



PROJECT 79-2:

CD# #87812 starting balance	\$ 6,507.56
Interest to 12/28/2014 CD #87051	26.07
McLeod Co. Auditor/79-2 Fund	<u>22,130.66</u>
TOTAL 79-2 Funds	\$28,664.29

Upon motion of Manager Henke, which motion was seconded by Manager Melberg, by unanimous vote the Board of Managers approved the Treasurer's report.

President Belter next called for the bills that had been presented to the Board since the last meeting. Manager Phillips reported bills that had been presented to the Board as follows:

Kasal Law Office ó attorneys fees	\$ 822.54
Houston Engineering	1,200.00
Rinke Noonan	1,350.00
Bolton Menk	359.00
Corner Post Erosion Control	512.00
Jerry Scharpe ó audit	1,800.00
Eberhard Consulting ó engineering fees	1,349.34
Mary Henke ó secretarial	135.94
Linda Phillips ó secretarial/accounting	131.85
Corey Henke ó per diem & mileage	609.78
Donald Belter ó per diem & mileage	81.05
Larry Phillips ó per diem & mileage	917.98
Larry Kramer ó per diem & mileage	930.03
Matt Melberg ó per diem & mileage	<u>849.76</u>
TOTAL	\$11,049.75

Upon motion of Manager Kramer, which motion was seconded by Manager Phillips, by unanimous roll call vote the Board of Managers approved the above bills for payment.

Engineer Eberhard reported regarding Application for Permit No. 2015-5 submitted by applicant Zebra Ditch Assn. He advised that the Corps of Engineers permit had not yet been issued for the project and the matter is still pending.

Engineer Eberhard next presented an application for a permit submitted by Randall Thalmann of Plato. Upon motion of Manager Melberg, which motion was seconded by Manager Kramer, by unanimous vote the Board of Managers accepted the application for a permit for consideration and designated it Application for Permit No. 2015-16. Mr. Thalmann appeared on behalf of the application and advised the Board that one landowner on the ditch clean-out does not want dirt on her property. Thus, he is requesting a permit to remove the dirt and spread it on his adjacent properties in Young America Township. Upon motion of Manager Melberg, which motion was seconded by Manager Phillips, by unanimous vote the Board of Managers approved Permit No. 2015-16.

President Belter called upon McLeod County Commissioner Doug Krueger, who appeared regarding a culvert replacement project at County Road 2 on the southern edge of Glencoe. He indicated that the County does not want to spend the money to do an engineering study to determine culvert size for the project and was wondering if there was any other solution to the culvert project rather than requiring a study. A study had been previously recommended by Engineer Eberhard as a condition of the project. After significant discussion with the Board members, it was determined that the Board could not make any preliminary decisions until an application for a permit has been filed by McLeod County which sets forth the parameters of what they intend to do. The Board would then be able to make a decision on what conditions should be applied to the project.

President Belter next called for agenda item Marsh Water Project. It was noted that the Board needs to set a public hearing date for the project. After a short discussion, the Board agreed that a public hearing for the Marsh Water Project will be held on August 25 from 6:00 P.M. to 7:30 P.M. Following that meeting from 7:30 P.M. to 8:00 P.M. would be the Board's budget meeting, and thereafter at 8:00 P.M. the regular August meeting. Upon motion of Manager Henke, which motion was seconded by Manager Melberg, by unanimous vote the Board of Managers approved the above schedule.

President Belter called for any new business. Engineer Eberhard noted that he has been presented with a petition to improve Branch M on Judicial Ditch No. 15 in Renville County, specifically Section 12 of Hector Township. This petition has been submitted by landowners within the system. Manager Melberg, who owns property in the area, explained the proposed project and advised the Board that Houston Engineering had been engaged to design the improvement project. Manager Melberg as noted is a landowner within the project area but he is not a petitioner. He advised the Board that the petition had originally been submitted to Renville County under the assumption that Renville County had original jurisdiction over the project. It was later determined by Renville County, after discussion with their legal counsel, that the jurisdiction of the improvement project is properly before the Board of Managers of Buffalo Creek Watershed District. Manager Melberg stated that the existing system was constructed in the 1920's and is seriously degraded and undersized and that is the primary reason for the improvement project. Engineer Eberhard stated that he has verified that the petition contains over 26% of the land crossed by the existing system and that a \$10,000.00 check was presented with the petition. After considerable discussion with regard to petition, upon motion of Manager Henke, which motion was seconded by Manager Phillips, by vote of four "Yea's" and one abstention (Manager Melberg), the Board of Managers accepted the petition pursuant to the Preliminary Findings and Order attached hereto as Exhibit "A".

Manager Phillips next submitted the Annual Financial Report for the year ending December 31, 2014 and 2013. Upon motion of Manager Henke, which motion was seconded by Manager Kramer, by unanimous vote the Board of Managers approved the report.

Manager Phillips next submitted the 2014 Annual Audit for approval of the Board. Upon motion of Manager Kramer, which was seconded by Manager Melberg, by unanimous vote the Board of Managers approved the 2014 audit as submitted.

President Belter announced the next order of business was the consideration of the proposed Budget for the year 2016. A general discussion was held by the Managers concerning the budget categories and any changes that might need to be made from the 2015 Budget. Following discussion, Manager Henke offered the following resolution and moved its adoption:

RESOLVED, that the Board of Managers of Buffalo Creek Watershed District adopt the following proposed Budget for the year 2016:

Audit expense	\$ 2,000.00
Dues to Minnesota Watershed Assn.	2,500.00
Salaries of Managers, per diem & mileage	20,000.00
Bond premiums & insurance, including workers compensation	5,000.00
Legal expenses	25,000.00
Engineering expenses	35,000.00
Newspaper notices & office expenses	3,000.00
Routine stream maintenance	30,000.00
Special projects	60,000.00
BWRS matching grant money	12,000.00
Marsh Water Project ad valorem assessment	<u>152,100.00</u>
TOTAL	\$346,600.00

BE IT FURTHER RESOLVED, that Buffalo Creek Watershed District hold a public hearing on the proposed Budget as required by Minnesota Statutes §103D.911 on the 25th day of August, 2015 at 7:30 P.M. at its offices at Suite 103, Glencoe City Center, 1107 11<sup>th</sup> Street E., Glencoe, MN; and

BE IT FURTHER RESOLVED, that Attorney Pete Kasal prepare the proper notice and arrange for publication of said notice in one newspaper of general circulation in each county in which Buffalo Creek Watershed District extends, once each week for 2 consecutive weeks, the last publication which will be at least 2 days before the hearing.

Manager Kramer seconded the motion. The question was on the adoption of the proposed Budget for the year 2016 and for a public hearing to be held thereon, and there being five aye and no nay as follows:

Donald Belter	Yea
Larry Phillips	Yea
Corey Henke	Yea

Larry Kramer	Yea
Matt Melberg	Yea

The resolution was declared carried.

President Belter informed the Board that it would be appropriate to determine the District's tax levy for 2016. The Board of Managers then discussed the question of how much the Board should levy for the year 2016. After discussion, Manager Henke offered the following resolution and moved its adoption:

RESOLVED, that Buffalo Creek Watershed District levy \$346,600.00 upon all taxable property in Buffalo Creek Watershed District located in the Counties of McLeod, Renville, Kandiyohi, Sibley and Carver, State of Minnesota, for the purpose of paying the administrative expenses of the District as provided by Minnesota Statutes §103D.905, Subd. 3., and also the Marsh Water Project ad valorem assessment in the included amount of \$152,100.00.

Manager Kramer seconded the motion. Upon vote there were five "Yeas" and no "Nays" as follows:

Donald Belter	Yea
Larry Phillips	Yea
Corey Henke	Yea
Larry Kramer	Yea
Matt Melberg	Yea

The resolution was declared carried.

There being no further business to come before the Board, upon motion duly made, seconded and unanimously carried, the Board of Managers adjourned the meeting until the annual budget hearing on August 25, 2015 at 7:30 P.M. and the next regular meeting of the Board of Managers on August 25, 2015 at 8:00 P.M. at its regular meeting place at Suite 103, Glencoe City Center, 1107 11<sup>th</sup> Street E., Glencoe, MN.

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Matt Melberg, Secretary

STATE OF MINNESOTA  
BUFFALO CREEK WATERSHED DISTRICT  
DRAINAGE AUTHORITY FOR THE IMPROVEMENT OF BRANCH M OF RENVILLE COUNTY JUDICIAL  
DITCH 15

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The matter of the petition of Melberg, et al., for the improvement of Branch M of Renville County Judicial Ditch 15

**Preliminary Findings and Order**

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The Board of Managers of the Buffalo Creek Watershed District, at its regulator meeting on Tuesday, July 28, 2015, received the petition of Bradley Melberg and others for the improvement of Branch M of Renville County Judicial Ditch 15. Upon review of the petition for improvement and the accompanying bond, Manager Henke moved, seconded by Manager Phillips, for adoption of the following Findings:

1. The petition of Bradley Melberg and others for the improvement of Branch M of Renville County Judicial Ditch 15 (JD 15) was filed with the Board of Managers pursuant to Minnesota Statutes Section 103D.625, subd. 4.
2. Improvements of existing drainage systems in the watershed district must be initiated by filing a petition with the Managers.
3. The proceedings for the construction or improvement of drainage systems in the watershed district must conform to chapter 103E.
4. The Board verified the signatures and ownership interests of the petitioners and finds that the petitioners are the owners of 4 of the 14 – 40-acre parcels that the proposed improvement passes over. As such, petitioners are at least 26 percent of the owners of the property affected by the proposed improvement; or the owners of at least 26 percent of the property area that the proposed improvement passes over.
5. The petition was properly filed with the Board of Managers to initiate improvement proceedings. For the purpose of a properly filed petition for improvement of a drainage system within the Watershed District, the Board of Managers composes the Drainage Authority for the improvement and, if the improvement is ordered and constructed, for all subsequent actions on the drainage system, or portion thereof.
6. The petition properly designated the drainage system proposed to be improved by number or another description that identifies the drainage system.

7. The petition alleges that the drainage system has insufficient capacity or needs enlarging to furnish sufficient capacity.
8. The petition describes the improvement, including the names and addresses of owners of the 40-acre tracts or government lots and property that the improvement passes over.
9. The petition alleges that the proposed improvement is necessary and will be of public utility and promote the public health.
10. The petition contains an agreement by the petitioners that they will pay all costs and expenses that may be incurred if the improvement proceedings are dismissed.
11. The petition alleges that the existing drainage system needs repair and further petitions the Board to consider separable maintenance when determining the allocation of costs of the improvement.
12. The petition was accompanied by cash bond from the petitioners of \$10,000 in the form of personal check(s) payable to the Watershed District. The cash deposit, once cleared, is adequate surety and has been reviewed and approved by Board's attorney. The bond is conditioned to pay the costs incurred if the proceedings are dismissed or a contract is not awarded to construct the drainage system proposed in the petition.
13. The costs incurred before the proposed drainage project is established may not exceed the amount of the petitioners' bond. A claim for expenses greater than the amount of the bond may not be paid unless an additional bond is filed. Therefore, petitioners may be required to provide additional cash surety or procure other surety (i.e. a payment bond from a bonding company or irrevocable, demand letter of credit) during these proceedings. If the drainage authority determines that the cost of the proceeding will be greater than the petitioners' bond before the proposed drainage project is established, the drainage authority shall require an additional bond to cover all costs to be filed within a prescribed time. The proceeding will be stopped until the additional bond prescribed by the drainage authority is filed. If the additional bond is not filed within the time prescribed, the proceeding will be dismissed.
14. The Board's attorney has reviewed the petition and bond and has determined they meet the requirement of these proceedings.

Based on the foregoing findings, the Board of Managers adopts the following **Order**:

- a. The Board appoints the engineering firm of Houston Engineering (Chris Otterness, P.E.) to make a preliminary survey and file and report within 90 days of this order.

- b. The engineer shall serve as the engineer for the drainage project throughout the proceedings and construction unless otherwise ordered.
- c. The engineer shall file an oath to faithfully perform the assigned duties in the best manner possible and file a bond with the managers.
- d. The engineer shall include in his preliminary survey and report an investigation of the scope of improvement to include consideration of alternative improvement configurations and the impact of regulatory permitting requirements related to wetlands or other environmental factors on the possible alternatives.
- e. The engineer shall, as part of his work on the preliminary survey, investigate the potential use of external sources of funding to facilitate the purposes indicated in section 103E.011, subd. 5, and alternative measures in section 103E.015, subd. 1(2). This investigation shall include early coordination with applicable soil and water conservation district and county and watershed district water planning authorities about potential external sources of funding and technical assistance for these purposes and alternative measures.
- f. The engineer shall include in his preliminary survey and report an investigation of the current condition of the portion of the drainage system proposed to be improved and provide a recommendation on the propriety of a separable maintenance allocation of project costs.

After discussion, the Board President called the question. The question was on the adoption of the foregoing findings and order, and there were 4 yeas and 0 nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Donald Belter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Phillips	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corey Henke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Kramer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Matt Melberg	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Upon vote, the President declared the motion passed.

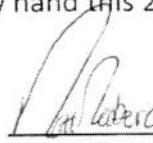
  
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 Donald Belter, President

Dated: July 28, 2015

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I, Matt Melberg, Secretary of the Buffalo Creek Watershed District, do hereby certify that I have compared the above motion, findings and order with the original thereof as the same appears of record and on file with the Board of Managers and find the same to be a true and correct transcript thereof. The above order was filed with me, Secretary of the Board of Managers, on July 28, 2015, 2015.

IN TESTIMONY WHEREOF, I hereunto set my hand this 28<sup>th</sup> day of July, 2015.

  
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Matt Melberg