

**MINUTES OF MEETING OF MANAGERS**  
**OF BUFFALO CREEK WATERSHED DISTRICT**

The Managers of Buffalo Creek Watershed District met on the 25th day of October, 2016, at 8:00 P.M. at its regular meeting place in Suite 103, Glencoe City Center, 1107 11<sup>th</sup> Street E., Glencoe, MN, for its regular monthly business meeting.

The following members were present:            Donald Belter  
   Larry Phillips  
   Matt Melberg  
   Larry Kramer  
   Corey Henke

Also attending the meeting were:                    Pete Kasal, Attorney  
   Charles Eberhard, Engineer

President Belter called the meeting to order and announced the first order of business was the consideration of the minutes of the regular meeting of the Board of Managers held on September 27, 2016. Upon motion of Manager Melberg, which motion was seconded by Manager Henke, by unanimous vote the Board of Managers approved the minutes of the meeting held on September 27, 2016, as amended.

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

<u>SAVINGS:</u>		
C.B. #4206225	\$ 67,948.69	
Rec'd: Interest	<u>1.58</u>	
		\$ 67,950.27
LESS: Transfer to checking		19,952.55
JD 15 Branch "M" – ECM Publishers, Inc.		120.96
JD 15 Branch "M" – Houston Engineering		3,541.21
JD 15 Branch "M" – Rinke Noonan		1,572.00
McLeod Co. Ditch 33 – Rinke Noonan		214.50
McLeod Co. Ditch 33 – McLeod Publishing		162.00
McLeod Co. Ditch 33 – Bolton & Menk, Inc.		9,780.00
Marsh Water Project – Rinke Noonan		535.00
Marsh Water Project – Houston Engineering		<u>10,807.51</u>
OCTOBER BALANCE		\$21,264.54

<u>CHECKING:</u>		
September balance	\$ 1,000.00	
Moved from savings to cover checks issued	<u>46,685.73</u>	
		\$ 47,685.73
Transfer from savings to cover other checks issued		(19,952.55)
Transfer from savings – Marsh Water Project		(11,342.51)
Transfer from savings – JD Branch "M"		(5,234.17)
Transfer from savings – Co. Ditch 33		<u>(10,156.50)</u>
OCTOBER BALANCE		\$ 1,000.00

PROJECT 79-2:

McLeod Co. Auditor/79-2 Fund	\$22,310.57
Rickert Excavating – Washout on Wayne Renneke farm	<u>(995.69)</u>
	\$21,314.88

Upon motion of Manager Kramer, 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. Treasurer Phillips reported as follows:

Kasal Law Office	\$ 799.91
Rinke Noonan	6,557.50
Drop & Go	39.86
Houston Engineering	11,867.06
Bolton Menk	3,359.00
ECM Publishing	120.96
Hawk Publishing	170.00
Eberhard Consulting	2,002.04
Linda Phillips – secretarial/accounting	122.79
Mary Henke – secretarial	300.00
Corey Henke – per diem & mileage	94.80
Donald Belter – per diem & mileage	82.56
Larry Phillips – per diem & mileage	316.50
Larry Kramer – per diem & mileage	116.04
Matt Melberg – per diem & mileage	<u>107.40</u>
TOTAL	\$26,056.42

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

President Belter called upon Chris Otterness of Houston Engineering, who presented a report on the City of Glencoe’s petition for a water management project on the north and east sides of Glencoe. Mr. Otterness outlined a 4-phase process for addressing the petition request and provided an engineering cost estimate of \$24,000.00 for Phase 1. He anticipated that Phase 1 would be completed by March 31, 2017. He requested that the Board enter into the agreement as outlined in the proposal. Upon motion of Manager Phillips, which motion was seconded by Manager Melberg, by unanimous vote the Board of Managers approved the project agreement with Houston Engineering and authorized President Belter to sign the project proposal.

President Belter next called for any new permits. Engineer Eberhard introduced an application for a permit submitted by Hans Knutson. Upon motion of Manager Kramer, which motion was seconded by Manager Henke, the Board of Managers accepted the application for a permit for consideration and designated it Application for Permit No. 2016-25. Engineer Eberhard explained that the permit application requests closing an

open ditch on the petitioner's property and replacing the open ditch with approximately 450 ft. of 12-in. line, and he recommended approval. Upon motion of Manager Melberg, which motion was seconded by Manager Kramer, by unanimous vote the Board of Managers approved Permit No. 2016-25.

Engineer Eberhard next introduced an application for a permit submitted by Triple B Farms. Upon motion of Manager Kramer, which motion was seconded by Manager Henke, the Board of Managers accepted the application for a permit for consideration and designated it Application for Permit No. 2016-26. The permit application seeks to replace approximately 60 ft. of existing 10-in. line under a county road. Upon motion of Manager Melberg, which motion was seconded by Manager Kramer, by unanimous vote the Board of Managers approved Permit No. 2016-26.

Engineer Eberhard introduced an application for a permit submitted by the McLeod County Highway Dept. Upon motion of Manager Henke, which motion was seconded by Manager Phillips, the Board of Managers accepted the application for a permit for consideration and designated it Application for Permit No. 2016-27. Engineer Eberhard explained that McLeod County is seeking to remove a cattle pass near Plato on County Road 3. He noted that there were objections to the permit by adjacent landowners and recommended tabling the application until further information is received from the County and the adjacent landowners with regard to their dispute. Upon motion of Manager Henke, which motion was seconded by Manager Melberg, by unanimous vote the Board of Managers tabled Application for Permit No. 2016-27.

Manager Kramer presented a permit application submitted by Hartung Partnership. Upon motion of Manager Henke, which motion was seconded by Manager Phillips, the Board of Managers accepted the application for a permit for consideration and designated it Application for Permit No. 2016-28. Manager Kramer explained that the applicant seeks to replace approximately 1,400 ft. of existing 10-in. line with a 12-in. line. It was noted that the increase in diameter of the line is within the co-efficient guidelines. Upon motion of Manager Henke, which motion was seconded by Manager Melberg, by unanimous vote the Board of Managers approved Permit No. 2016-28, with Manager Kramer abstaining.

President Belter next called for items of old business. Engineer Otterness addressed the Marsh Water Project and noted that final plans are prepped but that the Corps of Engineers permit application is still pending. He stated that all the easements for the project have been drafted and the landowners will be contacted in the near future for their signatures.

Engineer Eberhard reported that the JD Branch "M" project is now scheduled for a final hearing on November 15 at 1:00 P.M.

Engineer Eberhard next addressed the Board and asked the Board to authorize signing of construction contracts for the Ditch No. 33 project. Upon motion of Manager Henke, which motion was seconded by Manager Melberg, by unanimous vote the Board of Managers authorized the signing of construction contracts for Ditch No. 33.

Engineer Otterness next addressed the permit application of the Glencoe School District. He noted that the application seeks to have a 15-in. tile line constructed for drainage from the existing wetland area to a ditch on the east edge of Glencoe. Because this is a partially developed area, under existing rules of the Watershed District the school may be limited to no net increase in drainage off the property, which would result in only an 8-in. inlet to a 12-in. line. He stated that the cost of the 12-in. line could be assessed against the School District for only that portion representing an 8-in. line and that the additional cost for the line would be assumed by the Watershed District. He noted that Attorney John Kolb from Rinke Noonan had prepared a proposed motion and findings for that approval. Thereafter followed a lengthy discussion among Board members and members of the public in attendance as to the appropriateness of limiting the School District to an 8-in. outlet and the Watershed District absorbing additional costs on the outlet line. After considerable discussion, the Board made the following findings with regard to the project: (1) that the School District property consists of both developed property and open acreage; (2) that substantial diversion of municipal water has been made over the years from the City of Glencoe and substantially increases the amount of drainage created off the School District property, rendering the existing 8-in. outlet obsolete; (3) that limiting the School District under those circumstances to an 8-in. outlet would not adequately address the run-off from the School District property; (4) that failure to address the appropriate run-off from the property would substantially impair the viability of the School District property and substantially affect what is a multi-million dollar investment by the School District in its buildings and associated property; (5) that strictly applying the rules to a no-net increase in run-off would result in a substantial hardship to the School District and not reflect the additional diversion of waters by the City of Glencoe onto the School District property; and (6) that there are no other viable alternatives available to the School District to accommodate a requirement of no additional net discharge from the property.

Upon motion of Manager Phillips, which motion was seconded by Manager Melberg, by unanimous vote the Board of Managers approved a 15-in. outlet line from the School District property approximately 4,800 ft. to the ditch outlet with a 15-in. inlet allowed to the School District property, and adopted the findings of the Board as set out above. It was specifically noted that the entire cost of the project would be up to the Glencoe School District to pay and that it would be required to obtain all necessary easements and to file an appropriate application for a permit with the Board along those guidelines. It was noted that the project does satisfy the Watershed's run-off co-efficient rules for undeveloped property.

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, November 22 at 8:00 P.M. at its regular meeting place in Suite 103, Glencoe City Center, 1107 11<sup>th</sup> Street E., Glencoe, MN.

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Matt Melberg, Secretary