

ELM CREEK WATERSHED AUTHORITY
Regular Session Meeting
October 14, 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 October 14, 2021, beginning at 7:30 p.m. in the Elm Creek Watershed Authority office, 19 South 25th Street, Suite 500, Temple, Texas.

AGENDA

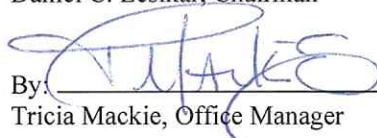
1. Call to Order.
2. Public Comment.
Citizens who desire to address the Board of Directors on any matter may sign up to do so prior to this meeting. Public comments will be received during this portion of the meeting. Please limit comments to 3 minutes. No discussion or final action will be taken by 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
 - d. Quarterly Report
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 appoint representative to 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 to appoint ECWA Investment Officer.
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 5th day of October, 2021

Daniel C. Lesikar, Chairman

By: 
Tricia Mackie, Office Manager

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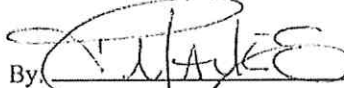
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Dated this 5th day of October, 2021

Daniel C. Lesikar, Chairman

By 
Tricia Maokle, Office Manager

CO. CLERK, FALLS CO.

OCT 05 2021

FILED 11:50 PM

9:41 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 Oct 7, 2021

ELM CREEK WATERSHED AUTHORITY
Regular Session Meeting
October 14, 2021

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

By J. Green
Deputy

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Dated this 5th day of October, 2021

Daniel C. Lesikar, Chairman

By [Signature]
Tricia Mackie, Office Manager



RECEIVED
10/12/2021

ELM CREEK WATERSHED AUTHORITY
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Filed 7th day of October
in 2021, At 12:00 M.
JODI MORGAN
County Clerk, Milam County, Texas
By [Signature]
Deputy

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Daniel C. Lesikar, Chairman

By [Signature]
Tricia Mackie, Office Manager

 **RECEIVED**
10/12/2021



Tricia Mackie

[Log Off](#)

Open Meeting Submission

TRD: 2021005970
Date Posted: 10/05/2021
Status: Accepted
Agency Id: 1199
Date of Submission: 10/05/2021
Agency Name: Elm Creek Watershed Authority
Board: Elm Creek Watershed Authority
Committee: Board of Directors
Date of Meeting: 10/14/2021
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 October, 2021 Daniel C. Lesikar, Chairman

By:

Tricia Mackie, Office Manager

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: Tuesday, October 5, 2021, 11:13 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: 10/14/2021 07:30 PM "TRD# 2021005970"

Notice posted: 10/05/21 11:13 AM

Proofread your current open meeting notice at:

[http://texreg.sos.state.tx.us/public/pub_om_lookup\\$.startup?Z_TRD=2021005970](http://texreg.sos.state.tx.us/public/pub_om_lookup$.startup?Z_TRD=2021005970)

10:39 AM
10/14/21
Cash Basis

Elm Creek Watershed Authority
Disbursements
September 3 through October 14, 2021

	<u>Sep 3 - Oct 14, 21</u>
Ambit Energy	-237.72
Arvell Jungmann	-390.72
ATT	-251.03
Bobby Henson	-340.32
Chili's	-26.77
Daniel Lesikar	-360.48
DJ Hansen Construction	-191,766.00
Evelyn Sanderson	-100.00
HEB	-4.28
Hughes Surveying	-6,550.00
John Perryman	-242.56
Johnnies Office Systems, Inc.	-477.41
Kalahari Resorts	-337.14
Mike Maedgen	-357.12
Milam Appraisal District	-328.80
Milam County Clerk	-1.00
Patricia Mackie	-471.05
Public Funds Investment Act Store	-400.00
Ray Jungmann	-390.72
Relhom Properties LLC	-550.00
Robert Fleming	-116.80
Sanderford & Carroll, P.C.	-73.00
Steven Rieves	-330.24
Tax Appraisal District of Bell County	-912.25
Temple Daily Telegram	-1,343.00
Texas Municipal League	-4,895.10
TOTAL	<u>-211,253.51</u>

ELM CREEK WATERSHED AUTHORITY
 INCOME AND DISBURSEMENTS
 October 14, 2021

As of September 30, 2021 **INCOME AND DISBURSEMENTS**

INCOME

TAX	PRESENT
BELL COUNTY	-
FALLS COUNTY	6.53
MCLENNAN COUNTY	143.92
MILAM COUNTY	131.15
	281.60
TOTAL TAX INCOME	281.60

OTHER INCOME

TSSWCB	Reimbursement for Sites 37, 38 & 43 repairs	191,286.59
TSSWCB	Reimbursement for Sites 37, 38 & 43 repairs	145,658.94
USDA/NRCS	Reimbursement for Site 34 expenses	7,141.00
		344,086.53
OTHER INCOME TOTAL		344,086.53

CHECKING ACCOUNT BALANCE \$ 228,949.81

INVESTMENTS

ACCOUNT	MATURITY	AMOUNT	RATE	PRESENT
CITIZENS NATL BANK #94	12/3/21	600,000.00	0.700	356.71
CITIZENS NATL BANK #94	1/7/22	200,000.00	0.650	-
CLASSIC BANK #5323836	2/3/22	150,000.00	0.700	89.17
CLASSIC BANK #5825306	3/13/22	100,000.00	0.700	59.46
MEMBERS CHOICE #1936	Money Mark	250,000.00	0.450	-
FIRST NATL MOODY #113	5/22/22	250,000.00	0.600	127.40
INCOMMONS BANK #7946	7/15/22	250,000.00	0.600	96.58
HORIZON BANK #33068	7/5/22	250,000.00	0.350	74.33
BANCORP SOUTH #93700	9/24/22	250,000.00	0.200	472.60
CENTRAL NATL #2828689	1/18/22	250,000.00	0.300	-
BUCKHOLTS STATE BANK	1/21/22	250,000.00	0.400	-
TEXPOOL		477,346.02	0.028	11.19
FIRST NATL MOODY #102	5/12/2022	400,000.00	0.600	203.88
		3,677,346.02		1,491.32

OTHER DISBURSEMENTS

Patricia Mackie	52.64 mileage reimbursement	2,436.57
Calvin Sanders	87.92 mileage reimbursement	2,521.25
Extraco	payroll tax	1,481.26
Card Services	August & September stmts	598.54
		7,037.62
TOTAL OTHER DISBURSEMENTS		7,037.62

Elm Creek Watershed Authority Profit & Loss Budget vs. Actual January through December 2021

	Jan - Dec 21	Budget	\$ Over Bud...	% of Bu...
Ordinary Income/Expense				
Income				
Income from Taxes	146,742.60	375,000.00	-228,257.40	39.1%
Total Income	146,742.60	375,000.00	-228,257.40	39.1%
Gross Profit	146,742.60	375,000.00	-228,257.40	39.1%
Expense				
Advertising	1,343.00	1,000.00	343.00	134.3%
Allocation (Collection) Expe...	3,718.07	6,500.00	-2,781.93	57.2%
Communications	2,003.31	3,500.00	-1,496.69	57.2%
Contract	1,535.53	3,000.00	-1,464.47	51.2%
Contract Labor	0.00	0.00	0.00	0.0%
Director-Per Diem	7,900.00	10,500.00	-2,600.00	75.2%
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	5,000.00	-5,000.00	0.0%
Insurance	5,341.08	10,000.00	-4,658.92	53.4%
Maintenance			-11,648.93	94.2%
Mileage			-4,630.32	53.7%
Miscellaneous			-317.84	36.4%
Office Supplies			-1,408.84	64.8%
Payroll Expenses			-11,489.44	86.0%
Professional Fees			-5,439.00	72.8%
Recording Fees			-340.00	2.9%
Rent	5,500.00	6,600.00	-1,100.00	83.3%
Tax Increment Zone Payment	41,817.46	41,878.00	-60.54	99.9%
Training	450.00	1,900.00	-1,450.00	23.7%
Travel & Ent	426.97	5,000.00	-4,573.03	8.5%
Utilities	721.97	1,800.00	-1,078.03	40.1%
Total Expense	352,658.02	419,853.00	-67,194.98	84.0%
Net Ordinary Income	-205,915.42	-44,853.00	-161,062.42	459.1%
Other Income/Expense				
Other Income				
Interest Income	17,393.08	25,000.00	-7,606.92	69.6%
Reimbursed Income	1,118,109.81	0.00	1,118,109.81	100.0%
Total Other Income	1,135,502.89	25,000.00	1,110,502.89	4,542.0%
Other Expense				
Reimbursed Expenses	928,339.80	0.00	928,339.80	100.0%
Total Other Expense	928,339.80	0.00	928,339.80	100.0%
Net Other Income	207,163.09	25,000.00	182,163.09	828.7%
Net Income	1,247.67	-19,853.00	21,100.67	-6.3%

Site 23
 \$ 130,277.-
 Site 39
 \$ 66,730.-

SUGGESTED :

- ↓ UTILITIES \$ 400.-
- ↑ ADVERTISING \$ 400.-
- ↓ INSURANCE \$ 4000.-
- ↓ ALLOCATIONS \$ 2000.-
- ↓ TRAVEL \$ 2000.-
- ↑ PROF. FEES \$ 9000.-
- ↓ OFFICE SUPPLIES \$ 50
- ↓ COMMUNICATIONS \$ 50

EASEMENTS :

↑ OPERATING BUDGET TO INCLUDE \$ 200K

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

Operation and Maintenance

On-going Maintenance

Bids received for fall mowing at 19 sites and contract awarded to Heartland Construction Services LLC. Cost per acre rate dropped \$9 from last spring to \$56. Plan is to get this done next week. 90% of cost will be reimbursed through TSSWCB O&M grant program.

Stream Crossings/Flowage Easement Erosion

The NRCS has submitted a final design for the stream crossing below Site 5A to provide access to property beyond the downstream channel. Engineer cost estimate is \$20,599. NRCS delivered draft design alternatives for crossing downstream from Site 24 and to address the head cut in the flowage easement downstream from Site 13R. NRCS awaiting input from ECWA board on direction for stream crossing below Site 24. NRCS solution for erosion in Site 13R flowage easement is shaping and vegetation.

Dam Safety and Emergency Action Plans

Response letters sent to TCEQ related to 5-year inspection reports at Site 1 and Site 39.

A concern was noted at Site 1 that lower ports on the riser are not draining as designed. The design of Site 1 includes two 24" X 36" ports at elevation 636.8, which is 13.3 feet below the principal spillway crest of 650.1. Observation of flow from the outlet during the inspection last December and again on October 10, 2021 does not exhibit near the discharge that would be expected from these two ports. It may be that modification of the ports has occurred at some point since construction. Requested NRCS check as-built designs and files for any approved modifications and none were found. NRCS indicated that drawdown should be about 10 days if the ports were open and flowing as designed, with the flow from the outlet at near full pipe. NRCS suggested lowering a camera through the manhole opening on top of the riser to see what the two lower ports look like. Any unauthorized modification could be in violation of state regulations for impoundment of water without a permit. This does not, however, impact the performance of Site 1 for detention and flow of floodwater through the designed principal spillway crest.

Emergency Action Plans were updated this spring and submitted to TCEQ as required. Last month TCEQ notified ECWA that new guidelines for EAPs now require additional submissions, including the update of inundation maps and properties at risk for each of the 12 dams. I requested an estimate for updating the inundation maps and associated information from M&E Consultants and received an estimated cost of \$8094.40. With ECWA board approval, M&E can start the work, which would be completed in about 45 days after issuing a work order.

NRCS Programs

The NRCS State Conservationist sent a letter to ECWA stating NRCS will be conducting an engineering investigation to determine appropriate protective measures at Site 34 where vegetation has not provided adequate protection from erosion of the wave berm and front slope. This is in response to the letter from ECWA and request for federal assistance submitted to NRCS last month.

TSSWCB Dam Upgrade Program

Site 23 and Site 39 Land Rights/Survey, Easement Preparation

Metes and bounds survey received from Hughes Surveying on 9/28/2021 for new easement areas on the Frank and Lisa Benolken property for dam upgrade at Site 39. Cost was \$3050. Met with Frank Benolken on 9/29/2021 to review the survey results and ECWA compensation offer for new easement area, damages, and temporary use during construction. Benolken indicated that a response to the compensation offer would be made to ECWA for the 10/14/2021 meeting. Phoned Benolken yesterday to discuss and again today. Benolken indicated today his counter to the offer of about \$67000 should double that amount to \$125,000. Benolken believes they should be compensated not just for the land, but also the volume of excavation coming out of the new easement area where the auxiliary spillway is to be widened.

Metes and bounds surveys received from Hughes Surveying on 10/1/2021 for new easement areas on four properties for dam upgrade at Site 23. Cost was \$3500. Survey information, compensation terms approved by ECWA board, and existing easement and related land rights documents for Site 23 were sent same day to Sanderford and Carroll attorneys to begin work on new easements. Attorneys were able to start working on the easements on 10/11/2021. Attorney requested additional information from three of the properties to determine individual(s) designated to sign legal documents as part of family trust, family limited partnership, and LLC ownership. Contacted Coufal, Engbrock, and Crews to get this information for attorney. These may be ready for owner signatures and payment of agreed to compensation by sometime next week. Total compensation amount for Site 23 easements is \$130,277. A portion of these costs will be reimbursed by TSSWCB.

Compensation for Easement and Additional Agreed to Items Approved by Elm Creek Watershed Authority Board on March 11, 2021

Coufal Family Limited Partnership: 1)\$15000 per acre for additional 4.90 acres easement = \$73,500; 2)ECWA to replace road that will be destroyed by spillway widening at no expense to owner; 3)ECWA to replace fence and gates from road terminus to pasture in spillway entrance section; 4)damages for lost grazing of property during construction – 5 calves @ \$800 each = \$4000; 5)damages for lost crop production associated with construction campsite temporary use area = \$5050
Total = \$82,550

James E. and Mary Ruth Engbrock Family Trust: \$15000 per acre for additional 0.53 acre easement
Total = \$7950

Cynnamon Coufal Hines: 1)\$5527 for 0.16 acre additional easement; 2)owner is to incur no closing costs.
Total = \$5527

CrewsFamily Farms LLC: 1)Lifetime easement of 1.99 acres at \$15,000.00 per acre = \$29,850; 2)Damages due to loss of pasture lease of 48 acres = \$1,800.00;3)Damages due to loss of corn crop = \$2,600.00; 4)ECWA to replace crossing and culvert over the creek at the north end of the property during construction
Total = \$34,250

**ELM CREEK WATERSHED AUTHORITY
OFFICIAL MINUTES**

October 14, 2021

Elm Creek Watershed Authority, Board of Directors, met in regular session on
October 14, 2021, at 19 South 25th Street, Suite 500, Temple, Texas

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

Others present: Calvin Sanders and Tricia Mackie

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

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 Robert Fleming 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 utilities \$400 and increasing advertising \$400; decreasing insurance \$4000, allocations \$2000, travel \$2000, office supplies \$500, communications \$500 and increasing professional fees \$9000. Mrs. Mackie also discussed the purchase of easements and how that funding would be handled. Mike Maedgen made a motion to amend the budget as suggested. The motion was second by Bobby Henson. Motion passed.

Quarterly Report: Tricia Mackie reviewed the quarterly report information with the board. A motion was made by Bobby Henson to approve the 3rd Quarter Report. Mike Maedgen second the motion. Motion passed.

Watershed Report: The watershed report was presented by Calvin Sanders. O&M: Mowing will begin next week on 19 sites.

Downstream Crossings: Site 5A designs have been received with engineer cost of \$20,599. Site 24 design draft was received with a few options, 1) NRCS design repair with estimate of \$40,000, 2) move crossing to another location \$65,000 estimate, 3) replace culvert & rock sides with an estimate of \$10,000. Site 13R NRCS suggested reshape slopes and bottom fill, will require some excavation, revegetation \$14,500 estimate. The board asked Mr. Sanders to identify the owner of downstream crossing on Site 24. A motion was made by Robert Fleming to table the discussions until more information is available. Ray Jungmann second the motion. Item tabled.

Dam Safety: Emergency Action Plans (EAPs)-inspections were completed in December 2020 and information submitted to TCEQ. TCEQ reported a concern on Site 1 that lower ports were not draining as designed and that some modification may have occurred since construction,

however, the structure still meets performance for safety. EAPs were updated this past spring. TCEQ has new guidelines including additional submissions and updates of inundation maps for the high hazard dams. Mr. Sanders has received an estimate of \$8100 for the mapping. A motion was made by Bobby Henson to hire M&E Consultants for the inundation mapping. Ray Jungmann second the motion. Motion passed.

NRCS Pgms: ECWA received correspondence from NRCS concerning the measures to correct the wave berm repairs on Site 34. A request for federal funding of the repairs has been submitted.

Dam Upgrades: **Site 23**-Surveying has been completed and all information has been submitted to attorney for easement agreements. **Site 39**-Survey has been completed & provided to landowner at their request. Mr. Sanders has met with landowner, discussed & reviewed damages, etc. Benolken refused ECWA offer and countered with \$125,000 for easement & soil costs. ECWA board decided to turn the information over to attorney to make last offer and any other action needed to acquire easements.

A motion was made by Bobby Henson 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 Bell, Falls, McLennan and Milam Counties. A motion was made by Robert Fleming to take no action in nominations for directors. Bobby Henson second the motion. Motion passed; no action taken.

Investment Policy: Bobby Henson made a motion to approve the ECWA Investment Policy. Arvell Jungmann second the motion. Motion passed.

Investment Officer: Steven Rieves made a motion to appoint Bobby Henson as the ECWA Investment Officer. Mike Maedgen second the motion. Motion passed.

Adjourn: Arvell Jungmann made a motion to adjourn. Mike Maedgen second the motion. Motion passed. Meeting adjourned at 8:47 p.m.

ATTEST:



Daniel C. Lesikar
Chairman



Steven Rieves Mike Maedgen
Vice-Chairman Director