

MINUTES OF THE REGULAR MEETING OF THE BOARD OF MANAGERS OF THE BUFFALO CREEK WATERSHED DISTRICT

The Managers of Buffalo Creek Watershed District met on the 25th day of June, 2019, at 8:00 p.m. at its regular meeting place in Suite 103, Glencoe City Center, 1107 - 11th Street E., Glencoe, MN, for its regular monthly business meeting.

The following managers were present:

- Donald Belter
- Larry Phillips
- Larry Kramer
- Chad Stuewe
- Matt Melberg

Also attending the meeting were:

- John Kolb, Attorney
- Chuck Eberhard, Consultant
- Rik Rudeen
- Linda Phillips
- Lyle Grenke
- Jack Ewert
- Doug Krueger, McLeod County
- Roger Rath
- Jon Kramer
- Al Robeck

President Belter called the meeting to order and announced the first order of business was the consideration of minutes of the regular meeting of the Board of Managers held on May 28, 2019. A motion was made by Manager Kramer and seconded by Manager Phillips to approve the minutes from the previous meeting. After discussion, and by unanimous vote, the Board of Managers approved the minutes at the meeting held on May 28, 2019.

President Belter called upon Manager Phillips for the Treasurer's report. Manager Phillips presented a written report which outlined income and expenses as follows:

Beginning Balance: \$346,735.90

Income:

Interest Earned – May 2019	\$44.08
Deposit from Michael Melberg check	\$10,000.00

Expenses:

Funds transferred to checking for other checks paid	\$24,996.02
JD 15 Br. M – Houston Engineering	\$502.50
Marsh Water Project – Houston Engineering	\$4,226.75

Marsh Water Project – Rinke Noonan	\$12,208.50
JD 15 Br. P 1 – Rinke Noonan	\$547.00
JD 15 Br. P 1 – Gislason & Hunter	\$736.00

Ending Balance: \$313,563.21

Upon motion of Manager Kramer which was seconded by Manager Melberg by unanimous vote, the Board of Managers approved the Treasurer’s report subject to audit.

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

Rinke Noonan -	\$10,056.88
Bolton & Menk, Inc. JD 15 A -	\$424.00
Houston Engineering -	\$8,423.92
Eberhard Consulting -	\$3,340.32
Visual Effects – sign for Marsh Creek Project -	\$626.07
Chad Stuewe -	\$71.58
Don Belter -	\$77.38
Larry Phillips -	\$232.73
Larry Kramer -	\$113.34
Matt Melberg -	\$112.18
Mary Henke -	\$138.52
Linda Phillips -	\$471.58
Total -	\$24,088.50

Upon motion from Manager Kramer seconded by Manager Phillips and by unanimous vote, the Board of Managers approved the above bills for payment.

President Belter called any new permits:

Permit 2019-15 Osceola Township: Osceola Twp., T116N, R33W, Sec. 8 - Rally Land Co. (Rudeen Family) for consideration. Motion by Manager Melberg, seconded by Manager Kramer to consider, carried. Eberhard presented the proposed action which involves the installation of tile drainage as follows:

1,700 ft. – 15 in. DWP @ .10%
2,200 ft. – 12 in. DWP @ .08%
900 ft. – 10 in. DWP @ .10%
Total Drainage Area 165 acres

The watershed looked at this last fall and found it to meet the watershed district’s Rules and Regulations, but that the project required abandoning portions of CD 67, tile Branch 390 &

60 (2,000 ft. of 12" tile, 1,300 ft. of 10" tile, 1,100 ft. of 8" tile, and 600 ft. of 6" tile) and an easement to cross the Allen & Scott Peterson Farm. Both requirements are now met.

The proposed action also will replace existing intakes. There are currently 18 intakes but the proposed installation only calls for 9. Eberhard recommends approving the permit to include 18 intakes and requiring documentation of the final installation.

Eberhard recommends the permit be approved. Motion by Manager Kramer, seconded by Manager Melberg to approve the permit as recommended. Motion passed.

2019-16 Collins Township: Collins Twp., T115N, R30W, Sec. 3 and 10 – Bruce Kirkhoff for consideration. Motion by Manager Kramer seconded by Manager Melberg to consider, carried. Eberhard presented the proposed action which involves the installation of tile drainage as follows: @1600 ft. of 12" tile at .1% grade to drain 70 acres. The total parcel drains to multiple sub-watersheds with the north 32 acres draining to the north, the south 20 acres draining south, and a small portion @4 acres draining west. This leaves @24 acres needing drainage consistent with the permit application. The 12" tile is too large for this drainage area to meet the 3/8" drainage coefficient required by the District rules. Additionally, the proposed outlet is through a wetland and to a public watercourse under the jurisdiction of the DNR. The wetland area might also be part of the public water.

Eberhard recommended approval of a modified project with the following conditions:

- (1) tile size is limited to 10" of single wall pipe at no greater than .1% grade;
- (2) confirmation from the DNR that no permit is necessary to outlet to the public water (or a permit from the DNR allowing the outlet, if one is necessary);
- (3) confirmation from the DNR or WCA LGU that the tile installation will not require wetland permitting or approvals (or permit/approvals from DNR or WCA LGU, if necessary); that the required confirmations be provided to the District before work is started. The applicant's contractor, Jack Ewert, was present and was asked questions regarding the project and informed of Eberhard's recommendation.

Motion by Manager Melberg, seconded by Manager Kramer to conditionally approve the permit subject to receipt of the confirmations as outlined by Eberhard. During discussion on the motion, Eberhard was instructed to provide written instructions to the applicant and Jack Ewert of the requirements for the permit. Motion passed.

2019-17 Preston Lake Township: Preston Lake Twp., T115N, R31W, Sec. 19 – Dennis Millies for consideration. Motion by Manager Melberg, seconded by Manager Kramer to consider, carried. Eberhard presented the proposed action which involves the installation of tile drainage as follows: @900 ft. of 12" tile on a .1% grade to drain 70 acres. The outlet is an existing 15" surface outlet in the field. The intention of the applicant is to extend this tile to the south to outlet to tile Branch (Q 23) of JD 15.

The total parcel is @100 acres and is crossed by a subwatershed dividing drainage to the south to Branch Q 23 and to the north to Branch (M 51) of JD 15. The project as proposed will cross the subwatershed between the two tile branches. The activity is proposed in stages: First, tiling into the surface outlet in the center of the parcel and then draining south of Branch Q. Eberhard recommends approval of the permit with a condition to not allow the project to cross sub-watersheds and to reduce tile size to a maximum of 10" of dual wall pipe at a .1% grade.

Motion by Manager Melberg, seconded by Manager Kramer to deny the permit. During discussion, the Managers indicated that the project as proposed violates the District's rules and that the modifications of the project proposed by Eberhard were beyond what the Board felt were reasonable modifications to comply with the District's rules. The Board indicated that the applicant should return with a new plan that is compliant with the District's rules. The Board's action was explained to the applicant's contractor, Jack Ewert, who was present at the meeting. Eberhard was instructed to provide required notices to the applicant and Jack Ewert. Motion passed with all in favor.

President Belter next called for discussion of old business:

JD 15 – Branch M20. Kolb reported on an inquiry from the engineer on certain branch tiles with limited public utility. Some landowners have requested that the small branches be abandoned.

JD 15 – Branch P. Kolb reported that the viewers have executed their oaths.

JD 15 – Branch S. Kolb reported on the filing of the final engineer report.

JD 15 – Branch A. Kolb reported that the Board is waiting on the final reports for the project.

JD 15 – Multi-Purpose Drainage Management Proposal. Kolb presented the proposal from HEI to prepare a study for the JD 15 watershed. Motion by Kramer, seconded by Phillips to table until more information is provided by HEI as to whether there is grant funding available for the study. Passes.

Marsh Project. Kolb updated on the status of easements for the Phase 2 Project. Kolb will work with Manager Phillips to obtain remaining easements.

Glencoe East and Central. Kolb provided an update that he is still working on the project agreement for consideration by the County Board. Phillips commented on news article incorrectly stating that the BCWD will be providing financial assistance to the City/County project.

JD 79-2 – Violation. Kolb updated on correspondence with the HIWD attorney on the option to petition BWSR to adjust the common watershed boundary to eliminate the violation. Kevin Lindemann reported on the presentation to the HIWD. The HIWD believes that the

proposed map does not reflect the actual watershed boundary. The Board suggested that Mr. Lindemann work with Lisa Odens to correct.

President Belter next called new business.

Roger Rath appeared to discuss a project in Section 35 of Brookfield Township. Proposed project to improve an 8" tile to a 12" tile. The Board provided information on permitting for the project.

Kolb noted the Board roster with manager contact information and manager terms of office. Kolb discussed use of the official email for all matters related to the District.

Phillips reported on correction of the outlet tile for the Marsh Creek Pond and soil corrections.

The Board considered proposals from Linda Phillips and Mary Henke. Kolb recommends that, if the Board accepts the proposals, that the arrangement be written as an independent contractor arrangement. The Board discussed the particulars of the proposals. Manager Phillips, being Linda Phillips' spouse, recused himself from discussion and consideration of her proposal. Manager Melberg commented the work performed and suggested that Mary Henke prepare a monthly activity report. Motion by Kramer, seconded by Melberg, to accept LP proposal and have Kolb prepare a contract. Passes with Phillips recused. Motion by Melberg, seconded by Phillips to accept Mary Henke proposal and instruct Kolb to prepare a contract. Passed with all in favor.

Manager Phillips raised an issue related to signatories on the District's accounts noting that Manager Henke is still on the signature authorizations at the bank. Discussion was held about removing Manager Henke from the signature authorization and adding Manager Chad Stuewe to the signature authorization. Motion by Melberg, seconded by Kramer to direct the bank to remove Manager Henke from the signature authorization and add Manager Stuewe. Passed with all in favor.

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 next regular meeting of the Board of Managers on Tuesday, July 23, 2019, at 8:00 p.m. at its regular meeting place in Suite 103, Glencoe City Center, 1107 11th Street E., Glencoe, MN.

Matt Melberg, Secretary