ELM CREEK WATERSHED AUTHORITY Regular Session Meeting October 6, 2022

Notice is hereby given that a regular meeting of the Board of Directors of the Elm Creek Watershed Authority will be on October 6, 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 <u>discussion</u> 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 possible action on Site 39 land rights.
- 6. Consideration and possible action on Board of Director nominations:
 - a. Falls County Appraisal District
 - b. Texas Municipal League
- 7. Consideration and possible action to review & approve legal correspondance.
- 8. Discuss, consider and take action to approve ECWA Investment Policy.
- 9. Discuss, consider and take 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 28th day of September, 2022

By: Tricia Mackie

CLODEN FOR DECCED

2022 SEP 28 A 10: 14

ELM CREEK WATERSHED AUTHORITY Regular Session Meeting

October 6, 2022

D. CLK. DELL CO. TX

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Dated this 28th day of September, 2022

THE STATE OF TEXAS COUNTY OF McLENNAN

This is to certify that the Notice of a Meeting hereto, was posted on the official bulletin board at the Cou by Article 62.52-17 V. T. C. S. Executed on

ELM CREEK WATERSHED AUTHORITY

Regular Session Meeting October 6, 2022

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

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Dated this 28th day of September, 2022



Tricia Mackie

Log Off

Open Meeting Submission

2022005858
09/28/2022
Accepted
1199
09/28/2022
Elm Creek Watershed Authority
Elm Creek Watershed Authority
Board of Directors
10/06/2022
07:30 PM (##:## AM Local Time)
19 S. 25th Street
Temple
TX
Tricia Mackie
1
Tricia Mackie, Office Mgr.
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Dated this 28th day of September, 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: Wednesday, September 28, 2022 at 11:10 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: 10/06/2022 07:30 PM "TRD# 2022005858"

Notice posted: 09/28/22 11:10 AM

Proofread your current open meeting notice at:

http://texreg.sos.state.tx.us/public/pub_om_lookup\$.startup?Z_TRD=2022005858

ELM CREEK WATERSHED AUTHORITY INCOME AND DISBURSEMENTS October 6, 2022 As of September 30, 2022 INCOME AND DISBURSEMENTS INCOME

TAX

BELL COUNTY FALLS COUNTY MCLENNAN COUNTY MILAM COUNTY	=	PRESENT 1,248.78 4.02 122.51 2.50
	TOTAL TAX INCOME	1,377.81
	OTHER INCOME	
TSSWCB	Reimbursement for Site 23 Upgrade	469,305.38
	TOTAL OTHER INCOME	\$ 469,305.38

CHECKING ACCOUNT BALANCE

\$ 68,897.51

1

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	-
CLASSIC BANK #5323836	2/3/23	150,000.00	0.450	57.33
CLASSIC BANK #5825306	3/13/23	100,000.00	0.550	46.71
MEMBERS CHOICE #193	Money Mark	249,768.99	0.800	164.18
INCOMMONS BANK #794	7/15/23	250,000.00	1.000	212.33
HORIZON BANK #33068	7/5/23	250,000.00	1.500	318.69
BANCORP SOUTH #9370	9/24/22	250,000.00	0.200	
CENTRAL NATL #282868		250,000.00	0.200	-
BUCKHOLTS STATE BAN	l 1/21/23	250,000.00	0.350	
TEXPOOL		857,181.61	2.413	1,285.33
FIRST NATL MOODY #10	5/11/2023	400,000.00	1.400	475.89
FIRST NATL MOODY #10	5/25/2023	250,000.00	1.500	318.69
		4,056,950.60		3,108.47
OTHER DISBURSEMENTS				
Patricia Mackie Calvin Sanders Extraco Southern Infrastructure Gre Card Services	78.75 mileage reimbursement 221.25 mileage reimbursement payroll tax ture Grc Payment #6 August stmt			2,320.05 3,078.08 1,569.70 255,380.67 279.31
TOTAL OTHER DISBURSEMENTS				262,627.81

10:51 AM

10/06/22 Cash Basis

Elm Creek Watershed Authority Disbursements September 2 through October 6, 2022

	Sep 2 - Oct 6, 22
Ambit Energy	-205.31
Arvell Jungmann	-401.25
ATT	-201.05
Avast	-62.09
Bobby Henson	-345.00
Daniel Lesikar	-367.50
Evelyn Sanderson	-100.00
Heartland Construction Services, LLC	-4,270.00
HEB	-5.36
Intuit Software	-144.98
John Perryman	-247.50
Kathleen Pinckney	-50.00
Mike Maedgen	-363.75
Milam Appraisal District	-315.05
Milam County Clerk	-1.00
Office of Secretary of State	-275.00
Patricia Mackie	-471.05
Quill	-137.12
Ray Jungmann	-401.25
Relhom Properties LLC	-550.00
Robert Fleming	-356.25
Sanderford & Carroll, P.C.	-2,116.80
Southern Infrastructure Group, LLC	-463,751.95
Steven Rieves	-222.50
Tax Appraisal District of Bell County	-926.25
Temple Daily Telegram	-671.50
Texas Municipal League	-6,686.54
United States Postal Service	-60.00
TOTAL	-483,706.05

Cash Basis

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

candary	anough becc			
	Jan - Dec 22	Budget	\$ Over Bud	% of Bu
Ordinary Income/Expense				
Income Income from Taxes	197,073.04	385,000.00	-187,926.96	51.2%
Total Income	197,073.04	385,000.00	-187,926.96	51.2%
Gross Profit	197,073.04	385,000.00	-187,926.96	51.2%
Expense				
Advertising	671.50	1,000.00	-328.50	67.2%
Allocation (Collection) Expe	4,602.74	6,500.00	-1,897.26	70.8%
Communications	1,784.40	3,500.00	-1,715.60	51.0%
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	87,474.36	200,000.00	-112,525.64	43.7%
Mileage	5,079.43	10,000.00	-4,920.57	50.8%
Miscellaneous	175.00	500.00	-325.00	35.0%
Office Supplies	3,397.69	4,000.00	-602.31	84.9%
Payroll Expenses	74,696.68	86,000.00	-11,303.32	86.9%
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	809.26	1,800.00	-990.74	45.0%
Total Expense	279,560.30	432,975.00	-153,414.70	64.6%
Net Ordinary Income	-82,487.26	-47,975.00	-34,512.26	171.9%
Other Income/Expense				
Other Income				
Interest Income	15,525.39	20,000.00	-4,474.61	77.6%
Reimbursed Income	1,808,846.98			
Total Other Income	1,824,372.37	20,000.00	1,804,372.37	9,121.9%
		,000.00		-,,
Other Expense Reimbursed Expenses	1,860,061.00			
Total Other Expense	1,860,061.00			
Net Other Income	-35,688.63	20,000.00	-55,688.63	-178.4%
Net Income	-118,175.89	-27,975.00	-90,200.89	422.4%

SUGGESTION: legal fees - ?



ELM CREEK WATERSHED AUTHORITY Monthly Report – 10/6/2022

Operation and Maintenance

Brush Sprout Treatment

Sprouts were treated in the wave berm and plunge basin at 12 sites and mesquite sprouts on embankment and spillway at 2 sites during September by Heartland Construction Services. Total cost was \$4270.

Rock Riprap Placement - Site 1 Outlet Pipe/Plunge Basin

Heartland Construction Services is scheduled to place rock beneath the pipe support at Site 1 this Saturday. This will involve hauling to the location and hand placement of rock. The agreed to contract cost is \$1800. I recommend approval of payment upon satisfactory completion of the work, since it will be done before the customary ECWA board meeting date.

Fall Mowing

Mowing is scheduled at 22 sites (223.5 acres) this month. Heartland Construction Services submitted low bid of \$53/acre and was awarded the contract. The 2021 mowing cost was \$56/acre. This maintenance activity is approved for 100% reimbursement through the TSSWCB O&M grant program.

NRCS WFPO Program

Site 6R2 and 7REV Plan Supplement Investigations

Letters were sent last week to all current property owners in the proposed project areas of both dams to request preferred method to contact as various investigations will be conducted by M&E Consultants through the spring of 2023. As of today, we have received 6 responses out of 28 requests.

TSSWCB Dam Repair/Upgrade Program

Site 23:

Southern Infrastructure Group is in the process of installing the new principal spillway pipe from the completed impact basin through the dam embankment toward the detention pool. Excavation and earth fill has been suspended as SIG moved equipment to another project in Ellis County. The contract allows for 417 calendar days (through June 15, 2023), with 165 days (about 40%) having passed since the notice to proceed. The ECWA board approval in the income and disbursements was for a payment request in the amount of \$255,380.67 for the period 9/1-9/30/2022. ECWA portion of the amount is \$4,469.16 (1.75%) and TSSWCB portion is \$250,911.51. ECWA will also receive administrative payment of \$7,527.35. Here is where the project stands, overall:

Total Cost Paid to Date	TSSWCB 98.25%	ECWA 1.75%	ADMIN PAYMENT
\$1,992,938.23	\$1,958,061.81	\$34,876.42	\$58,741.86

Site 39:

Both Steve Burton of Sanderford and Carroll and myself have been pleading with appraiser Les Neugebauer to provide the final appraisal report so that 1)the appraisal is defensible in court; and 2)support the fairness of the standing offer made by ECWA (3.81 acres @ \$15,000 per acre + \$8080 for temporary use + \$1500 for lost grazing = \$66,730 total). Neugebauer has promised delivery numerous times, but has failed to do so. The latest reason for delay is that deeds for 5 credible comp property sales have not been filed in county records. He states that this is necessary to support his appraisal at \$9500 per acre in the report. Promised report by early next week.

ELM CREEK WATERSHED AUTHORITY OFFICIAL MINUTES October 6, 2022

Elm Creek Watershed Authority, Board of Directors, met in regular session on October 6, 2022, at 19 South 25th Street, Suite 500, Temple, Texas

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

Others present: Calvin Sanders, Tricia Mackie.

The meeting was called to order by Daniel C. Lesikar, Chairman, at 7:30 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 suggested amending the 2022 budget by decreasing Downstream Structures \$6000 and increasing Professional Fees \$6000. John Perryman made a motion to amend the budget as suggested. Bobby Henson second the motion. Motion passed.

Quarterly Report: Bobby Henson made a motion to approve the quarterly report as presented. The motion was second by Arvell Jungmann. Motion passed.

Watershed Report: The watershed report was presented by Calvin Sanders. O&M: Sprout treatment on 12 sites and mesquite treatment on 2 sites has been completed. Rock riprap on Site 1 outlet pipe has been delayed till around October 15th with a cost of \$1800. Mowing on 22 sites will be completed during October with 100% reimbursed expenses.

NRCS Programs: Site 6R2 and 7REV-M&E will be conducting investigations soon. Letters to landowners have been sent out asking for method of contact to access property.

TSSWCB Programs: Dam Upgrades: Site 23-Progress has slowed, the new principal spillway pipe is being installed. Deadline for project completion is June 15, 2023. Site 39-Waiting on appraisal. Should have a report next week.

Mike Maedgen made a motion to pay Heartland upon completion and approval by Calvin Sanders for installing rock rip rap on Site 1 outlet pipe. Motion was second by Ray Jungmann. Motion passed.

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

Site 39 Land Rights: No action.

Board of Directors Nominations: Tricia Mackie discussed the opportunity to nominate candidates for director for Falls County Appraisal District and for the Texas Municipal League Board of Trustees. No action taken.

Legal Correspondence: Robert Fleming discussed the legal correspondence previously submitted to a landowner and asked the board to have acknowledgement of such correspondence before mailing any new correspondence. The letter was in response to a phone conversation with Charles Mikeska and Calvin Sanders, and included information verifying validity of easement. No action taken.

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

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

Adjourn: Arvell Jungmann made a motion to adjourn. Mike Maedgen second the motion. Motion passed. Meeting adjourned at 8:41 p.m.

ATTEST:

bibai

Daniel C. Lesikar Chairman

Director