

ELM CREEK WATERSHED AUTHORITY
Regular Session Meeting
January 12, 2023

Notice is hereby given that a regular meeting of the Board of Directors of the Elm Creek Watershed Authority will be on January 12, 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
 - 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
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. Consideration and possible action to elect ECWA Officers.
8. Discuss, consider and take action to change signature cards with financial institutions.
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, 2023

Daniel C. Lesikar, Chairman


By: Tricia Mackie

RECEIVED FOR POSTING

2023 JAN -4 P 1:12

SHELLEY COSTON
CO. CLK. BELL CO. TX

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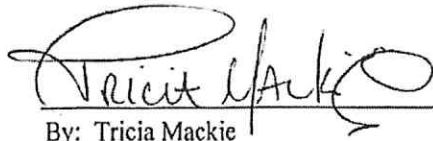
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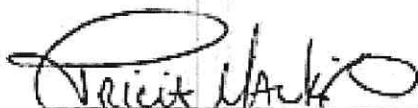
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Daniel C. Lesikar, Chairman


By: Tricia Mackie

CO. CLK. FALLS CO.

JAN 03 2023

FILED 12:30 PM
21

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Daniel C. 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 9:30 AM Jan 9, 2023
J. A. "Andy" Haryell, County Clerk
McLennan County, Texas

By [Signature]
Deputy

[Signature]
By: Tricia Mackie



RECEIVED
1/18/2023

Filed 9th day of Jan
in 2023, At 3:11 P. M.
JODI MORGAN
County Clerk, Milam County, Texas
By Melinda Conway
Deputy

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Dated this 4th day of January, 2023

Daniel C. Lesikar, Chairman


By: Tricia Mackie



RECEIVED
1/18/2023



Tricia Mackie

[Log Off](#)

Open Meeting Submission

TRD: 2023000029
Date Posted: 01/04/2023
Status: Accepted
Agency Id: 1199
Date of Submission: 01/04/2023
Agency Name: Elm Creek Watershed Authority
Board: Elm Creek Watershed Authority
Committee: Board of Directors
Date of Meeting: 01/12/2023
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, 2023 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: Wednesday, January 4, 2023 at 11:48 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: 01/12/2023 07:00 PM "TRD# 2023000029"

Notice posted: 01/04/23 11:48 AM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub_om_lookup\\$.startup?Z_TRD=2023000029](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2023000029)

ELM CREEK WATERSHED AUTHORITY
INCOME AND DISBURSEMENTS
January 12, 2023

As of December 31, 2022 **INCOME AND DISBURSEMENTS**

INCOME

TAX

	PRESENT
BELL COUNTY	36,593.56
FALLS COUNTY	33.83
MCLENNAN COUNTY	8,812.11
MILAM COUNTY	<u>18,835.26</u>
TOTAL TAX INCOME	64,274.76

OTHER INCOME

TSSWCB	Reimbursement for Site 23 Upgrade	187,152.30
TOTAL OTHER INCOME		\$ 187,152.30

CHECKING ACCOUNT BALANCE \$ 136,181.89

INVESTMENTS

ACCOUNT	MATURITY	AMOUNT	RATE	PRESENT
CITIZENS NATL BANK #9:	12/3/23	600,000.00	3.250	221.92
CITIZENS NATL BANK #9:	1/7/23	200,000.00	0.440	-
CLASSIC BANK #532383E	2/3/23	150,000.00	0.450	55.48
CLASSIC BANK #582530E	3/13/23	100,000.00	0.550	45.20
MEMBERS CHOICE #193t Money Mark		249,665.55	0.950	201.52
INCOMMONS BANK #794l	7/15/23	250,000.00	1.000	205.48
HORIZON BANK #33068	7/5/23	250,000.00	1.500	308.40
BANCORP SOUTH #9370l	1/24/24	250,000.00	2.500	-
CENTRAL NATL #282868l	1/18/23	250,000.00	0.200	-
BUCKHOLTS STATE BAN	1/21/23	250,000.00	0.350	-
TEXPOOL		1,099,401.89	3.980	3,419.21
FIRST NATL MOODY #10:	5/11/2023	400,000.00	1.400	460.53
FIRST NATL MOODY #10:	5/25/2023	250,000.00	1.500	308.40
<u>4,299,067.44</u>				<u>5,226.14</u>

OTHER DISBURSEMENTS

Patricia Mackie	137.50 mileage reimbursement	2,419.85
Calvin Sanders	301.88 mileage reimbursement	2,947.03
Extraco	payroll tax	1,649.66
Southern Infrastructure Gr	Payment #9	517,444.11
Card Services	Dec stmt	638.93
TOTAL OTHER DISBURSEMENTS		<u>525,099.58</u>

11:52 AM
03/16/23
Cash Basis

Elm Creek Watershed Authority
Disbursements
December 9, 2022 through January 12, 2023

	<u>Dec 9, '22 - Jan 12, ...</u>
Ambit Energy	-37.34
Arvell Jungmann	-267.50
ATT	-249.79
Bobby Henson	-230.00
Daniel Lesikar	-770.00
Evelyn Sanderson	-125.00
John Perryman	-402.50
Mike Maedgen	-387.50
Milam Appraisal District	-366.11
Milam County Clerk	-1.00
National Watershed Coalition	-75.00
Patricia Mackie	-476.60
Ray Jungmann	-267.50
Relhom Properties LLC	-550.00
Renaissance Hotel - Austin	-638.93
Robert Fleming	-381.25
Sanderford & Carroll, P.C.	-245.00
Southern Infrastructure Group, L...	-184,937.67
Staples	-13.95
Texas Municipal League	144.00
TOTAL	<u><u>-190,278.64</u></u>

ELM CREEK WATERSHED AUTHORITY

Monthly Report – 1/12/2023

Operation and Maintenance

Annual O&M Inspections: Reports of inspections conducted last month have been completed, with copies provided to NRCS offices.

The National Watershed Coalition and Texas Association of Watershed Sponsors are hosting an O&M training workshop in Decatur, TX March 21-23. I have registered to attend.

Dam Safety

Emergency Action Plans have been reviewed and updates incorporated after getting input from county (Bell, Falls, & Milam) and City of Temple emergency management coordinators. The revised EAPs, that also include updated breach inundation maps and affected properties, will be distributed this month.

NRCS Programs

M&E Consultants provided an update on the plan supplement investigations for Sites 6R2 and 7REV:

1. Cultural resources field survey completed on land where M&E employee was allowed to access.
2. Biological (environmental) field survey completed on land where M&E employee was allowed to access.
3. Social analysis of the project area (environmental justice and civil rights) has been completed.
4. Water surface elevation routings from M&E hydrologist have been converted to storm frequencies and exported into CAD (Computer Aided Design) software to develop the acres impacted by storm event.
5. Working on cost estimates for alternatives.

In addition, M&E has determined that structural spillways –roller compacted concrete – would be necessary in lieu of earthen, vegetated auxiliary spillways for both dams due to stability limitations. This would mean that some areas under easement where auxiliary spillways were shown on the land rights work map would likely not be needed. This could help with the owner at Site 6R2 that has not allowed access for the ongoing investigations.

TSSWCB Dam Repair/Upgrade Program

Site 23:

Southern Infrastructure Group is making progress with the dam upgrade at Site 23. Excavation to widen the auxiliary spillway is nearing completion. Earth fill on the embankment, drain fill installation, topsoiling, and riprap placement are progressing. Additional pipe is being installed and construction of the inlet structure should be underway soon. The ECWA board approval in the income and disbursements was for a payment request in the amount of \$517,444.11 for the period 12/1-12/31/2022. ECWA portion of the amount is \$9,055.27 (1.75%) and TSSWCB portion is \$508,388.84. ECWA will also receive administrative payment of \$15,251.67. With this payment 67% of the contract total amount has been paid.

Site 39:

ECWA and the ECWA attorney have continued to press appraiser Les Neugebauer to provide a completed appraisal report for the additional easement of 3.81 acres needed on the Benolken property. This week Neugebauer sent the following responses when asked if there was anyone else available to get the appraisal done:

“There are two other MAIs (Member of Appraisal Institute) in Waco, but neither one of them is willing to take on litigation work. (Lending and other types of appraisals are much simpler and faster than litigation.)”

“A number of appraisers left the market during and after the pandemic.”

“I (Neugebauer) have referred several clients to Dallas or Houston appraisers that I know and the normal time quote has been 45 – 60 days before they could start.”

Neugebauer insists he is still working with the TALCB (Texas Appraiser Licensing and Certification Board) to rectify the lapse of his license and get reinstated. In the meantime, he is checking recent sales to keep the appraisal at Site 39 up to date and defensible. At least 75 emails have been exchanged and dozens of telephone calls made since June 2023. At this point, I do not see that we have options except to wait for Neugebauer and resolution of the license issue when he can give us a completed appraisal that can hold up in court.

ELM CREEK WATERSHED AUTHORITY OFFICIAL MINUTES

January 12, 2023

Elm Creek Watershed Authority, Board of Directors, met in regular session on
January 12, 2023, at 19 South 25th Street, Suite 500, Temple, Texas

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

Others present: Todd Erskine, Calvin Sanders and Tricia Mackie

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

Public Comment: Todd Erskine gave a brief biography and expressed his desire to serve on the board in the vacant director position.

Consent Agenda: Minutes: Robert Fleming 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. Bobby Henson made a motion to donate \$100 to a memorial for Steve Rieves. Mike Maedgen second motion. Motion passed. A motion was made by Ray Jungmann to receive, approve and file income and disbursements. Bobby Henson second the motion. Motion passed.

Budget: Tricia Mackie informed the board of end of year adjustments that needed attention. Robert Fleming made a motion to amend the budget by increasing income \$150,000.00 and increasing interest \$7,000.00. The motion was second by Ray Jungmann. Motion passed.

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

Watershed Report: The watershed report was presented by Calvin Sanders. O&M: All dam inspections have been completed. Mr. Sanders will be attending the NWC training in Decatur. EAPs are being revised and updated and should be completed soon.

Site Updates: 6R2 & 7REV archeological and environmental surveys and social analyses have been conducted where access was allowed. If built, it has been determined a roller compacted concrete spillway would be necessary, which may require less easements than originally designed.

Dam Repairs/Upgrades: Site 23-Near completion of widening the auxiliary spillway. The soil is being used as earthen fill on the embankment. Construction of the inlet should be starting soon. Site 39-Still waiting on recertification of appraiser to move forward with easements.

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

Site 39 Land Rights: No action.

Director Vacancy: Bobby Henson informed the board of another individual interested in serving on the board. Bobby Henson made a motion to table the discussion. Mike Maedgen second the motion. Discussion tabled.


ECWA Officers: A motion was made by Bobby Henson to elect Daniel C. Lesikar as Chairman. John Perryman second the motion. Motion passed. A motion was made by Bobby Henson to elect Mike Maedgen as Vice-Chairman. Arvell Jungmann second the motion. Motion passed. Mike Maedgen made a motion to elect Bobby Henson as Secretary/Treasurer. Ray Jungmann second the motion. Motion passed.

Financial Institution Signers: A motion was made by John Perryman to remove Steve Rieves as a signer from all financial institutions and to add Mike Maedgen as a signer to all financial institutions. Signers will be: Daniel C. Lesikar, Chairman; Mike Maedgen, Vice-Chairman; Bobby Henson, Secretary/Treasurer and Investment Officer; and Patricia Mackie, Office Manager. Bobby Henson second the motion. Motion passed.

Employee Hourly Pay, Salaries & Benefits: A motion was made by Bobby Henson to increase the rate of pay for Calvin Sanders and Tricia Mackie by 5%. The motion was second by Arvell Jungmann. Motion passed.

Adjourn: Arvell Jungmann made a motion to adjourn. Ray Jungmann second the motion. Motion passed. Meeting adjourned at 7:48 p.m.

ATTEST:



Daniel C. Lesikar
Chairman



Director