

ELM CREEK WATERSHED AUTHORITY
Regular Session Meeting
May 12, 2022

Notice is hereby given that a regular meeting of the Board of Directors of the Elm Creek Watershed Authority will be on May 12, 2022, 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. 2021 Audit Presentation by 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
6. Discuss, consider and take possible action on Site 39 land rights.
7. Consideration and possible action to investigate solar project effects to 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, 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 5th day of May, 2022

Daniel C. Lesikar, Chairman


By: Tricia Mackle

FILED FOR RECORD
2022 MAY -5 A 11:36

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Dated this 5th day of May, 2022

Daniel C. Lesikar, Chairman



By: Tricia Mackle

CO. CLK. FALLS CO.

MAY 05 2022

FILED _____ M

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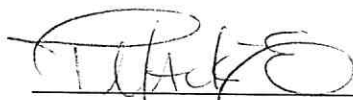
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Dated this 5th day of May, 2022

Daniel C. Lesikar, Chairman



By: Tricia Mackle

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 9:04 AM
May 10, 2022

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

By 
Deputy



RECEIVED
5/17/2022



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Daniel C. Lesikar, Chairman



By: Tricia Mackle



RECEIVED
5/17/2022

Filed 9 day of May
in 2022, At 1:30 P.M.
JODI MORGAN
County Clerk, Milam County, Texas
By [Signature]
Deputy



Handwritten notes in the bottom left corner, including the word "Date" and some illegible scribbles.

Small handwritten mark or signature in the bottom right area.





Tricia Mackie

[Log Off](#)

Open Meeting Submission

TRD: 2022002702
Date Posted: 05/05/2022
Status: Accepted
Agency Id: 1199
Date of Submission: 05/05/2022
Agency Name: Elm Creek Watershed Authority
Board: Elm Creek Watershed Authority
Committee: Board of Directors
Date of Meeting: 05/12/2022
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
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Dated this 5th day of May, 2022 Daniel C. Lesikar, Chairman

By: Tricia Mackie

New Submission

S.O.S. Acknowledgment of Receipt

From: texreg@sos.texas.gov

To: elmcreekwsa@sbcglobal.net

Date: Thursday, May 5, 2022, 11:23 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: 05/12/2022 07:30 PM "TRD# 2022002702"

Notice posted: 05/05/22 11:23 AM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub_om_lookup\\$.startup?Z_TRD=2022002702](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2022002702)

ELM CREEK WATERSHED AUTHORITY
INCOME AND DISBURSEMENTS

May 12, 2022

As of April 30, 2021

INCOME AND DISBURSEMENTS

INCOME

TAX

	PRESENT
BELL COUNTY	8,605.56
FALLS COUNTY	81.86
MCLENNAN COUNTY	97.55
MILAM COUNTY	359.95
TOTAL TAX INCOME	<u>9,144.92</u>

OTHER INCOME

TSSWCB	Reimbursement for fertilization	17,303.00
TOTAL OTHER INCOME		<u>17,303.00</u>

CHECKING ACCOUNT BALANCE \$ 135,552.35

INVESTMENTS

ACCOUNT	MATURITY	AMOUNT	RATE	PRESENT
CITIZENS NATL BANK #9:	12/3/22	600,000.00	0.450	229.32
CITIZENS NATL BANK #9:	1/7/23	200,000.00	0.440	216.99
CLASSIC BANK #532383€	2/3/23	150,000.00	0.450	57.33
CLASSIC BANK #582530€	3/13/23	100,000.00	0.550	46.71
MEMBERS CHOICE #193€ Money Mark		249,651.71	0.450	92.32
FIRST NATL MOODY #11:	5/22/22	250,000.00	0.600	127.40
INCOMMONS BANK #794€	7/15/22	250,000.00	0.600	127.40
HORIZON BANK #33068	7/5/22	250,000.00	0.350	74.33
BANCORP SOUTH #9370€	9/24/22	250,000.00	0.200	-
CENTRAL NATL #282868€	1/18/23	250,000.00	0.200	123.29
BUCKHOLTS STATE BAN	1/21/23	250,000.00	0.350	215.75
TEXPOOL		837,776.60	0.304	209.43
FIRST NATL MOODY #10:	5/12/2022	400,000.00	0.600	203.88
		<u>4,037,428.31</u>		<u>1,724.15</u>

OTHER DISBURSEMENTS

Patricia Mackie	57.92 mileage reimbursement	2,220.87
Calvin Sanders	325.85 mileage reimbursement	3,974.43
Extraco	payroll tax	1,900.04
Extraco	safe deposit box rental	110.00
Card Services	April stmt	3,837.54
TOTAL OTHER DISBURSEMENTS		<u>12,042.88</u>

OTHER ASSET DISBURSEMENTS

Uline	Filing Cabinet	3,974.84
TOTAL OTHER ASSET DISBURSEMEN		<u>3,974.84</u>

6:58 PM

05/12/22

Cash Basis

Elm Creek Watershed Authority

Disbursements

April 15 through May 12, 2022

	<u>Apr 15 - May 12, ...</u>
All of Texas Moving	-525.00
Ambit Energy	-60.06
American Fire & Safety, INC	-77.50
ATT	-196.54
Bowers Embankment Turfing	-8,326.60
Evelyn Sanderson	-125.00
Heartland Construction Services, LLC	-8,500.00
Kathleen Pinckney	-1,290.75
Milam County Clerk	-1.00
Patricia Mackie	-471.05
Relhom Properties LLC	-550.00
Sanderford & Carroll, P.C.	-1,327.44
Southern Infrastructure Group, LLC	-51,479.61
Staples	-39.99
TOTAL	<u><u>-72,970.54</u></u>

ELM CREEK WATERSHED AUTHORITY
Monthly Report – 5/12/2022

Operation and Maintenance

Spring Vegetative Maintenance

Tank mix treatment of broadleaf weeds and johnsongrass (10 sites/105.4 acres) was completed the last week in April by Buster Crawson.

Broadleaf weed treatment (22 sites/255.8 acres) was started last week and, as of today, 77.3 acres at 9 sites has been completed by TerraSol. This work has been hindered by wind conditions, but there should be opportunity to complete by the end of this weekend. I recommend the board authorize approval of payment upon completion of the work in lieu of waiting until the June meeting. ECWA will recover 90% of the cost through a TSSWCB O&M program grant.

Flowage Easement Channel Repair – Site 13R

Heartland Construction Services has completed repair of the lower portion of the flowage easement channel at a cost of \$8500. This included shaping, replacement of bermudagrass sod/topsoil, and temporary fencing. ECWA will request In-Kind Credit for this work from TSSWCB to be applied to the 10% portion of ECWA cost of approved O&M program activities through August 2023.

Site 5A Auxiliary Spillway/Exit Channel Stream Crossing

Heartland Construction Services has started construction of a rock stream crossing of the exit channel and armored ramp entering the auxiliary spillway at Site 5A. Work should be completed in the next couple weeks.

NRCS Programs

WFPO Program

M&E Consultants, LLC has developed a draft public participation plan for the watershed plan supplement for Sites 6R2 and 7REV (see handout). A public meeting would be held in late June or July. July 6 has been proposed by M&E.

TSSWCB Dam Repair/Upgrade Program

Sunset Commission Hearing

On April 27 I attended a hearing at the Texas capitol of the Sunset Commission. The TSSWCB Dam Repair Program was under review. I made a statement to the commission on behalf of ECWA and the Texas Association of Watershed Sponsors, supporting the dam repair program and future funding from the legislature.

Site 39:

A settlement conference is scheduled for May 17 at the offices of Sanderford and Carroll. The intent of the conference is to settle the land rights case without proceeding further with condemnation through eminent domain. The property owner and his attorney will be in attendance as will the ECWA general manager and

attorney Steve Burton. The ECWA board should consider whether any additional compensation can be offered as a means of reaching a settlement.

Site 23:

Southern Infrastructure Group has begun construction of the upgrade at Site 23. The notice to proceed date was April 25 with a contract duration of 385 days. Thus far it has mainly been mobilization, including setting up the construction campsite and pollution control measures. A request for payment in the amount of \$51,479.61 has been submitted for mobilization and the ECWA board should consider approval of the payment. ECWA portion of the amount is \$643.50 (1.75%) and TSSWCB portion is \$50,836.11

**ELM CREEK WATERSHED AUTHORITY
OFFICIAL MINUTES**

May 12, 2022

Elm Creek Watershed Authority, Board of Directors, met in regular session on
May 12, 2022, at 19 South 25th Street, Suite 500, Temple, Texas

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

Others present: Calvin Sanders, Tricia Mackie, and Blake Stapp.

The meeting was called to order by Daniel C. Lesikar, Chairman, at 7:29 p.m.

2021 Audit: Blake Stapp, representing Ludwick, Montgomery & Stapp, P.C., presented the 2021 financial audit. The report opinion was a “clean opinion”, with everything looking good. No changes or recommendations. A motion was made by Bobby Henson to accept and approve the 2021 financial report. Ray Jungmann second the motion. Motion passed. The board thanked Mr. Stapp for his time and presentation.

Consent Agenda: Minutes: Steven Rieves 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 Bobby Henson 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: Broadleaf weed and Johnsongrass control has been completed. Additional broadleaf weed control has begun with the wind hindering completion.

Site 13R flowage easement repair: Repair has been completed. ECWA should receive some in-kind credit to be applied to the O&M activities.

Site 5A stream crossing: Contractor will begin moving equipment onto site; however, work will not be completed until Mr. Sanders returns from vacation.

NRCS Programs: A public meeting for Site 6R2 & 7REV will be scheduled for public participation to discuss purpose and planning.

TSSWCB Programs: Sunset Commission: Mr. Sanders represented ECWA at a hearing at the state capitol, supporting the dam repair programs and possible future funding.

Dam Upgrades: Site 39-Mr. Sanders will meet with opposing counsel to discuss any settlement to land rights and damages. Site 23-Constructor has begun with the set-up and mobilization.

Robert Fleming made a motion to pay TerraSol upon completion of the weed control. Ray Jungmann second the motion. Motion passed.


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

Site 39: The board discussed additional funds to purchase land rights on Site 39 to complete the upgrade. No action.


Solar Project effects: Robert Fleming discussed the study completed by Dr. Turner, TAMU, and water runoff from solar farms and the possible effects to Elm Creek. Mr. Sanders discussed the request from Bell County Commissioners Court for an affidavit regarding impacts of solar farms to ECWA. Mr. Sanders has reached out to the court to see what information they are inquiring about. No action.

Adjourn: Steve Rieves made a motion to adjourn. Arvell Jungmann second the motion. Motion passed. Meeting adjourned at 8:55 p.m.

ATTEST:



Daniel C. Lesikar
Chairman



Bobby Henson
Secretary