

ELM CREEK WATERSHED AUTHORITY
Regular Session Meeting
November 10, 2022

Notice is hereby given that a regular meeting of the Board of Directors of the Elm Creek Watershed Authority will be on November 10, 2022, beginning at 7:00 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. 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 possible action on Site 39 land rights.
6. Consideration and possible action on Board of Director ballots:
 - a. Falls County Appraisal District
7. Consideration and possible action to contract with Ludwick, Montgomery & Stapp, P.C.
8. Consideration and possible action to appoint director to fill vacancy.
9. Discuss, consider and take action to change signature cards with financial institutions.
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 3rd day of November, 2022

Daniel C. Lesikar, Chairman



By: Tricia Mackie

FILED FOR RECORD

2022 NOV -3 P 1:00

FILED BY COSTON,
CITY CLERK, TEMPLE, TX

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Daniel C. Leskar, Chairman


By: Tricia Mackie

CO. CLK. FALLS CO.

NOV 03 2022

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ad

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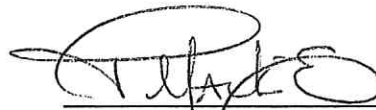
Daniel C. Lesikar, Chairman

THE STATE OF TEXAS
COUNTY OF McLENNAN

11:37 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 Nov. 7, 2022

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

By Agreen
Deputy


By: Tricia Mackie



RECEIVED
11/10/2022

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Filed 9th day of NOV.
in 2022, At 9:30 P.M.
JODI MORGAN
County Clerk, Milam County, Texas
By Melinda Cantelero
Deputy

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Daniel C. Lesikar, Chairman


By: Tricia Mackie



RECEIVED
11/15/2022

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Tricia Mackie

[Log Off](#)

Open Meeting Submission

TRD: 2022006655

Date Posted: 11/03/2022

Status: Accepted

Agency Id: 1199

Date of Submission: 11/03/2022

Agency Name: Elm Creek Watershed Authority

Board: Elm Creek Watershed Authority

Committee: Board of Directors

Date of Meeting: 11/10/2022

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
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Dated this 3rd day of November, 2022 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, November 3, 2022 at 11:19 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: 11/10/2022 07:00 PM "TRD# 2022006655"

Notice posted: 11/03/22 11:19 AM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub_om_lookup\\$.startup?Z_TRD=2022006655](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2022006655)

ELM CREEK WATERSHED AUTHORITY
INCOME AND DISBURSEMENTS
November 10, 2022

As of October 31, 2022

INCOME AND DISBURSEMENTS

INCOME

TAX

	PRESENT
BELL COUNTY	711.34
FALLS COUNTY	61.10
MCLENNAN COUNTY	789.53
MILAM COUNTY	797.56
	2,359.53
TOTAL TAX INCOME	2,359.53

OTHER INCOME

TSSWCB	Reimbursement for Site 23 Upgrade	258,438.86
		\$ 258,438.86
		CHECKING ACCOUNT BALANCE \$ 126,651.03

INVESTMENTS

ACCOUNT	MATURITY	AMOUNT	RATE	PRESENT
CITIZENS NATL BANK #91	12/3/22	600,000.00	0.450	221.92
CITIZENS NATL BANK #91	1/7/23	200,000.00	0.440	221.81
CLASSIC BANK #5323836	2/3/23	150,000.00	0.450	55.48
CLASSIC BANK #5825306	3/13/23	100,000.00	0.550	45.21
MEMBERS CHOICE #1936	Money Mark	249,768.99	0.800	201.65
INCOMMONS BANK #7941	7/15/23	250,000.00	1.000	205.48
HORIZON BANK #33068	7/5/23	250,000.00	1.500	308.40
BANCORP SOUTH #93701	1/24/24	250,000.00	2.500	135.28
CENTRAL NATL #2828685	1/18/23	250,000.00	0.200	126.02
BUCKHOLTS STATE BAN	1/21/23	250,000.00	0.350	-
TEXPOOL		783,917.29	2.934	1,735.68
FIRST NATL MOODY #102	5/11/2023	400,000.00	1.400	460.53
FIRST NATL MOODY #102	5/25/2023	250,000.00	1.500	308.40
		3,983,686.28		4,025.86

OTHER DISBURSEMENTS

Patricia Mackie	48.75 mileage reimbursement	2,211.70
Calvin Sanders	364.38 mileage reimbursement	3,677.90
Extraco	payroll tax	1,736.12
Southern Infrastructure Grc	Payment #7	263,888.06
Card Services	September stmt	144.98
Card Services	October stmt	62.09
		271,720.85
TOTAL OTHER DISBURSEMENTS		271,720.85

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01/24/23
Cash Basis

Elm Creek Watershed Authority
Disbursements
October 7 through November 10, 2022

	<u>Oct 7 - Nov 10, 22</u>
Ambit Energy	-50.86
ATT	-199.12
Evelyn Sanderson	-125.00
Heartland Construction Services, LLC	-13,195.00
Johnnies Office Systems, Inc.	-614.21
Lowe's	-26.28
Milam County Clerk	-1.00
Patricia Mackie	-471.05
Relhom Properties LLC	-550.00
Sanderford & Carroll, P.C.	-294.32
Southern Infrastructure Group, LLC	-255,380.67
Tax Appraisal District of Bell County	137.00
TOTAL	<u><u>-270,770.51</u></u>

Elm Creek Watershed Authority Profit & Loss Budget vs. Actual January through December 2022

	Jan - Dec 22	Budget	\$ Over Bud...	% of Bu...
Ordinary Income/Expense				
Income				
Income from Taxes	247,026.43	385,000.00	-137,973.57	64.2%
Total Income	247,026.43	385,000.00	-137,973.57	64.2%
Gross Profit	247,026.43	385,000.00	-137,973.57	64.2%
Expense				
Advertising	671.50	1,000.00	-328.50	67.2%
Allocation (Collection) Expe...	4,465.74	6,500.00	-2,034.26	68.7%
Communications	1,983.52	3,500.00	-1,516.48	56.7%
Contract	2,512.49	3,000.00	-487.51	83.7%
Contract Labor	0.00	0.00	0.00	0.0%
Director-Per Diem	8,400.00	10,500.00	-2,100.00	80.0%
Down Stream Structure	0.00	6,000.00	-6,000.00	0.0%
Dues and Subscriptions	325.00	325.00	0.00	100.0%
Easements	0.00	0.00	0.00	0.0%
Elections	0.00	0.00	0.00	0.0%
Insurance	7,006.54	10,000.00	-2,993.46	70.1%
Maintenance	89,300.64	200,000.00	-110,699.36	44.7%
Mileage	5,492.56	10,000.00	-4,507.44	54.9%
Miscellaneous	175.00	500.00	-325.00	35.0%
Office Supplies	3,522.69	4,000.00	-477.31	88.1%
Payroll Expenses	81,909.27	86,000.00	-4,090.73	95.2%
Professional Fees	32,560.25	33,800.00	-1,239.75	96.3%
Recording Fees	11.00	350.00	-339.00	3.1%
Rent	5,500.00	6,600.00	-1,100.00	83.3%
Tax Increment Zone Payment	44,198.29	44,200.00	-1.71	100.0%
Training	320.00	1,900.00	-1,580.00	16.8%
Travel & Ent	35.67	3,000.00	-2,964.33	1.2%
Utilities	860.12	1,800.00	-939.88	47.8%
Total Expense	289,250.28	432,975.00	-143,724.72	66.8%
Net Ordinary Income	-42,223.85	-47,975.00	5,751.15	88.0%
Other Income/Expense				
Other Income				
Interest Income	19,991.00	20,000.00	-9.00	100.0%
Reimbursed Income	2,067,285.84			
Total Other Income	2,087,276.84	20,000.00	2,067,276.84	10,436.4%
Other Expense				
Reimbursed Expenses	1,860,061.00			
Total Other Expense	1,860,061.00			
Net Other Income	227,215.84	20,000.00	207,215.84	1,136.1%
Net Income	184,991.99	-27,975.00	212,966.99	-661.3%

SUGGESTED: ↓ MAINTENANCE \$10,000.-
 ↓ DOWNSTREAM STRUCTURES \$6000.-
 ↑ OFFICE SUPPLIES \$500.-
 ↑ PROF. FEES \$5500.-
 ↑ PAYROLL \$10,000.-

ELM CREEK WATERSHED AUTHORITY
Monthly Report – 11/10/2022

Operation and Maintenance

Rock Riprap Placement - Site 1 Outlet Pipe/Plunge Basin

Heartland Construction Services completed rock placement beneath the pipe support at Site 1 (see report on file with photos).

Fall Mowing

Mowing completed at 22 sites (215 acres) October 19-22 by Heartland Construction Services. Request submitted for 100% reimbursement through the TSSWCB O&M grant program.

Site 2, Crossing through Easement

Don Wall contacted ECWA regarding assistance with a crossing through the detention pool easement (see land rights map). A review of the site file revealed that this has been brought up previously, but the property owner has yet to make a formal request. Visited location yesterday and found that the "trail" through the property has been neglected and not maintained. The crossing through the easement is not eroded and the side tributary has no defined channel. A low area that sometimes holds water appears to be the result of being gouged out at some point in the past. Recommend sending a letter from ECWA board that the easement does not include any provision for the road and that minor rerouting across the lowest area would afford a passable trail without need for culverts. Owner could relocate above the easement to create a pass across this side tributary (see photos).

Site 10, City of Temple Outer Loop project

The engineering firm working for the City (KPA) contacted ECWA for information on easements at Site 10. ECWA provided information and asked for clarification on proximity to the auxiliary spillway and future access to the site. KPA is including access for ECWA in the drawings, on behalf of the City (see aerial images of outer loop layout).

Site 30, Damage in ECWA Easement

Discovered unauthorized removal of fence and use of dam and spillway as construction route by the Five Wells Solar project. Documented damage and contacted Blattner Energy (construction company) and Engie (solar farm owner) by phone and email with demand for immediate restriction from access in the easement area, plans for restoration of vegetation, and reconstruction of the fence to ECWA specifications. Engie has restricted access and planted temporary cover of winter wheat and will sprig Bermudagrass next spring. The fence will be staked and reconstructed to ECWA specs in its original location upon confirmation and approval by ECWA (see attached sent to Blattner and Engie).

NRCS WFPO Program

Site 6R2 and 7REV Plan Supplement Investigations

Provided preferred contact method collected from respondents to M&E Consultants for access to conduct investigations. We received 5 responses out of 13 properties for Site 6R2 study area, with 4 granting access, amounting to about 190 of the 311 total acres. The remaining respondent rejected the request, contending that the ECWA easement is not valid on their property. We received 12 responses out of 16 properties for Site 7REV

study area granting access, amounting to about 185 of the 257 total acres. M&E crews are planning to begin archeological, wildlife and wetlands investigations the week after Thanksgiving and will be contacting property owners to arrange access.

In a meeting with NRCS and M&E on October 18 there was discussion of a concern that Site 7REV is currently planned as a Significant Hazard Dam. NRCS and M&E were to get a determination from TCEQ as to whether this would meet standards. If the dam were to be required at High Hazard criteria, the cost could far exceed potential benefits and additional land rights could be necessary for the design. These factors could affect need to continue with the investigations and to eliminate the site from future consideration.

Design Deficiency Investigations – Site 19 and Site 34

Met with NRCS to discuss status of these applications and was assured they are making plans to conduct investigations in the near future. Both sites could receive federal funding for repair and protection on wave berms to address erosion concerns.

NRCS Watershed Rehabilitation Program

Met with NRCS to update status of applications on file for federal assistance to rehabilitate sites reclassified from low to high hazard. NRCS assured that applications for Site 8, 21, 22, and 30 remain on the list for planning and eventual design and construction funding. The NRCS program provides 100% of planning and design costs and 65% of the cost of construction. TSSWCB funding priority for dam upgrades beginning in 2023 will require participation and funding from NRCS and is proposing to cover the remaining 35% of construction cost.

TSSWCB Dam Repair/Upgrade Program

Site 4

AECOM is nearing completion of design and in collecting additional data. Assisted AECOM collect foundation drain flow information and coordinated access for additional trenching for auxiliary borrow source.

Site 23:

Southern Infrastructure Group has installed 111 feet of new 42" principal spillway pipe from the completed impact basin to about the centerline of the dam. Drain pipe and filter fill is being installed and should wrap up this week. Beginning next week equipment will be back on site to place fill over the portion of principal spillway already installed and begin placing rock riprap along the wave berm. The ECWA board approval in the income and disbursements was for a payment request in the amount of \$263,888.06 for the period 10/1-10/31/2022. ECWA portion of the amount is \$4,618.04 (1.75%) and TSSWCB portion is \$259,270.02. ECWA will also receive administrative payment of \$7,778.10. Here is where the project stands, overall:

Total Cost Paid to Date	TSSWCB 98.25%	ECWA 1.75%	ADMIN PAYMENT
\$2,256,826.29	\$2,217,331.83	\$39,494.46	\$66,519.96

Site 39:

Nothing new to report but another delay and promise from appraiser Les Neugebauer to have the appraisal report to us and the ECWA attorney by the end of the week. The holdup now is the renewal of his appraisal certification. He stated this should have been received over two weeks ago. He did state that the appraisal numbers remain as reported on September 1 at \$9,500 per acre. TSSWCB has indicated that funds are still available to add to the funding agreement, but that could change if this drags out much longer.

ELM CREEK WATERSHED AUTHORITY OFFICIAL MINUTES

November 10, 2022

Elm Creek Watershed Authority, Board of Directors, met in regular session on
November 10, 2022, at 19 South 25th Street, Suite 500, Temple, Texas

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

Others present: Calvin Sanders and Tricia Mackie

The meeting was called to order by Daniel C. Lesikar, Chairman, at 6:29 p.m.

Consent Agenda: Minutes: Bobby Henson 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. John Perryman made a motion to purchase a gift card for Linda Patterson for her assistance on our Investment Policy. Motion was second by Bobby Henson. Motion passed. A motion was made by Bobby Henson to receive, approve and file income and disbursements. Ray Jungmann second the motion. Motion passed.

Budget: Tricia Mackie informed the board of upcoming expenditures that will make certain line items over budget. Mrs. Mackie suggested decreasing Maintenance \$10,000 and Downstream Structures \$6000, and increasing Office Supplies \$500, Professional Fees \$5500 and Payroll \$10,000. Ray Jungmann made a motion to amend the budget as suggested. The motion was second by Robert Fleming. Motion passed.

Watershed Report: The watershed report was presented by Calvin Sanders. O&M: The cradle on Site 1 outlet was protected with rock riprap. Fall mowing has been completed with 100% reimbursement available. Landowner at Site 2 has inquired about assistance for easement crossing, but has not made a written request. Mr. Sanders suggested sending a letter stating the easement does not require that ECWA provide such assistance. The City of Temple engineering firm has requested information concerning the easement on Site 10 and the proximity to the proposed outer loop. Mr. Sanders inspected Site 30 to find the removal of all ECWA fencing, and has taken action to remedy the issue with Blattner Energy and Engie.

NRCS Pgms: Mr. Sanders requested preferred method of contact from 13 landowners, on Site 6R2, for access to property for conducting investigations with 5 responses, 4 agreeing to access and 1 refusal. A similar letter was sent to 16 Site 7REV landowners with 12 responses, all agreeing to access the property. A meeting with M&E and NRCS was held to discuss the classification of Site 7REV, it was originally classified at Significant Hazard but may need to be re-classified as High Hazard, which could make the costs outweigh the benefits.

NRCS updated Mr. Sanders on the status of Site 19 & 34 design deficiencies and will be conducting investigations in the near future.

Mr. Sanders met with NRCS on the rehabilitation from low to high hazard dams for Sites 8, 21, 22 & 30. The applications are current and TSSWCB could have funding to cover remaining construction costs over NRCS funding.

Dam Upgrades: **Site 4**-Designs are near completion. **Site 23**-Principal spillway pipe has been installed with fill over pipe to begin next week. Rock riprap on wave berm will begin next week as well. **Site 39**-Still awaiting appraisal report to move forward.

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: Tricia Mackie discussed the elections for CAD Board of Directors for Falls County. No action taken.

Contract with CPA: Robert Fleming made a motion to approve the engagement of services with Ludwick, Montgomery and Stapp, P.C. Bobby Henson second the motion. Motion passed.

Financial Institution Signatures: No action taken.

Adjourn: Arvell Jungmann made a motion to adjourn. Bobby Henson second the motion. Motion passed. Meeting adjourned at 8:09 p.m.

ATTEST:



Daniel C. Lesikar
Chairman


Director