

**ELM CREEK WATERSHED AUTHORITY**  
**Regular Session Meeting**  
**January 14, 2021**

Notice is hereby given that a public hearing and regular meeting of the Board of Directors of the Elm Creek Watershed Authority will be on January 14, 2021, beginning at 7:00 p.m. in the Elm Creek Watershed Authority office, 19 South 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-December 2020 (tabled from December meeting)
  - c. Income/Disbursements-January 2021
  - 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 easements
5. Consideration and possible action to create website.
6. 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 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 7th day of January, 2021

Daniel Lesikar, Chairman

By:   
Tricia Mackie, Office Manager



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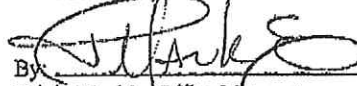
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Dated this 7<sup>th</sup> day of January, 2021

Daniel Lesikar, Chairman

By:   
Tricia Mackie, Office Manager

FILED FOR RECORD  
2021 JAN -7 A. 11:13  
SHELLEY COSTNER  
CLERK



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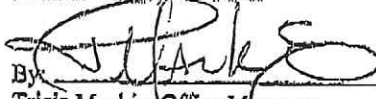
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By:   
Tricia Mackie, Office Manager

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JAN 07 2021

CO. CLK. FALLS CO.



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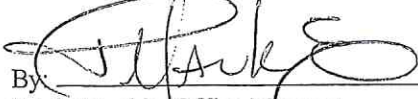
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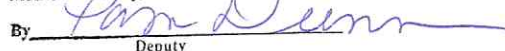
By:   
Tricia Mackie, Office Manager

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 Jan . 20 11

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

By:   
Deputy



**RECEIVED**  
1/14/2021



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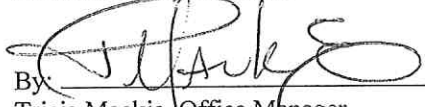
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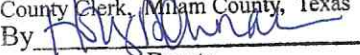
Dated this 7th day of January, 2021

Daniel Lesikar, Chairman

By:   
Tricia Mackie, Office Manager



**RECEIVED**  
1/19/2021

Filed 12 day of Jan  
in 2021, At 11:00A M.  
JODI MORGAN  
County Clerk, Milam County, Texas  
By:   
Deputy





Tricia Mackie

[Log Off](#)

## Open Meeting Submission

**TRD:** 2021000069

**Date Posted:** 01/07/2021

**Status:** Accepted

**Agency Id:** 1199

**Date of Submission:** 01/07/2021

**Agency Name:** Elm Creek Watershed Authority

**Board:** Elm Creek Watershed Authority

**Committee:** Board of Directors

**Date of Meeting:** 01/14/2021

**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 Obtained From:** Tricia Mackie, Office Mgr.

**Agenda:** ELM CREEK WATERSHED AUTHORITY  
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Dated this 7th day of January, 2021 Daniel Lesikar, Chairman

By:  
Tricia Mackie, Office Manager

New Submission

[HOME](#)

[TEXAS REGISTER](#)

[TEXAS ADMINISTRATIVE CODE](#)

[OPEN MEETINGS](#)

## S.O.S. Acknowledgment of Receipt

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

To: elmcreekwsa@sbcglobal.net

Date: Thursday, January 7, 2021, 10:56 AM CST

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### 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: 01/14/2021 07:00 PM "TRD# 2021000069"

Notice posted: 01/07/21 10:56 AM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub\\_om\\_lookup\\$.startup?Z\\_TRD=2021000069](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2021000069)





ELM CREEK WATERSHED AUTHORITY  
INCOME AND DISBURSEMENTS

January 14, 2020

As of December 31, 2020 **INCOME AND DISBURSEMENTS**

**INCOME**

**TAX**

	<b>PRESENT</b>
BELL COUNTY	22,608.51
FALLS COUNTY	243.95
MCLENNAN COUNTY	5,037.67
MILAM COUNTY	<u>17,234.72</u>
<b>TOTAL TAX INCOME</b>	<b>45,124.85</b>

CHECKING ACCOUNT BALANCE 140,834.85

**INVESTMENTS**

ACCOUNT	MATURITY	AMOUNT	RATE	PRESENT
CITIZENS NATL BANK #94	12/3/21	600,000.00	0.700	737.70
CITIZENS NATL BANK #94	1/7/21	200,000.00	1.500	-
CLASSIC BANK #5323836	2/3/21	150,000.00	1.700	209.59
CLASSIC BANK #5825306	3/13/21	100,000.00	1.350	110.96
MEMBERS CHOICE #1936	05/02/21	249,000.00	0.800	-
FIRST NATL MOODY #113	5/22/21	250,000.00	0.800	164.38
INCOMMONS BANK #7946	7/15/21	250,000.00	0.600	123.29
HORIZON BANK #33068	7/5/21	250,000.00	1.050	215.84
BANCORP SOUTH #93700	9/24/21	250,000.00	0.750	437.33
AIMBANK #100538548	1/7/21	241,418.21	0.800	326.96
CENTRAL NATL #2828689	1/18/21	250,000.00	1.800	1,121.92
TEXPOOL		552,239.77	0.091	37.36
FIRST NATL MOODY #102	5/13/2021	400,000.00	0.800	263.10
		<u>3,742,657.98</u>		<u>3,748.43</u>

**OTHER DISBURSEMENTS**

Patricia Mackie	63.25 mileage reimbursement	1,981.57
Calvin Sanders	277.73 mileage reimbursement	2,925.04
Extraco	payroll tax	1,543.08
Card Services	December stmt	37.98
	<b>TOTAL OTHER DISBURSEMENTS</b>	<u><b>6,487.67</b></u>





10:24 AM  
01/14/21  
Cash Basis

**Elm Creek Watershed Authority**  
**Disbursements**  
**December 11, 2020 through January 14, 2021**

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	<u>Dec 11, '20 - Jan 14, 21</u>
Adams Tax Forms	-19.47
Ambit Energy	-37.36
Arvell Jungmann	-262.10
ATT	-248.73
Bed Bath & Beyond	-75.00
Bobby Henson	-227.60
Central Texas SWCD	-287.93
Daniel Lesikar	-749.45
Dean Mikeska	-250.60
Evelyn Sanderson	-100.00
Leaday Construction, LLC	-137,796.75
Mike Maedgen	-354.63
Milam County Clerk	-1.00
National Watershed Coalition	-75.00
Oscar Store	-330.28
Patricia Mackie	-574.26
Ray Jungmann	-262.10
Relhom Properties LLC	-550.00
Robert Fleming	-244.85
Staples	-52.97
Steven Rieves	-331.05
United States Postal Service	-55.00
Wal-Mart	-9.61
<b>TOTAL</b>	<b><u>-142,895.74</u></b>



**ELM CREEK WATERSHED AUTHORITY**  
**Monthly Report – 1/14/2021**

**Operation and Maintenance**

**On-going Maintenance**

TSSWCB O&M grant program funded fence replacement underway this week at Site 10 with Espinoza Fence low bidder. 100% funding (including ECWA In-Kind credit)

Solicitation for spring maintenance sent to three contractors for quotes. This includes: fertilization (12 sites covering 170.2 acres); broadleaf weed treatment (19 sites covering a total of 254.3 acres); mowing (15 sites covering 141.5 acres). These will be awarded individually to the low bidder. TSSWCB O&M grant program funding is approved for these maintenance activities. 100% funding (including ECWA In-Kind credit)

Additional fences in need of replacement include Site 11 (poor condition; to secure from trespass and vandalism) and Site 19 (poor condition; fence damage during grass fire a couple years ago). TSSWCB has indicated there will be funding available through this July for O&M grant program, but future funding from legislature is not a certainty. Recommendation is to get these done soon while program funds are available and before In-Kind credit expires this August.

**Dam Safety Inspections**

Annual inspections completed at all 34 dams during December. This included formal TCEQ inspections conducted by dam safety engineer at 8 sites: 1, 2, 4, 5A, 8, 10, 21, 22. The TCEQ inspection is conducted every 5 years on all high hazard and significant hazard dams. Remaining TCEQ inspection will be done over the next couple of months at the 4 remaining high/significant hazard dams: 23, 28, 30, 39.

**TSSWCB O&M Program Agreement with Central Texas SWCD**

The Central Texas Soil and Water Conservation District has submitted an agreement for renewal that would continue allowing ECWA to pursue and expedite participation and funding through the TSSWCB Operation and Maintenance (O&M) Grant Program. In return ECWA would continue to share the 5% reimbursement for administration 50-50 with the SWCD.

**TSSWCB Repair Program**

**Plunge Basin Repairs**

Sites 26, 31, 32: Site 26 repair completed, with final check today. Equipment moved to Site 31 and work to proceed as weather and site conditions allow. Pipe manufacturing complete for replacement at Site 32, with delivery to coincide with mobilization to that site.

Sites 37, 38, 43: Solicitation process for this final contract package will proceed approximately 45 days before completion of 26, 31, 32 contract. Will be monitoring progress and weather delays to project completion.



### Dam Upgrades

Designs for upgrades at Sites 23 and 39 are near completion. On December 29, 2020 the TSSWCB sent a letter with a list of State funded dam upgrade projects where funding will be available to begin construction **this summer**. This list includes Sites 23 and 39. Agreements are expected to come later this month. Contracting for construction should be done **by the end of May** and actual construction **must be underway by July 2021**.

#### Site 23 Upgrade

TSSWCB (98.25%)	\$3,534,476
ECWA (1.75%)	<u>\$62,955</u>
<b>total</b>	<b>\$3,597,431</b>

#### Site 39 Upgrade

TSSWCB (98.25%)	\$2,892,025
ECWA (1.75%)	<u>\$51,512</u>
<b>total</b>	<b>\$2,943,537</b>

The contractor working on designs is handling 404 permitting, environmental, and cultural resources compliance. The acquisition of and assurances of adequate land rights is **the responsibility of the local sponsor**. Consequently, ECWA will need to move quickly to secure agreements with property owners at the two sites. Delay in acquiring additional easements needed for the upgrades could jeopardize over \$6.5 million in State funds.

Initial proposals for agreements to acquire additional easements have been made by three of the four property owners at Site 23 and the individual owner at Site 39. The ECWA board will need to consider these proposals and respond to property owners.





**Site No. 23 (Cyclone Branch, Farmers Road, east Bell County)**

Engineer's Cost Estimate for Construction of Dam Upgrade with Texas State Soil and Water Conservation Board funding:

TSSWCB (98.25%)	\$3,534,476
ECWA (1.75%)	<u>\$62,955</u>
	\$3,597,431

Potential land rights cost to ECWA, as proposed by landowners as of January 6, 2021:  
(Terms submitted for reaching an agreement for additional easement – Site No. 23 Dam Upgrade)

Coufal Family Limited Partnership: 1)\$15000 per acre for additional 4.6 acres of current cropland = \$69000; 2)replace road that will be destroyed by spillway widening at no expense to owner; 3)replace fence and gates from road terminus to pasture in spillway entrance section; 4)damages for lost grazing of property during construction – 5 calves @ \$800 each = \$4000  
Total = \$73000

James and Mary Ruth Engbrock Family Trust: \$15000 per acre for additional 0.2 acre of current cropland  
Total = \$3000

Cynnamon Hines: 1)\$5527 for 0.2 acres; 2)no closing costs to owner and new survey of property for remaining property.  
Total = \$5527

CrewsFamily Farms LLC: informal discussion of easement needed, with meeting set up for January 29, 2020 to discuss.

Total of proposed settlement terms as of January 6, 2021 = \$81,527\*

\*not including settlement with Crews Family Farms LLC

ECWA cost of upgrade, including construction and land rights \$144,482



**ELM CREEK WATERSHED AUTHORITY**  
**OFFICIAL MINUTES**  
**January 14, 2021**

Elm Creek Watershed Authority, Board of Directors, met in regular session on  
January 14, 2021, at 19 South 25<sup>th</sup> Street, Suite 500, Temple, Texas

**Directors present:** Steve Rieves, Daniel C. Lesikar, Ray Jungmann, Mike Maedgen, Robert Fleming, Bobby Henson and Arvell Jungmann

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

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

**Consent Agenda:** 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 for December 2020. Arvell Jungmann second the motion. Motion passed. A motion was made by Bobby Henson to receive, approve and file income and disbursements for January 2021. Ray Jungmann second the motion. Motion passed.

Tricia Mackie reviewed the 2020 4<sup>th</sup> Quarter Financial Report. Robert Fleming made a motion to approve the report as presented. The motion was second by Arvell Jungmann. Motion passed.

**Watershed Report:** The watershed report was presented by Calvin Sanders. O&M: Fence replacement on Site 10 is underway. IFB have been mailed for spring O&M, with 100% funding available through TSSWCB due to in-kind credit. Site 11 & 19 have fencing in poor condition. TSSWCB funding is available through July 2021 for fence replacements. Mr. Sanders is not certain funding will be available from state legislature in the near future and recommends replacing the fences on these sites using credits. In-kind credit expires in August 2021.

Dam Safety Inspections: NRCS has inspected 8 high hazard dams; results-dams are well cared for. TCEQ may have to inspect the Falls County dam.

TSSWCB Pgm: Site 26 repairs completed and contractor has begun work on Site 31. IFB packet for repairs on Sites 37, 38 & 43 will be sent out approximately 45 days before completion of Site 32 repairs. Central Texas SWCD has submitted a renewal agreement for administration cost share for 2 additional years.

Dam Upgrades: Designs for Sites 23 & 39 are near completion with construction possible this summer. Contracting needs to be ready by the end of May with construction starting in July. Design contractor is completing USACOE 404 permit and other compliance requirements. ECWA must get land rights for additional easements to proceed. Initial proposals for easements have been received from several of the landowners. The board asked Mr. Sanders to work with attorney on easements, and acceptance of proposals.

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

**ECWA Website:** The board asked Mrs. Mackie to consult with attorney for the need/requirement to have a website.

**Adjourn:** Arvell Jungmann made a motion to adjourn. Ray Jungmann second the motion. Motion passed. Meeting adjourned at 8:24 p.m.

**ATTEST:**



Daniel C. Lesikar  
Chairman



Steve Rieves  
Vice-Chairman