

ELM CREEK WATERSHED AUTHORITY
Regular Session Meeting
May 11, 2023

Notice is hereby given that a regular meeting of the Board of Directors of the Elm Creek Watershed Authority will be on May 11, 2023, beginning at 7:30 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. Presentation and approval of 2022 Financial Audit, Ludwick, Montgomery & Stapp, P.C.
4. Consideration and possible action to approve the consent agenda:
 - a. Minutes from the previous meetings
 - b. Income/Disbursements
5. 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 Construction
5. Discuss, consider and possible action to waive penalties and interest-Oncor Electric.
6. Consideration and possible action to approve Assignment and Assumption Agreement of Panda Temple Power II, LLC to CXA T2.
7. 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 May, 2023

Daniel C. Lesikar, Chairman



By: Tricia Mackie

2023 MAY -4 A 10:41

SHELLEY COSTON
CO. CLK. BELL CO. TX

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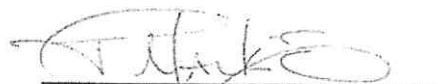
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Daniel C. Lesikar, Chairman


By: Tricia Mackie

CO. CLK. FALLS CO

MAY 04 2023

FILED 11:22 AM
v. Decker

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Dated this 4th day of May, 2023

Daniel C. Lesikar, Chairman


By: Tricia Mackie

THE STATE OF TEXAS
COUNTY OF McLENNAN

9:05 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 May 8, 2023

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

By: 
Deputy



RECEIVED
5/11/2023

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Daniel C. Lesikar, Chairman



By: Tricia Mackie

Filed 5th day of May
in 2023, At 10:00 A.M.
JODI MORGAN
County Clerk, Milam County, Texas
By Melinda [Signature]
Deputy



RECEIVED
5/16/2023



Tricia Mackie

[Log Off](#)

Open Meeting Submission

TRD: 2023002538
Date Posted: 05/04/2023
Status: Accepted
Agency Id: 1199
Date of Submission: 05/04/2023
Agency Name: Elm Creek Watershed Authority
Board: Elm Creek Watershed Authority
Committee: Board of Directors
Date of Meeting: 05/11/2023
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 Tricia Mackie, Office Mgr.
Obtained From:
Agenda: ELM CREEK WATERSHED AUTHORITY
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Dated this 4th day of May, 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

To: elmcreekwsa@sbcglobal.net

Date: Thursday, May 4, 2023 at 09:48 AM CDT

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: 05/11/2023 07:30 PM "TRD# 2023002538"

Notice posted: 05/04/23 09:48 AM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub_om_lookup\\$.startup?Z_TRD=2023002538](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2023002538)

ELM CREEK WATERSHED AUTHORITY
INCOME AND DISBURSEMENTS
May 11, 2023

As of April 30, 2023

INCOME AND DISBURSEMENTS

INCOME

TAX

	PRESENT
BELL COUNTY	4,819.00
FALLS COUNTY	27.74
MCLENNAN COUNTY	550.15
MILAM COUNTY	862.07

TOTAL TAX INCOME 6,258.96

OTHER INCOME

TSSWCB	Reimbursement for Fertilization	13,763.93
TSSWCB	Reimbursement for Site 23 Upgrade	201,587.11

TOTAL OTHER INCOME \$ 215,351.04

CHECKING ACCOUNT BALANCE \$ 277,764.88

INVESTMENTS

ACCOUNT	MATURITY	AMOUNT	RATE	PRESENT
CITIZENS NATL BANK #91	12/3/23	600,000.00	3.250	1,635.78
CITIZENS NATL BANK #51	4/7/24	200,000.00	3.940	1,943.01
CLASSIC BANK #5551583	1/8/24	150,000.00	4.050	-
CLASSIC BANK #5687286	2/23/24	100,000.00	4.050	95.34
MEMBERS CHOICE #1931	04/20/24	248,248.41	4.750	349.94
INCOMMONS BANK #7941	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 #937000	1/24/24	250,000.00	2.500	-
CENTRAL NATL #2828681	2/18/24	250,000.00	4.000	2,465.75
BUCKHOLTS STATE BAN	1/21/24	250,000.00	4.000	-
TEXPOOL		944,485.89	4.798	4,191.48
FIRST NATL MOODY #101	5/11/2023	400,000.00	1.400	475.89
FIRST NATL MOODY #101	5/25/2023	250,000.00	1.500	318.69
		4,142,734.30		12,006.90

OTHER DISBURSEMENTS

Patricia Mackie	96.94 mileage reimbursement	2,615.59
Calvin Sanders	347.15 mileage reimbursement	3,940.95
Extraco	payroll tax	1,911.42
Southern Infrastructure Grc	Payment #13	363,741.27
Card Services	April stmt	69.00

TOTAL OTHER DISBURSEMENTS 372,278.23

9:50 AM
05/11/23
Cash Basis

Elm Creek Watershed Authority
Disbursements
April 14 through May 11, 2023

	<u>Apr 14 - May 11, ...</u>
Ambit Energy	-47.93
ATT	-148.50
Bowers Embankment Turfing	-16,337.00
Central Texas SWCD	-327.72
Evelyn Sanderson	-125.00
Extraco	-110.00
Fast Signs	-103.78
Heartland Construction Services, LLC	-13,360.80
HEB	-6.76
Innovation Event Mngmt	-69.00
Ludwick, Montgomery & Stapp, P.C	-13,000.00
Milam County Clerk	-1.00
Patricia Mackie	-476.60
Relhom Properties LLC	-550.00
Southern Infrastructure Group, LLC	-199,201.67
Staples	-13.58
United States Postal Service	-63.00
Westin Hotels	-961.53
TOTAL	<u><u>-244,903.87</u></u>

ELM CREEK WATERSHED AUTHORITY
Monthly Report – 5/11/2023

Operation and Maintenance

Broadleaf weed spraying at 15 sites was completed this week, which concluded all scheduled spring maintenance. Weed spraying was completed at 33 of the 34 sites in the watershed. ECWA will bear more of the cost this year because TSSWCB O&M grant program limits applications that involve multiple sites to \$20,000. This meant that not all of the dams scheduled for weed control this spring could be included on the application. Consequently, the reimbursement from TSSWCB will be \$18,323.17 of the total \$29,697.80 total for weed control in 2023.

Central Texas Soil and Water Conservation District and ECWA renewed the agreement through January 2025 that enables ECWA to directly participate in the TSSWCB O&M grant program in exchange for 50% of the administrative fee included when reimbursements are received. The administrative fee is 5% of the reimbursement amount. For example, administrative fee for the weed spraying reimbursement is \$916.16 and ECWA will share this with the SWCD, sending a payment of \$458.08 when the reimbursement is received.

City of Troy and Bell County engineer were contacted regarding the easement for Site No. 2 in property where residential development is proposed. Both indicated ECWA would be notified and given opportunity to review plans as they are submitted.

Dam Safety

TCEQ Dam Safety staff completed dam safety inspections at Elm Creek Watershed Sites 23, 26, and 31 on April 14. ~~So~~ deficiencies were indicated.

No

NRCS Programs

The NRCS announced a water quality initiative for the Big Elm Creek drainage area. This includes funding opportunities for landowners and managers to implement conservation practices that help improve water quality downstream.

TSSWCB Dam Repair/Upgrade Program

Site 23:

Southern Infrastructure Group is nearing completion of the dam upgrade at Site 23, but recent rains have delayed progress. Construction of the inlet structure tower was scheduled to be near completion by the end of the week, but concrete pour dates have shifted. ECWA board approval in the income and disbursements was for a payment request in the amount of \$363,741.29 for the period 4/1-4/30/2023. ECWA portion of the amount is \$6,365.47 (1.75%) and TSSWCB portion is \$357,375.80. ECWA will also receive administrative payment of \$10,721.27. With this payment 92% of the contract total amount has been paid.

SIG has submitted a proposal for installation of a culvert on the Crews Family Farms property. This was an item included in "Special Provisions" of the agreement to purchase easement, along with monetary award, in order to acquire the additional easement area necessary for the dam upgrade. The cost of removing the failed culvert and installation of a new 54" corrugated metal pipe culvert is \$22,202. This would need to be approved by the ECWA board as it is not included in the dam upgrade construction contract. The full cost is the responsibility of ECWA.

An access road stipulated in the Coufal Family Farms agreement to purchase easement was included in the dam upgrade construction contract. The road will provide access to both the Coufal and Engbrock properties. Mr. Ed Coufal has also asked about replacement of a pen and fences that were located west of the former auxiliary spillway fence that were removed during construction. These facilities were located in the Site 23 floodwater

detention pool easement area. This was a small fenced area, probably no more than a half-acre. The new Site 23 perimeter fence will reduce that area even more. As there is no other pasture acreage adjacent to or nearby, it is questionable what the pen and fence would accomplish. ECWA will need to make certain the property owner does not, as was the case prior to the dam upgrade, use the vegetated areas maintained on the dam and spillway as permanent pasture for continuous grazing access. ECWA can restrict grazing as long as necessary to get a protective cover of grass, and could prohibit any grazing if that is the decision of the board.

Site 39:

There is still an approximate \$800,000 to \$1,000,000 shortfall in funds for construction of the dam upgrade. The Texas house and senate are in conference committee to debate the 2024-25 budget for the TSSWCB Dam Repair Program. Some idea of funding level should be known next month.

ELM CREEK WATERSHED AUTHORITY OFFICIAL MINUTES

May 11, 2023

Elm Creek Watershed Authority, Board of Directors, met in regular session on
May 11, 2023, at 19 South 25th Street, Suite 500, Temple, Texas

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

Others present: Calvin Sanders and Tricia Mackie

The meeting was called to order by Mike Maedgen, Vice-Chairman, at 7:30 p.m.

Public Comment: No comment.

2022 Audit: Blake Stapp of Ludwick, Montgomery & Stapp presented the findings from the 2022 audit, including the single audit. Mr. Stapp gave a clean opinion in the report and on the single audit with all information reported as good. No recommended changes. Ray Jungmann made a motion to accept and approve the 2022 audit. Bobby Henson second the motion. Motion passed.

Consent Agenda: Minutes: 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. Arvell Jungmann second the motion. Motion passed.

Watershed Report: The watershed report was presented by Calvin Sanders. O&M: Weed control has been completed on 33 sites. ECWA will bear more of the costs due to program limits. Central Texas SWCD renewed the agreement to participate in grant program in exchange for 50% of administrative fees. Mr. Sanders contacted City of Troy and Bell County engineer concerning Site 2 easement with proposed development. Both entities will notify ECWA if plans are submitted.

Dam Safety: TCEQ has completed inspections of Sites 23, 26 & 31, with no deficiencies reported.

NRCS Pgm: A water quality program has been initiated in the Big Elm Creek area to improve downstream water quality.

Dam Repairs/Upgrades: Site 23-92% of construction costs have been paid, but rains are delaying structure tower completion. Mr. Sanders received a bid for a culvert replacement on the Crews property in the amount of \$22,202 from SIG. This item was a "special provision" of the easement purchase agreement with the culvert maintenance and responsibility being on the landowner afterwards. A motion was made by Bobby Henson and second by Ray Jungmann to

accept the bid for culvert replacement for \$22,202. Motion passed. The access road on the Coufal property was also a "special provision" of the easement purchase agreement, however, the cost is included in the construction contract. Ed Coufal has requested ECWA replace the pens and fences that were removed due to construction. ECWA will request Mr. Coufal provide a grazing plan for board approval in order to utilize grazing privileges.

Site 39-No action.

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

Penalties and Interest Waiver: Oncor has requested all penalties and interest accrued due to inclement weather on January 31, 2023 be waived in Milam County. Tricia Mackie has asked Milam County concerning this issue, and Milam County is waiting on legal response to determine the course of action. No action at this time.

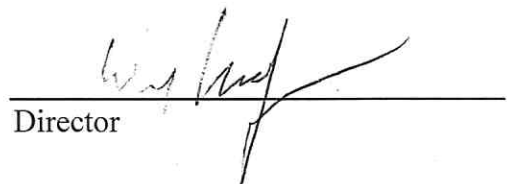
Panda Power Assignment & Assumption Agreement: A motion was made by Bobby Henson to accept and approve the Assignment & Assumption Agreement transferring from Panda Power II, LLC to CXA T2. John Perryman second the motion. Motion passed.

Adjourn: Arvell Jungmann made a motion to adjourn. Ray Jungmann second the motion. Motion passed. Meeting adjourned at 8:37 p.m.

ATTEST:



Daniel C. Lesikar
Chairman


Director