)

To: elmcreekwsa@sbcglobal.net

Date: Friday, February 3, 2023 at 04:13 PM CST

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: 02/09/2023 07:00 PM "TRD# 2023000702"

Notice posted: 02/03/23 04:13 PM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub_om_lookup\\$.startup?Z_TRD=2023000702](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2023000702)

ELM CREEK WATERSHED AUTHORITY
INCOME AND DISBURSEMENTS
February 9, 2023

As of January 31, 2023

INCOME AND DISBURSEMENTS

INCOME

TAX

	PRESENT
BELL COUNTY	20,355.01
FALLS COUNTY	1,246.11
MCLENNAN COUNTY	6,014.42
MILAM COUNTY	9,807.59
	37,423.13
TOTAL TAX INCOME	37,423.13

OTHER INCOME

TSSWCB	Reimbursement for Site 23 Upgrade	523,640.51
	TOTAL OTHER INCOME	\$ 523,640.51

CHECKING ACCOUNT BALANCE	\$ 81,518.13
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INVESTMENTS

ACCOUNT	MATURITY	AMOUNT	RATE	PRESENT
CITIZENS NATL BANK #9:	12/3/23	600,000.00	3.250	1,635.78
CITIZENS NATL BANK #9:	4/7/24	200,000.00	3.940	221.81
CLASSIC BANK #5323836	2/3/23	150,000.00	0.450	57.33
CLASSIC BANK #5825306	3/13/23	100,000.00	0.550	46.72
MEMBERS CHOICE #193	Money Mark	248,067.56	0.950	200.49
INCOMMONS BANK #794	7/15/23	250,000.00	1.000	212.33
HORIZON BANK #33068	7/5/23	250,000.00	1.500	318.69
BANCORP SOUTH #9370	1/24/24	250,000.00	2.500	-
CENTRAL NATL #282868	2/18/24	250,000.00	4.000	126.03
BUCKHOLTS STATE BAN	1/21/24	250,000.00	4.000	-
TEXPOOL		1,192,683.11	4.244	3,281.22
FIRST NATL MOODY #10:	5/11/2023	400,000.00	1.400	475.89
FIRST NATL MOODY #10:	5/25/2023	250,000.00	1.500	318.69
		4,390,750.67		6,894.98

OTHER DISBURSEMENTS

Patricia Mackie	56.99 mileage reimbursement	2,412.94
Calvin Sanders	151.96 mileage reimbursement	2,917.22
Extraco	payroll tax	1,545.54
Southern Infrastructure Gr	Payment #10	153,181.81
Card Services	Dec stmt	358.21
	TOTAL OTHER DISBURSEMENTS	160,415.72

11:50 AM

03/16/23

Cash Basis

Elm Creek Watershed Authority

Disbursements

January 13 through February 9, 2023

	<u>Jan 13 - Feb 9, 23</u>
ATT	-150.21
Evelyn Sanderson	-100.00
Kelley Rieves	-100.00
Milam County Clerk	-1.00
Patricia Mackie	-476.60
Quill	-208.21
Relhom Properties LLC	-550.00
Southern Infrastructure Group, LLC	-517,444.11
United States Postal Service	-106.02
Wal-Mart	-18.63
TOTAL	<u><u>-519,154.78</u></u>

ELM CREEK WATERSHED AUTHORITY

Monthly Report – 2/9/2023

Operation and Maintenance

Bid request bids sent to 3 contractors for spring vegetative maintenance:

Fertilization: 11 dams; 97.1 acres

Broadleaf weed spraying: 15 dams, 190 acres

Johnsongrass and broadleaf weeds spraying: 18 dams, 192.2 acres

All of these are approved for reimbursement through the Texas State Soil and Water Conservation Board O&M grant program. The total estimated cost for these activities is about \$52,000.

Other non-typical 2023 O&M activities have been identified at an estimated cost of \$20000. This includes: mechanical cutting of excess vegetation adjacent to inlet and/or outlet (9 sites); herbicide treatment of excess vegetation adjacent to inlet and/or outlet (10 sites); herbicide treatment of rock riprap wave berms to control brush sprouts/briars (2 sites); metal gate installation to facilitate security of sites (3 sites); stub fences repair/extension (2 sites); debris removal and disposal (4 sites). These are not approved for TSSWCB O&M grant program funding. We will contract to get these items done this year.

Site 2 Request to Dismiss *Lis Pendens*

Attorney Jamey Secrest is requesting ECWA sign the release of the *lis pendens* associated with the condemnation lawsuit to acquire land rights from River Oaks Estates prior to construction of Site 2. The *lis pendens* is a notice filed, including in the deed records, that a law suit is pending on a piece of property. When the case was settled in 1982, the *lis pendens* should have been released or terminated, but that was not done by the ECWA attorney. Brian Carroll reviewed today and advised that ECWA can execute the release.

Dam Safety

Emergency Action Plans revisions for 11 high hazard dams and 1 significant hazard dam were completed and distributed to county and City of Temple emergency management coordinators in January.

NRCS Programs

Nothing new to report on NRCS programs since the January meeting.

TSSWCB Dam Repair/Upgrade Program

Site 23:

Southern Infrastructure Group is continuing with the dam upgrade at Site 23. At the January 26 progress meeting SIG outlined work to be done over the next month that includes erection of the inlet structure tower, continued excavation to widen the auxiliary spillway, and placement of earth fill on the embankment. All of the principal spillway pipe and cradle has been completed. SIG indicated they would expedite clean up the Crews and Coufal property stockpile areas to avoid conflicts with crop planting. A grassed waterway will be added to the south of the auxiliary spillway to handle field water draining toward the north. The ECWA board approval in the income and disbursements was for a payment request in the amount of \$ 153,181.81 for the period 1/1-1/31/2023. ECWA portion of the amount is \$2,680.68 (1.75%) and TSSWCB portion is \$150,501.13. ECWA will also receive administrative payment of \$4,515.03. With this payment 71% of the contract total amount has been paid.

Site 39:

ECWA and attorney Steve Burton (with Sanderford & Carroll) gave appraiser Les Neugebauer an ultimatum this past Monday that he provide a completed appraisal report or guarantee that it would be delivered within the week. This was to occur by the board meeting today or that the board would consider termination of his services. Previous requests for updates from Neugebauer over the last couple of weeks went unanswered. Steve Burton informed me that Neugebauer did call him yesterday and could not provide a timeline for his license renewal, and consequently the completion of the report continues to have no timeline.

A list of TX DOT certified real estate appraisers was found and a firm listed in Woodway was contacted to determine their ability to complete an appraisal, deliver the report in a timely manner, and defend in court if necessary. The firm is ready, willing, and able to deliver, and at a cost below what the previous contractor was charging.

**ELM CREEK WATERSHED AUTHORITY
OFFICIAL MINUTES**

February 9, 2023

Elm Creek Watershed Authority, Board of Directors, met in regular session on
February 9, 2023, at 19 South 25th Street, Suite 500, Temple, Texas

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

Others present: Jerry Lancaster, Calvin Sanders and Tricia Mackie

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

Public Comment: No comment.

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

Watershed Report: The watershed report was presented by Calvin Sanders. O&M: Bid requests for maintenance have been mailed. Reimbursement is available through the TSSWCB for these activities. Non-typical O&M is needed to cut and treat excess vegetation, treatment for woody species on rock rip-rap, metal gates to replace wire gaps, stub fence repairs and debris removal.

Site Updates: Site 2-A release of property associated with a condemnation has been requested. The case was settled in 1982 and this property should have been released, however, it was not. Brian Carroll reviewed the documentation and advised ECWA to release the property per the *Lis Pendens*.

Emergency Action Plans have been updated for 11 high hazard and 1 significant hazard sites.

Dam Repairs/Upgrades: Site 23-Progress is being made to construct the inlet tower, the principal spillway pipe and cradle are complete, modifications to the agreement will include a grass waterway to handle field water drainage. Site 39-ECWA and attorney sent an ultimatum to the appraiser, Neugebauer, to provide a completed appraisal & report within the week. The appraiser was unable to provide the information as requested. Mr. Sanders contacted another appraiser and asked for bids to conduct the appraisal and report. The firm submitted bids based on turn-around time. A motion was made by Bobby Henson to terminate the contract with Les Neugebauer. The motion was second by Ray Jungmann. Motion passed. Bobby Henson made a motion to contract with Bridgewood Properties to conduct the appraisal and report within 1 week for \$4000. Arvell Jungmann second the motion. Motion passed.

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

Site 39 Land Rights: No action.

Director Vacancy: Bobby Henson made a motion to nominate Jerry Lancaster as Director. Arvell Jungmann second the motion. A motion was made by Ray Jungmann to cease nomination. The motion was second by Arvell Jungmann. Nominations ceased. Jerry Lancaster was appointed to fill the Director position. Tricia Mackie administered the Oath of Office to Jerry Lancaster.

Adjourn: Mike Maedgen made a motion to adjourn. Arvell Jungmann second the motion. Motion passed. Meeting adjourned at 7:32 p.m.

ATTEST:



Daniel C. Lesikar
Chairman


Director