

ELM CREEK WATERSHED AUTHORITY
Regular Session Meeting
March 12, 2020

Notice is hereby given that a regular meeting of the Board of Directors of the Elm Creek Watershed Authority will be on March 12, 2020, beginning at 7:30 p.m. in the Elm Creek Watershed Authority office, 19 South 25th Street, 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. Site 34 access road
 - c. NRCS programs
 - d. TSSWCB programs
5. Consideration and possible action to renew engineering services agreement with M&E Consultants.
6. Consideration and possible action on landowner concerns related to the release of water from Site 24.
7. Discuss, consider and take action if necessary on potential concerns of proposed solar power facilities in ECWA.
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 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 3rd day of March, 2020

Daniel Lesikar, Chairman

By: 
Tricia Mackie, Office Manager

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FILED FOR RECORD
 2020 MAR -3 A 10:53
 SHELLEY COSTON
 CO. CLERK, BELL CO., TX

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Dated this 3rd day of March, 2020

Daniel Lesikar, Chairman

By: 
Tricia Mackie, Office Manager

FILED _____ M

MAR 03 2020
LINDA WATKINS
CO. CLK. FALLS CO.

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Dated this 3rd day of March, 2020

Daniel Lesikar, Chairman

By: 
Tricia Mackie, Office Manager

THE STATE OF TEXAS
COUNTY OF McLENNAN

8:30 am
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 MAR 10, 2020

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

By: 
Deputy



RECEIVED
3/10/2020



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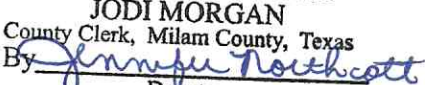
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Daniel Lesikar, Chairman

By: 
Tricia Mackie, Office Manager



Filed 5 day of March
in 2020, At 10:00 A.M.
JODI MORGAN
County Clerk, Milam County, Texas
By: 
Deputy

Handwritten notes in the bottom left corner, possibly a signature or date, including the words "Date" and "Page".





Tricia Mackie

[Log Off](#)

Open Meeting Submission

TRD: 2020001364
Date Posted: 03/03/2020
Status: Accepted
Agency Id: 1199
Date of Submission: 03/03/2020
Agency Name: Elm Creek Watershed Authority
Board: Elm Creek Watershed Authority
Committee: Board of Directors
Date of Meeting: 03/12/2020
Time of Meeting: 07:30 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
Regular Session Meeting
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Dated this 3rd day of March, 2020 Daniel Lesikar, Chairman

By:
Tricia Mackie, Office Manager

New Submission

HOME

TEXAS REGISTER

TEXAS ADMINISTRATIVE CODE

OPEN MEETINGS

S.O.S. Acknowledgment of Receipt

From: texreg@sos.texas.gov

To: elmcreekwsa@sbcglobal.net

Date: Tuesday, March 3, 2020, 11:15 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: 03/12/2020 07:30 PM "TRD# 2020001364"

Notice posted: 03/03/20 11:15 AM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub_om_lookup\\$.startup?Z_TRD=2020001364](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2020001364)

ELM CREEK WATERSHED AUTHORITY
INCOME AND DISBURSEMENTS

March 12, 2020

As of February 29, 2020 **INCOME AND DISBURSEMENTS**

INCOME

TAX

| | PRESENT |
|-------------------------|------------------|
| BELL COUNTY | 60,566.05 |
| FALLS COUNTY | 2,592.15 |
| MCLENNAN COUNTY | 1,524.72 |
| MILAM COUNTY | <u>17,648.98</u> |
| TOTAL TAX INCOME | 82,331.90 |

| | |
|--------------------------|------------|
| CHECKING ACCOUNT BALANCE | 191,508.29 |
|--------------------------|------------|

INVESTMENTS

| ACCOUNT | MATURITY | AMOUNT | RATE | PRESENT |
|------------------------|-----------|---------------------|-------|-----------------|
| CITIZENS NATL BANK #94 | 12/3/20 | 600,000.00 | 1.500 | 762.30 |
| CITIZENS NATL BANK #94 | 1/7/21 | 200,000.00 | 1.500 | - |
| CLASSIC BANK #5323836 | 2/3/21 | 150,000.00 | 1.700 | - |
| CLASSIC BANK #5825306 | 3/13/20 | 100,000.00 | 2.400 | 203.84 |
| MEMBERS CHOICE #1936 | 05/02/20 | 249,000.00 | 2.230 | - |
| FIRST NATL MOODY #113 | 5/22/20 | 250,000.00 | 2.190 | 465.00 |
| INCOMMONS BANK #7946 | 7/15/20 | 250,000.00 | 2.000 | 424.66 |
| HORIZON BANK #33068 | 7/5/20 | 250,000.00 | 2.050 | 435.64 |
| BANCORP SOUTH #93706 | 9/24/20 | 250,000.00 | 1.750 | - |
| AIMBANK #100538548 | 1/7/21 | 237,792.23 | 1.650 | - |
| CENTRAL NATL #2828686 | 1/18/21 | 250,000.00 | 1.800 | - |
| TEXPOOL | | 346,063.10 | 1.591 | 437.36 |
| FIRST NATL MOODY #102 | 5/14/2020 | 400,000.00 | 2.190 | 744.67 |
| | | <u>3,532,855.33</u> | | <u>3,473.47</u> |

OTHER DISBURSEMENTS

| | | |
|-----------------|----------------------------------|-----------------|
| Patricia Mackie | 55.78 mileage reimbursement | 2,018.40 |
| Calvin Sanders | 209.30 mileage reimbursement | 2,928.48 |
| Extraco | payroll tax | 1,437.74 |
| | TOTAL OTHER DISBURSEMENTS | <u>6,384.62</u> |

10:15 AM
03/12/20
Cash Basis

Elm Creek Watershed Authority
Disbursements
February 14 through March 12, 2020

| | <u>Feb 14 - Mar 12, 20</u> |
|---------------------------------------|--------------------------------|
| Ambit Energy | -40.59 |
| ATT | -185.96 |
| Evelyn Sanderson | -125.00 |
| Falls County Appraisal District | -45.53 |
| Milam County Clerk | -1.00 |
| Patricia Mackie | -574.26 |
| Relhom Properties LLC | -550.00 |
| Sanderford & Carroll, P.C. | -1,868.11 |
| Tax Appraisal District of Bell County | -749.50 |
| United States Postal Service | -130.00 |
| Victor O. Schinnerer & Company | -320.00 |
| TOTAL | <u><u>-4,589.95</u></u> |

ELM CREEK WATERSHED AUTHORITY

Monthly Report – 3/12/2020

Operation and Maintenance

Bids received for spring maintenance activities from 2 contractors. Fertilization awarded to Buster Crawson (\$125 per acre). Broadleaf weed treatment with Chaparral herbicide awarded to Crawson (\$75 per acre). Broadleaf weeds + Johnsongrass treatment with Pastora + Milestone herbicide awarded to Hall Brothers (\$90 per acre). Mowing awarded to Hall Brothers (\$65). Moir Watershed Services did not submit bids. All of these activities are approved for reimbursement through the TSSWCB O&M grant program.

A contract for work was awarded to Hall Brothers for the removal of debris and placement of rock in an eroded location at Site 34. Total cost of work is \$1500. ECWA will claim costs incurred for in-kind credit from TSSWCB that can be applied toward the ECWA 10% share of future O&M program activities. Work to be underway tomorrow, weather permitting.

Request for bids for fence replacement at Site 24 and partial replacement at Site 29 were sent out last week. TSSWCB O&M grant program funds are approved for Site 24 and an application for funding was submitted for Site 29. All but about 600 feet of fence was replaced at Site 29 in 2014. Bids are due March 24.

Site 4 Access Road Repair Proposals Update

Notified the two landownership parties that ECWA approved funding one-third of the estimated cost for the 1000 feet of access road up to the point where ECWA and contractors turn onto the dam. Pam Bulls received an additional estimate of \$1800 for the cost of the remaining 400 feet of road. Both parties have agreed to share the cost for the first 1000 feet of road. The Robinson/Aguillon ownership party have indicated they would share the cost of the final 400 feet with Ms. Bulls. Ms. Bulls has not responded at this point of her willingness to pay an additional \$900.

Site 34 Easement Road

Don Sevcik contacted ECWA by email that there is an erosion issue with the easement access road constructed in 2015 that provides limited access to the Carpentier property. I visited the site and there is a gully that has formed along the road that is also cutting laterally. Sevcik pointed to the easement that states that ECWA will maintain "all works of improvement". I have consulted with NRCS engineers about possible remedies for the erosion. Could be looking at a combination of earth-fill to repair the erosion along with rock to prevent future erosion. May also need to consider mowing the right of way as it is becoming overgrown with vegetation. The road is separated from the Sevcik pasture by an electric fence, consequently it is excluded from grazing. I believe the electric fence is necessary because the property line fence is in poor condition to contain or exclude livestock.

NRCS Remedial Repairs

Remedial repairs of wave berm erosion and installation of rock protection are underway at Site 24. Grading is completed and rock riprap placement is proceeding. The contractor is making good progress in spite of several rain delays. Work at Site 24 could be completed by the end of March and work will move to Site 24 under the same contract. The contractor has 129 days to complete the repairs, not including additional days for approved weather delays.

TSSWCB Repair Program

Plunge Basin and Rock Chute Repairs

With designs now completed for TSSWCB funded repairs at Sites 13R, 14 and 15, TSSWCB has prepared a cooperative agreement setting up the funds for 95% of the cost of construction (\$427,500). ECWA share of 5% is \$22,500. ECWA can claim up to \$21,375 for contract administration costs, including those of ECWA staff, contract consultant, advertisement

for bids, etc. The ECWA board will need to approve the cooperative agreement and appoint a contracting officer and alternate.

Engineering design continues for plunge basin repairs at sites 26, 31, 32, 37, 38, and 43. Survey work is completed at all sites. I am working with owners at sites to confirm adequacy of land rights and as necessary develop agreements for temporary use of additional areas for access, construction camp site, stock pile, etc. Most of these involve a need for earth fill, as a result we are locating borrow sites that are acceptable to the property owners.

Dam Upgrades

Engineering survey and geotechnical investigations are underway at Site 4. Design work is ongoing for Site 23 and Site 39.

Texas Association of Watershed Sponsors

The spring meeting of TAWS is scheduled for March 30-31 in Fredericksburg. A notice earlier today indicated that the meeting may be postponed until later this year as State and Federal agencies are under travel restrictions.

ELM CREEK WATERSHED AUTHORITY
OFFICIAL MINUTES
March 12, 2020

Elm Creek Watershed Authority, Board of Directors, met in regular session on
March 12, 2020, at 19 South 25th Street, Suite 500, Temple, Texas

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

Others present: Calvin Sanders and Tricia Mackie

The meeting was called to order by Daniel C. Lesikar, Chairman, at 7:30 p.m.

Consent Agenda: Bobby Henson made a motion to approve the regular 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. Steve Rieves second the motion. Motion passed.

Watershed Report: The watershed report was presented by Calvin Sanders. O&M: Bids for spring maintenance have been awarded. Site 34 debris removal and rock placement contract has been awarded to Hall Bros. 90% of cost will be reimbursed. Site 24 & 29 fence replacement bids are due 3/24/2020.

Mr. Sanders notified landowners at Site 4 of ECWA intentions to repair the access road. ECWA will pay 1/3 of the cost to the point ECWA turns to access the dam. The remainder of the road will be up to the landowners. No action has been taken at this time.

Erosion on Site 34 easement access road has been brought to the ECWA attention. Mr. Sanders inspected the area and reviewed the easement. ECWA is responsible for maintaining the road. NRCS engineers have been contacted concerning a remedy and to prevent future erosion.

NRCS Remedial Repairs: Site 24 repairs are over 50% complete and the contractor has begun placing rock. Once Site 24 is completed, the contractor will move to Site 22.

TSSWCB Repair Program: Sites 13R, 14, & 15 repair designs are complete and TSSWCB has prepared an agreement for funding 95% of the construction cost. ECWA will need to approve the agreement and appoint a contracting officer and alternate contracting officer. A motion was made by Mike Maedgen to approve the cooperative agreement with TSSWCB and to appoint Calvin Sanders as contracting officer with Daniel C. Lesikar as alternate contracting officer. The motion was second by Ray Jungmann. Motion passed.

Engineering designs are being completed for repairs at sites 26, 31, 32, 37, 38, & 43. All survey work is completed. Mr. Sanders is working to obtain agreements for temporary use and access to areas for campsites, borrow areas, etc.

TAWS: The spring meeting will be March 30-31 in Fredricksburg, however, it may be postponed due to any travel restrictions.

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


Engineering Agreement: A motion was made by Bobby Henson approve the agreement with M&E Consultants, LLC. The motion was second by Ray Jungmann. Motion passed.


Site 24 Landowner Concerns: A letter submitted by Kenneth Marek was read aloud by Daniel C. Lesikar. Mr. Marek had issues accessing property due to release of water from Site 24. A motion was made by Ray Jungmann to purchase a culvert for the landowner. The board asked Mr. Sanders to meet with the landowner and to gather more information.

Potential Concerns of Proposed Solar Power Facilities: Robert Fleming discussed the upcoming reinvestment zones and tax abatements for solar farms in Falls and Milam Counties. Mr. Fleming met with officials from companies as well as state representatives and county commissioners to gather a better understanding of the property rights of landowners, adjacent property owner issues, property values, agriculture exemptions, taxes and employment as well as environmental issues, including erosion, water runoff, chemicals, vegetation, and hazardous materials. An educational meeting is scheduled for Tuesday, March 17, 2020 at 7pm at Oscar Store, Temple, TX. Mr. Sanders informed the board of the issues concerning ECWA: increased runoff, erosion and increased sediment.

Adjourn: Arvell Jungmann made a motion to adjourn. Bobby Henson second the motion. Motion passed. Meeting adjourned at 8:35 p.m.

ATTEST:


Daniel C. Lesikar
Chairman


Steve Rieves
Vice-Chairman