

**ELM CREEK WATERSHED AUTHORITY**  
**Regular Session Meeting**  
**March 9, 2023**

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

**AGENDA**

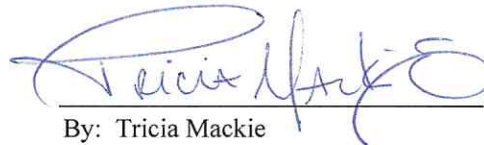
1. Call to Order.
2. Public Comment.  
Citizens who desire to address the Board of Directors on any matter may sign up to do so prior to this meeting. Public comments will be received during this portion of the meeting. Please limit comments to 3 minutes. No discussion or final action will be taken by the Board of Directors.
3. Consideration and possible action to approve the consent agenda:
  - a. Minutes from the previous meetings
  - b. Income/Disbursements
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 on waiver of delinquent taxes.
7. Consideration and possible action for approval of tax abatement agreement between HEB, LP and the City of Temple.
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, 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 28th day of February, 2023

Daniel C. Lesikar, Chairman

  
By: Tricia Mackie



Filed 2nd day of March  
in 2023, At 12:44 AM.  
JODI MORGAN  
County Clerk, Milam County, Texas  
By Melinda Cantelero  
Deputy

**ELM CREEK WATERSHED AUTHORITY**  
**Regular Session Meeting**  
**March 9, 2023**

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

**AGENDA**

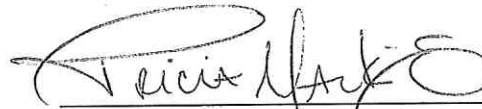
1. Call to Order.
2. Public Comment.  
Citizens who desire to address the Board of Directors on any matter may sign up to do so prior to this meeting. Public comments will be received during this portion of the meeting. Please limit comments to 3 minutes. No discussion or final action will be taken by the Board of Directors.
3. Consideration and possible action to approve the consent agenda:
  - a. Minutes from the previous meetings
  - b. Income/Disbursements
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 on waiver of delinquent taxes.
7. Consideration and possible action for approval of tax abatement agreement between HEB, LP and the City of Temple.
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, 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 28th day of February, 2023

Daniel C. Lesikar, Chairman

  
By: Tricia Mackie



**RECEIVED**  
3/8/2023



**ELM CREEK WATERSHED AUTHORITY**  
**Regular Session Meeting**  
**March 9, 2023**

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

**AGENDA**

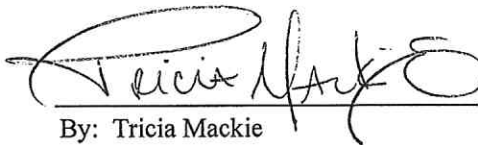
1. Call to Order.
2. Public Comment.  
Citizens who desire to address the Board of Directors on any matter may sign up to do so prior to this meeting. Public comments will be received during this portion of the meeting. Please limit comments to 3 minutes. No discussion or final action will be taken by the Board of Directors.
3. Consideration and possible action to approve the consent agenda:
  - a. Minutes from the previous meetings
  - b. Income/Disbursements
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 on waiver of delinquent taxes.
7. Consideration and possible action for approval of tax abatement agreement between HEB, LP and the City of Temple.
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, 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 28th day of February, 2023

Daniel C. Lesikar, Chairman

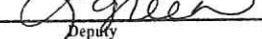
  
By: Tricia Mackie

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 9:36 AM  
March 3, 2023

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

By   
Deputy



**RECEIVED**  
3/8/2023





ELM CREEK WATERSHED AUTHORITY  
INCOME AND DISBURSEMENTS  
March 9, 2023

As of February 28, 2023 **INCOME AND DISBURSEMENTS**

**INCOME**

**TAX**

	<b>PRESENT</b>
BELL COUNTY	28,930.40
FALLS COUNTY	-
MCLENNAN COUNTY	4,375.11
MILAM COUNTY	<u>10,395.47</u>
<b>TOTAL TAX INCOME</b>	<b>43,700.98</b>

**OTHER INCOME**

TSSWCB	Reimbursement for Site 23 Upgrade	155,016.16
<b>TOTAL OTHER INCOME</b>		<u>\$ 155,016.16</u>

CHECKING ACCOUNT BALANCE \$ 171,096.63

**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	-
CLASSIC BANK #5551583	1/8/24	150,000.00	4.050	57.33
CLASSIC BANK #5825306	3/13/23	100,000.00	0.550	46.71
MEMBERS CHOICE #193	Money Mark	248,067.56	0.950	180.85
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
CADENCE BANK #93700	1/24/24	250,000.00	2.500	-
CENTRAL NATL #282868	2/18/24	250,000.00	4.000	-
BUCKHOLTS STATE BAN	1/21/24	250,000.00	4.000	220.55
TEXPOOL		1,146,490.34	4.499	3,807.23
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
<u>4,344,557.90</u>				<u>7,274.05</u>

**OTHER DISBURSEMENTS**

Patricia Mackie	61.57 mileage reimbursement	2,417.52
Calvin Sanders	101.53 mileage reimbursement	2,781.55
Extraco	payroll tax	1,522.08
Southern Infrastructure Gr	Payment #11	346,441.67

**TOTAL OTHER DISBURSEMENTS** 353,162.82





11:54 AM  
03/16/23  
Cash Basis

**Elm Creek Watershed Authority**  
**Disbursements**  
**February 10 through March 9, 2023**

---

	<u>Feb 10 - Mar 9, 23</u>
Ambit Energy	-85.23
ATT	-200.89
Bridgewood Properties	-4,000.00
Evelyn Sanderson	-100.00
Falls County Appraisal District	-38.41
HEB	-4.78
McLennan County Appraisal District	-51.58
Milam Appraisal District	-366.11
Milam County Clerk	-1.00
Patricia Mackie	-476.60
Relhom Properties LLC	-550.00
Southern Infrastructure Group, LLC	-153,181.81
Tax Appraisal District of Bell County	-946.58
United States Postal Service	-219.00
Victor Insurance Managers LLC	-320.00
<b>TOTAL</b>	<b><u><u>-160,541.99</u></u></b>



**ELM CREEK WATERSHED AUTHORITY**  
**Monthly Report – 3/9/2023**

**Operation and Maintenance**

Bids were received from three contractors for spring maintenance activities (see bid tabulation). Contract awarded to Bowers Embankment Turfing (Buster Crawson) for fertilization and spraying herbicide tank mix for broadleaf weed and Johnsongrass control. Contract awarded to Heartland Construction Services for spraying broadleaf weeds.

Beaver Activity was identified at Site 10 during December 2022 inspection (see photographs). City of Temple returned consent form last week allowing USDA-APHIS Wildlife Services to remove the beavers. WL Services is working there now.

Mechanical removal of excess vegetation was completed at 6 dams to improve visibility of inlet and outlet structures (see photographs). These and several others will be treated with herbicide this summer to improve long-term visibility.

**Easement Enforcement**

Contacted by ENGIE as new owner of Chillingham Solar in east Bell County and they provided maps of project area. Solar project will involve upper portions of detention pool area at two Elm Creek dams: Site 13R and Site 14 (see imagery). The owner indicated they would probably be approaching ECWA about a crossing under the easement at the two dams for electrical cables. These would be installed as detailed in the upper extreme of Site 26 in the Five Wells Solar project.

**NRCS Programs**

**Site 6R2 and 7REV watershed plan supplement**

M&E is working to complete the Hydrology & Hydraulics, economics analysis, and has started writing the plan/Environmental Assessment document (Purpose and Need, Scoping, Affected Environment, and Ecosystem Services sections). Both dams are being designed as high hazard with Roller Compacted Concrete spillways over the embankments. Once the draft plan/EA is complete, it will be sent to the ECWA and NRCS for review, which should be around mid-May. At that point there should be enough information to make decisions about moving forward or not.

**TSSWCB Dam Repair/Upgrade Program**

**Site 23:**

Southern Infrastructure Group is continuing with the dam upgrade at Site 23 (see photographs). At the February 23 progress meeting SIG outlined work to be done over the next month that includes further construction of the inlet structure tower, completion of excavation to widen the auxiliary spillway, and placement of earth fill on the embankment. As of this week, about 3 more feet of fill are needed to complete the embankment. Topsoil will then be placed over the finished grade. The ECWA board approval in the income and disbursements was for a payment request in the amount of \$346,441.67 for the period 2/1-2/28/2023. ECWA portion of the amount is \$6,062.73 (1.75%) and TSSWCB portion is \$340,378.94. ECWA will also receive administrative payment of \$10,221.37. With this payment 80% of the contract total amount has been paid.

**Site 39:**

A contract for services was entered with Bridgewood Properties on February 10 to complete an appraisal of the Benolken property as directed at the last ECWA board meeting. Met appraiser on Saturday February 11 to show the property and provide survey and other information. The appraisal report was delivered on February 17.

On February 21 the ECWA attorney conveyed the appraisal to owner's attorney with a final opportunity to accept the standing offer of \$69,550 as compensation for the easement, lost grazing, and temporary use during construction. A deadline of February 28 was included. Owner's attorney sent a counter of \$85,000 on February 28 which I refused. Owner's attorney asked for extension of the deadline to March 3 and I agreed. On March 3 they agreed to the standing offer.

The easement and agreement to purchase agreement documents are being prepared and should be available to sign by the property owner and ECWA chairman next week. A check in the amount of \$69,550 that will go into an escrow account will need to be issued to the attorney where the closing will take place. Payment will be made to the property owner from that escrow account.

I have contacted AECOM to review the final design and engineer's opinion of costs so that we can advertise for construction. This will be contingent on the cost estimate provided and availability of additional funds from the TSSWCB to cover construction costs. If funds are not available now, there may be the possibility of additional funding by this fall if the program receives appropriations in the current Texas legislature.

**ELM CREEK WATERSHED AUTHORITY  
OFFICIAL MINUTES**

**March 9, 2023**

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

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

**Others present:** 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: 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 Robert Fleming to receive, approve and file income and disbursements. Ray Jungmann second the motion. Motion passed.

**Watershed Report:** The watershed report was presented by Calvin Sanders. O&M: Three bids for maintenance were received, with awards given to multiple contracts. Site 10 beaver removal is underway. Excess vegetation remaining on several dams after mechanical removal will be treated with herbicide.

Easement Enforcement: Solar projects are considering crossing under ECWA easements with electrical cables, however, no request at this time.

NRCS Pgm: Sites 6R2 and 7REV reports are being completed at this time. These projects would be considered High Hazard Dams with roller compacted concrete spillways. Once draft is complete, it will be forwarded to ECWA and NRCS for review.

Dam Repairs/Upgrades: Site 23-Progress is continuing on the inlet tower and the widening of the auxiliary spillway. Site 39-Bridgewood Properties completed the appraisal and Benolken has accepted the ECWA offer. Documents are being prepared for signatures next week. Mr. Sanders is working with AECOM to finalize designs and cost estimates to prepare for construction advertising. This will depend on funding from TSSWCB.

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

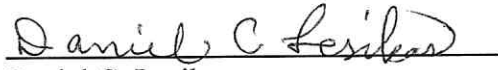
**Site 39 Land Rights:** No action.

**Waiver of Tax Penalties:** No action.

**Tax Abatement:** A motion was made by Robert Fleming to allow a tax abatement between HEB, LP and the City of Temple. ECWA will not participate in the abatement. John Perryman second the motion. Motion passed.

**Adjourn:** Arvell Jungmann made a motion to adjourn. Mike Maedgen second the motion. Motion passed. Meeting adjourned at 7:40 p.m.

**ATTEST:**

  
\_\_\_\_\_  
Daniel C. Lesikar  
Chairman

  
\_\_\_\_\_  
Director