

ELM CREEK WATERSHED AUTHORITY

Regular Session Meeting

January 11, 2024

Notice is hereby given that a regular meeting of the Board of Directors of the Elm Creek Watershed Authority will be on January 11, 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/Disbursements
 - c. Budget
 - d. Quarterly Report
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. Discuss, consider and take action if necessary, on Affidavit for Solar Farm affecting natural resources.
6. Consideration and possible action to approve amendments to easement crossings on Site 26 and Five Wells Solar Center LLC.
7. Update on ECWA Website.
8. Consideration and possible action to appoint individual to fill director vacancy.
9. Consideration and possible action on employee salaries, hourly pay and benefits.
10. 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 January, 2024

Daniel Lesikar, Chairman

By: 
Tricia Mackie, Office Manager

ELM CREEK WATERSHED AUTHORITY 2024 JAN -4 A 11: 45

Regular Session Meeting
January 11, 2024

SHELLEY COSTON
 CO. CLK. BELL CO. TX

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Dated this 4th day of January, 2024

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

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

By

Deputy

By:

Tricia Mackie, Office Manager



RECEIVED
1/18/2024

ELM CREEK WATERSHED AUTHORITY

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Filed 8th day of Jan
in 2024, At 1:28 P. M.

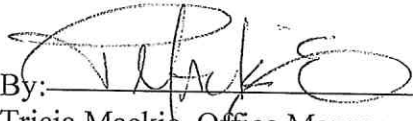
JODI MORGAN
County Clerk, Milam County, Texas
By Melinda Cantelero
Deputy

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Daniel Lesikar, Chairman

By: 
Tricia Mackie, Office Manager



RECEIVED
1/18/2024



Tricia Mackie

[Log Off](#)

Open Meeting Submission

TRD: 2024000050
Date Posted: 01/04/2024
Status: Accepted
Agency Id: 1199
Date of Submission: 01/04/2024
Agency Name: Elm Creek Watershed Authority
Board: Elm Creek Watershed Authority
Committee: Board of Directors
Date of Meeting: 01/11/2024
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
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Dated this 4th day of January, 2024 Daniel Lesikar, Chairman

By:
Tricia Mackie, Office Manager

New Submission

S.O.S. Acknowledgment of Receipt

From: texreg@sos.texas.gov

To: elmcreekwsa@sbcglobal.net

Date: Thursday, January 4, 2024 at 10:42 AM 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: 01/11/2024 07:00 PM "TRD# 2024000050"

Notice posted: 01/04/24 10:42 AM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub_om_lookup\\$.startup?Z_TRD=2024000050](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2024000050)

ELM CREEK WATERSHED AUTHORITY
INCOME AND DISBURSEMENTS
January 11, 2024

As of December 31, 2023 **INCOME AND DISBURSEMENTS**

INCOME

TAX

	PRESENT
BELL COUNTY	73,280.13
FALLS COUNTY	321.18
MCLENNAN COUNTY	9,427.03
MILAM COUNTY	<u>17,555.95</u>
TOTAL TAX INCOME	100,584.29

EXTRACO CHECKING ACCOUNT BALANCE	\$	159,788.87
FIRST NATL MOODY CHECKING ACCOUNT BALANCE	\$	108,340.81
MEMBERS CHOICE MM CHECKING BALANCE	\$	-
TOTAL CHECKING ACCOUNT	\$	268,129.68

INVESTMENTS

ACCOUNT	MATURITY	AMOUNT	RATE	PRESENT
CITIZENS NATL BANK #91	1/3/25	600,000.00	5.050	1,583.01
CITIZENS NATL BANK #50	4/7/24	200,000.00	3.940	-
CLASSIC BANK #5551583	1/8/24	150,000.00	4.050	-
CLASSIC BANK #5687286	2/23/24	100,000.00	4.050	1,009.73
MEMBERS CHOICE #1936	03/21/24	254,161.68	4.840	3,042.92
INCOMMONS BANK #7941	7/15/24	250,000.00	5.250	1,078.77
HORIZON BANK #33068	7/5/24	250,000.00	4.750	977.87
CADENCE BANK #937000	1/24/24	250,000.00	2.500	-
CENTRAL NATL #2828686	2/18/24	250,000.00	4.000	-
BUCKHOLTS STATE BAN	1/21/24	250,000.00	4.000	-
TEXPOOL		1,836,787.22	5.369	8,338.38
TREASURY BILLS	12/19/2023	99,588.56	5.400	411.44
TREASURY BILLS	2/20/2024	<u>147,345.00</u>	5.542	<u>-</u>
		4,637,882.46		16,442.12

OTHER DISBURSEMENTS

Patricia Mackie	155.89 mileage reimbursement	2,493.94
Murray McCarley	182.75 mileage reimbursement	1,481.96
Extraco	payroll tax	1,462.94
Card Services	December stmt	884.96
Texas Workforce Commiss	unemployment tax	1.07
Patin Construction	Payment #2	378,365.50
TOTAL OTHER DISBURSEMENTS		<u><u>384,690.37</u></u>

6:35 PM

01/11/24

Cash Basis

Elm Creek Watershed Authority
Disbursements
December 15, 2023 through January 11, 2024

	<u>Dec 15, '23 - Jan 11, 24</u>
Ambit Energy	-37.57
Arvell Jungmann	-425.76
ATT	-213.05
Bobby Henson	-364.19
Calvin B. Sanders	-100.00
Cynthia T. Schleede	-50.00
Daniel Lesikar	-1,132.31
HEB	-79.98
Jerry Lancaster	-382.53
John Perryman	-391.70
Johnny's Steaks & Bar-Be-Que	-507.31
Kathleen Pinckney	-475.00
M & E Consultants	-8,248.52
Mike Maedgen	-498.25
Milam County Clerk	-1.00
National Watershed Coalition	-75.00
Patin Construction LLC	-148,890.00
Patricia Mackie	-534.92
Ray Jungmann	-425.76
Relhom Properties LLC	-550.00
Robert Fleming	-239.30
Staples	-151.52
TOTAL	<u><u>-163,773.67</u></u>

ELM CREEK WATERSHED AUTHORITY

Monthly Report – 1/11/2024

Operation and Maintenance

Mowing: Mowing was completed at 23 sites during November by Heartland Construction Services. Total cost \$16,383.50. NRCS / TSSWCB Reimbursement to be \$14,747.85. Notified payment has been processed and has been sent to Austin for payment.

Site 21 – Recurring beaver problem: Heartland Construction Services cleared area around Primary Spillway and intake. Had to dig down to open intake at gate valve. Put up 4X4 cattle panel around the Primary Spillway. Had signs of beaver still in area after beaver caught by USDA Trapper. USDA Trapper contacted to trap beaver.

TSSWCB Dam Repair/Upgrade Program

Site 23 – Road and fence, and gate work. Working with multiple contractors to get prices on work. Had water across road location after 3-inch rain over Christmas. Talked with Ed Coufal and we will meet at site to talk about dealing with runoff. Continue gravel road down to boat ramp approximately 450ft long. Once get this settled with design will get with contractors to rebid.

Site 23 – Gravel Cleanup. Working on locations to put gravel after removing from sites. To put at road location. To put at outlet area to allow cattle access or gravel crossing. Further meetings with Ed Coufal.

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. Worked through Christmas to New Years Break with approval. Discussions on approval for change in work order for different slide gate than what called for in original contract.

Site 13R: Talked to Ed Coufal about Duck Blind and the problems and hazards it causes on dam. Explained that TCEQ said should not be there. After Holiday break he called and he wanted to see if he could put it on skids and move it back and forth. I also found in looking through the Operation and Maintenance Agreement for Elm Creek (Cen-Tex) Watershed dated Jan 1983 that under I GENERAL A. The Sponsors will: 4. Prohibit the installation of any structure of facility that will interfere with the operation or maintenance of the practices. This was signed by Bell,

Milam, and Falls County Judges; Central Texas Soil and Water Conservation District Chairman and Elm Creek Watershed Authority Chairman Ed Coufal. Told Mr. Coufal I would discuss with ECWA Board.

Solar Project and ECWA Easements

Sites 26, 13R and 14: Meet with Nelson Hall with Heartland Construction to visit sites to check easements and access.

Site 26, Site 30: Drove access to site 30 and because of debris damaged speed sensor on side of transmission. Debris left was 2x2 post silt fence and plastic net fence. Reimbursed for damage to truck by ENGIE. Debris cleared. Rode with ENGIE staff the access of both 26 and 30 to ensure access routes cleared and passable.

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. When weather clears, I have been promised a site visit. After looking at can look at First Ammendment.

Stillhouse Solar LLC Affidavit: Stillhouse solar is required by Bell County as part of its 312 Tax Abatement Agreement with the Commissioners Court to request an Affidavit executed by Clearwater Underground Conservation District and Elm Creek Watershed Authority regarding project's impact on natural resources. In looking at maps provided by Stillhouse Solar LLC the location is not near any of our Sites. It is located off of FM 437 near Leland Community. ECWA will need to approve or make changes to what I have provided. *Lee Dale*

**ELM CREEK WATERSHED AUTHORITY
OFFICIAL MINUTES**

January 11, 2024

Elm Creek Watershed Authority, Board of Directors, met in regular session on
January 11, 2024, at 19 South 25th Street, Suite 500, Temple, Texas

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

Others present: Brian Hoelscher, Murray McCarley and Tricia Mackie

The meeting was called to order by Daniel C. Lesikar, Chairman, at 6:59 p.m.

Public Comment: None.

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.

Budget: Tricia Mackie informed the board of end of year adjustments that needed attention. Mike Maedgen made a motion to amend the budget as suggested by decreasing Downstream Structures \$6900.00 and increasing Allocations \$300.00, Contract \$800.00, Contract Labor \$5300.00, and Office Supplies \$500.00. The motion was second by Jerry Lancaster. Motion passed.

Quarterly Report: Bobby Henson made a motion to accept and file the 4th Quarter 2022 report. John Perryman second the motion. Motion passed.

Watershed Report: The watershed report was presented by Murray McCarley. O&M: Mowing has been completed on 23 sites with reimbursement request submitted to TSSWCB.

Site Updates: 21-Contractor has lowered the water level to make repairs to areas damaged by beaver. 23-Road, fence & gravel cleanup concerns from landowner. Mr. McCarley is working to get estimates on repairs. 39-Modification to contract, changed the slide gate, Mike Maedgen approved change. 13R-Landowner is working to remove the duck blind. 1-Fence repaired by Murray McCarley.

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

Affidavit for Stillhouse Solar Farm: Board asked Mr. Murray to send the prepared letter.

Solar Farm Easement Crossings: Five Wells Solar and Engie are asking ECWA to amend the agreement for the Site 26 & 30 crossings to allow beyond 100' of the original design. The crossings were established beyond the specifications without ECWA approval. The board asked Mr. McCarley to visit the sites and report back with additional information.

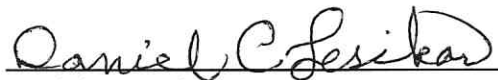
ECWA Website: Mrs. Mackie is working to put information together and a logo to send to the web designer.

Director Vacancy: Mike Maedgen made a motion to appoint Brian Hoelscher to the vacant board of director position. Bobby Henson second the motion. Motion passed.

Employee Hourly Pay, Salaries & Benefits: A motion was made by Ray Jungmann to increase the rate of pay for Tricia Mackie by 5%. The motion was second by John Perryman. Motion passed.

Adjourn: Arvell Jungmann made a motion to adjourn. Ray Jungmann second the motion. Motion passed. Meeting adjourned at 8:13 p.m.

ATTEST:



Daniel C. Lesikar
Chairman



Director