

ELM CREEK WATERSHED AUTHORITY
Regular Session Meeting
November 11, 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 November 11, 2021, beginning at 7:00 p.m. in the Elm Creek Watershed Authority office, 19 South 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. Consideration and possible action to approve the consent agenda:
 - a. Minutes from the previous meetings
 - b. Income/Disbursements
 - c. Budget
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 action, if necessary, on easement acquisition for Site 23.
6. Discuss, consider and take action, if necessary, on easement acquisition for Site 39.
7. Consideration and possible action to cast vote for Appraisal District Board of Directors for Bell, Falls, McLennan & Milam Counties.
8. Consideration and possible action to adopt ECWA Investment Policy.
9. Consideration and possible action of the 2021 Election of ECWA Directors and Officers.
 - a. Certification of Election
 - b. Oath of Office
 - c. Elect Officers
10. 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 November, 2021

Daniel C. Lesikar, Chairman

By: 
Tricia Mackie, Office Manager

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.

8:41 AM

Executed on Nov 8, 2021

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

By J. Green
Deputy

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Dated this 4th day of November, 2021

Daniel C. Lesikar, Chairman

By: [Signature]
Tricia Mackie, Office Manager



RECEIVED
11/11/2021



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Dated this 4th day of November, 2021

Daniel C. Lesikar, Chairman

Filed 8 day of Nov
in 2021, At 3:00P M.
JODI MORGAN
County Clerk, Milam County, Texas
By [Signature]
Deputy

By: [Signature]
Tricia Mackie, Office Manager



RECEIVED
11/16/2021



Tricia Mackie

[Log Off](#)

Open Meeting Submission

TRD: 2021006662

Date Posted: 11/04/2021

Status: Accepted

Agency Id: 1199

Date of Submission: 11/04/2021

Agency Name: Elm Creek Watershed Authority

Board: Elm Creek Watershed Authority

Committee: Board of Directors

Date of Meeting: 11/11/2021

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
Regular Session Meeting
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Dated this 4th day of November, 2021 Daniel C. Lesikar, Chairman

By:
Tricia Mackie, Office Manager

New Submission

S.O.S. Acknowledgment of Receipt

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

To: elmcreekwsa@sbcglobal.net

Date: Thursday, November 4, 2021, 11:44 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: 11/11/2021 07:00 PM "TRD# 2021006662"

Notice posted: 11/04/21 11:44 AM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub_om_lookup\\$.startup?Z_TRD=2021006662](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2021006662)

ELM CREEK WATERSHED AUTHORITY
INCOME AND DISBURSEMENTS
November 11, 2021

As of October 31, 2021

INCOME AND DISBURSEMENTS

INCOME

TAX

	PRESENT
BELL COUNTY	5,470.37
FALLS COUNTY	-
MCLENNAN COUNTY	433.58
MILAM COUNTY	1,278.59
	1,278.59
TOTAL TAX INCOME	7,182.54

CHECKING ACCOUNT BALANCE \$ 215,953.65

INVESTMENTS

ACCOUNT	MATURITY	AMOUNT	RATE	PRESENT
CITIZENS NATL BANK #94	12/3/21	600,000.00	0.700	345.21
CITIZENS NATL BANK #94	1/7/22	200,000.00	0.650	327.67
CLASSIC BANK #5323836	2/3/22	150,000.00	0.700	86.31
CLASSIC BANK #5825306	3/13/22	100,000.00	0.700	57.53
MEMBERS CHOICE #1936 Money Mark		249,000.00	0.450	1,117.15
FIRST NATL MOODY #113	5/22/22	250,000.00	0.600	-
INCOMMONS BANK #7946	7/15/22	250,000.00	0.600	123.29
HORIZON BANK #33068	7/5/22	250,000.00	0.350	71.93
BANCORP SOUTH #93700	9/24/22	250,000.00	0.200	-
CENTRAL NATL #2828689	1/18/22	250,000.00	0.300	189.04
BUCKHOLTS STATE BAN	1/21/22	250,000.00	0.400	-
TEXPOOL		477,360.34	0.035	14.32
FIRST NATL MOODY #102	5/12/2022	400,000.00	0.600	197.30
		3,676,360.34		2,529.75

OTHER DISBURSEMENTS

Patricia Mackie	42.00 mileage reimbursement	2,101.06
Calvin Sanders	360.64 mileage reimbursement	3,651.51
Extraco	payroll tax	1,710.48
Card Services	October stmt	218.91
	TOTAL OTHER DISBURSEMENTS	7,681.96

11:06 AM
11/11/21
Cash Basis

Elm Creek Watershed Authority
Disbursements
October 15 through November 11, 2021

	<u>Oct 15 - Nov 11, 21</u>
Ambit Energy	-79.73
ATT	-199.05
Evelyn Sanderson	-125.00
Heartland Construction Services, LLC	-10,085.60
HEB	-11.08
Intuit Software	-130.98
Milam County Clerk	-1.00
Office of Secretary of State	-275.00
Patricia Mackie	-471.05
Relhom Properties LLC	-550.00
	<hr/>
TOTAL	-11,928.49
	<hr/> <hr/>

ELM CREEK WATERSHED AUTHORITY
Monthly Report – 10/14/2021

Operation and Maintenance

On-going Maintenance

Mowing completed in October at 19 sites by Heartland Construction Services LLC. Application for 90% reimbursement submitted to TSSWCB through the O&M program.

Stream Crossings

As directed at the last meeting, determined ownership of property associated with the stream crossing downstream from Site 24. The property is owned by Lyle C. Meier. The board also asked for a template toward developing policy related to future requests for assistance at stream crossings. In 2009 ECWA provided 75% cost share not to exceed \$6000.

The erosion repair downstream from Site 13R is a different situation since this is an actual flowage easement channel constructed as part of the dam. Similarly, the proposed crossing downstream from Site 5A is in the ECWA easement for the auxiliary spillway and principal spillway exit channel. These two items would appear to be 100% ECWA responsibility and work should be supervised by ECWA.

Dam Safety and Emergency Action Plans

M&E Consultants was issued a work order for updating inundation maps for 12 Emergency Action Plans in the amount of \$8094.40. Work is underway and should be completed in early to mid-December.

TSSWCB Dam Upgrade Program

Site 23 and Site 39 Easement Preparation

Sanderford and Carroll, attorneys representing ECWA, contacted me on October 15 that they would be unable to work on easements and compensation agreements for Site 23, as they had a backlog of cases. Brian Carroll referred all work for Site 23 to Jamey Secrest, who according to Carroll would be able to complete the work sooner. All paperwork related to Site 23 that had been provided to Carroll was sent to Secrest on October 19. As of November 4, Secrest had not started work on the easements. Secrest did email this afternoon asking for some additional information.

Site 39 Eminent Domain Work: Brian Carroll indicated over phone on October 15 that his firm would work for ECWA through the eminent domain process at Site 39, as long as we could give them a few weeks to catch up on backlog of cases and court dates.

TSSWCB has notified sponsors that no additional funding was provided for dam upgrades during the special legislative sessions. In an email October 28 TSSWCB stated:

“At this time, additional funds cannot be provided to the following state funded dam upgrades if bids are over agreement amounts: **Elm Creek CenTex 39; Elm Creek CenTex 23**

It appears from bids received on previous projects that the high bids are mostly due to inflation of concrete and steel prices, which has greater impact on those dam upgrade projects that have a concrete spillway. If sponsors are able to provide the additional funds when bids are over agreement amounts, you are certainly welcome to move forward with construction. However, be sure to add to the low bid the amount of additional funds needed for construction, as well as any additional funds that may be needed for mitigation costs, and include a 5% funding contingency for contract change orders and quantity variations. If you must cancel or delay bids, you may bill us for an advance of administrative costs incurred to the date of cancellation.

After we (TSSWCB) receive our FY 2023 budget in September of 2022, we will re-assess our funding situation. At that time we may be able to provide additional funds needed for high bids on some of the dam upgrade projects listed above.”

**ELM CREEK WATERSHED AUTHORITY
OFFICIAL MINUTES**

November 11, 2021

Elm Creek Watershed Authority, Board of Directors, met in regular session on
November 11, 2021, at 19 South 25th Street, Suite 500, Temple, Texas

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

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: Minutes: Mike Maedgen made a motion to approve the previous meeting minutes as mailed. The motion was second by Robert Fleming. Motion passed.

Income and Disbursements were read aloud by Tricia Mackie. A motion was made by Ray Jungmann to receive, approve and file income and disbursements. Arvell Jungmann second the motion. Motion passed.

Budget: Tricia Mackie informed the board of easements and how the purchases should be reflected on the budget according to CPA. Mike Maedgen made a motion to amend the budget by adding \$130,277.00 to easements. The motion was second by Ray Jungmann. Motion passed.

Watershed Report: The watershed report was presented by Calvin Sanders. O&M: Mowing has been completed on 19 sites.

Downstream Crossings: The owner of downstream crossing on Site 24 is Lyle Meier. Mr. Sanders asked the board about specifications of a downstream crossing “template” for future use. Mr. Sanders asked for a dollar amount, how far downstream and other pertinent information for creating a policy for ECWA funding. Site 13R has erosion in the flowage easement. The proposed Site 5A crossing is in the auxiliary spillway. Both of these sites will be ECWA responsibility to repair.

Dam Safety: Emergency Action Plans (EAPs)-M&E is currently working on inundation maps and should be completed in December. All EAPs should be up to date once the maps are completed.

Dam Upgrades: Sanderford & Carroll are not able to complete the work on easements at this time due to other obligations. Brian Carroll has sent the Site 23 easement information to another attorney to complete. Jamey Secrest is currently working on easements. Sanderford & Carroll will continue to work on Site 39. TSSWCB informed water districts of no additional funding for dam upgrades in the new legislature. If bids for upgrades are over agreement amounts, ECWA may have to provide funding, or wait till TSSWCB has new budget in September 2022.

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

County Appraisal Districts Elections for Board of Directors: No action taken.

Investment Policy: Ray Jungmann made a motion to amend the Investment Policy as suggested by Linda Patterson. Arvell Jungmann second the motion. Motion passed.


ECWA Election: A motion was made by Mike Maedgen to approve the Certificates of Election certifying 2021 candidates as elected. Motion was second by Arvell Jungmann. Motion passed.


Tricia Mackie, public notary, administered the Oath of Office to: Daniel C. Lesikar and Arvell Jungmann.

The board chose to postpone electing ECWA officers until December meeting.

Adjourn: Arvell Jungmann made a motion to adjourn. Mike Maedgen second the motion. Motion passed. Meeting adjourned at 7:34 p.m.

ATTEST:


Daniel C. Lesikar
Chairman


Steven Rieves
Vice-Chairman