

MINUTES OF MEETING OF MANAGERS
OF BUFFALO CREEK WATERSHED DISTRICT

The Managers of Buffalo Creek Watershed District met on the 27th day of February, 2007, at 1:00 P.M. at its regular meeting place in the City Council Chambers, City Hall, 630 10th Street E., Glencoe, MN, for its regular monthly business meeting.

The following members were present:

Donald Belter
George Schlagel
Larry Phillips
Charles Kubesh
Corey Henke

Also attending the meeting were:

Pete Kasal, of the firm of
KEEFE & KASAL
Hutchinson, MN

Charles Eberhard, of the firm of
McCOMBS FRANK ROOS ASSOC.
Plymouth, MN

President Belter announced the first order of business was the consideration of the minutes of the regular meeting of the Managers held on January 23, 2007. After review of the minutes, upon motion of Manager Schlagel, which motion was seconded by Manager Phillips, by unanimous vote the Board of Managers approved the minutes of the meeting held on January 23, 2007.

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

SAVINGS:

C.D.	\$ 58,059.96	
C.B.	257,911.47	
Rec'd: Interest to 12/28/06 (C/D #8358)	5,999.55	
Interest (Savings #4206225)	743.41	
Carver County	42.29	
Sibley County	6.67	
Renville County	<u>872.21</u>	
		\$323,635.56
LESS: Transfer to checking		<u>4,856.84</u>
FEBRUARY BALANCE		\$318,778.72

<u>CHECKING:</u>	
January balance	\$ 2,085.62
Deposit from savings	4,856.84
Interest	<u>.11</u>
	\$ 6,942.57
LESS: Checks drawn	<u>4,799.46</u>
	\$ 2,143.11
 <u>PROJECT 79-2:</u>	
CD #7949 and #11550	\$ 7,697.12
Interest to 1/10/07	<u>913.87</u>
	8,610.99
McLeod Co. Auditor/79-2 Fund	<u>54,330.36</u>
	\$62,941.35

Upon motion of Manager Schlagel, which motion was seconded by Manager Kubesh, 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 as follows:

Larry Kunkel – trapping	\$ 280.00
U.S. Post Office – box rental	72.00
McCombs Frank Roos – pipeline	35.00
McCombs Frank Roos – grant application	347.50
McCombs Frank Ross – engineering	1,350.00
Keefe & Kasal – attorneys fees	574.85
Donald Belter – per diem & mileage	257.98
Charles Kubesh – per diem & mileage	124.10
Corey Henke – per diem, mileage & website	489.77
Larry Phillips – per diem & mileage	414.29
George Schlagel – per diem & mileage	<u>216.19</u>
TOTAL	\$ 4,161.68

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

President Belter next called for new permit applications. Engineer Eberhard reported that an application for a permit had been submitted on behalf of MinnCan. Upon motion of Manager Phillips, which motion was seconded by Manager Kubesh, by unanimous vote the Board of Managers accepted the permit application for consideration and designated it Application for Permit No. 2007-1. The application is requesting that a 24-inch oil pipeline be allowed to cross Buffalo Creek approximately 1.5 miles south of Plato. President Belter called upon Todd McKinney and Ross Hargrove, who appeared on behalf of MinnCan. They explained that they were proposing the pipeline crossing as

part of a large pipeline project extending from northern Minnesota through McLeod County and to continue south of the Twin Cities to refineries located in that area. Engineer Eberhard reported that he has viewed the site and the proposed crossing and has concerns about possible erosion as a result of the crossing. The crossing is proposed as an open cut through the Buffalo Creek channel. Engineer Eberhard set out his comments in a letter to the Board members and to MinnCan. The project intends to lay pipe 5 feet below the stream bed. Engineer Eberhard proposed that an erosion control device be used at the site of the crossing during the construction and suggested that following the completion of the crossing, that the area be re-seeded and trees re-planted. He suggested that a cash bond of \$50,000.00 for 5 years be required. Mr. Hargrove stated that they are going to prepare a site plan, and indicated that re-seeding is planned and that a silt fence will be used during the construction along with temporary use of straw bales. A temporary bridge will also be constructed over Buffalo Creek. Engineer Eberhard requested that the site plan be submitted at least one week prior to the next Board meeting so that it can be reviewed and discussed at that meeting. Upon motion of Manager Henke, which motion was seconded by Manager Schlagel, by unanimous vote the Board tabled the permit application until the March meeting.

President Belter next called upon Ralph Novotny, Renville County Commissioner, and Larry Zupke, Renville County Ditch Inspector. Engineer Eberhard explained that he had requested them to attend the Board meeting to discuss cost sharing for an aerial topographical survey that is being initiated by McLeod County and which is being participated in by Buffalo Creek Watershed District to the extent of a cost share of \$40,000.00. The Board inquired if Renville County was interested in extending the aerial survey into Renville County; in particular, over the area of the Buffalo Creek Watershed. Mr. Zupke reported that they have consulted with county staff in Renville County about the utility and usefulness of an aerial study at this time. The Board of Managers indicated to the Renville County officials that the Watershed District would contribute ½ the cost for the aerial survey for the watershed area in Renville County. The Renville County officials noted that they would further inquire into the matter, but at present have not budgeted for such an expenditure.

Engineer Eberhard reported to the Board that the Legacy Grant Work Plan has been submitted to the State of Minnesota and he is waiting for approval.

President Belter next called for items of old business. Engineer Eberhard reported that he has not received any response from Randall Thalmann with regard to the fill issue previously discussed and addressed by a letter to Mr. Thalmann.

Engineer Eberhard next addressed the aerial topographical survey project that is being coordinated with McLeod County. He recommended that the aerial survey project go forward with a cash contribution from Buffalo Creek Watershed District to McLeod County in the amount of \$40,345.00 for the watershed area located within McLeod County. He also recommended that a cash allocation be provided in the amount of \$13,869.00, which would include and extend the aerial survey into the watershed areas of Sibley and Carver Counties. Upon motion of Manager Phillips, which motion was seconded by Manager Henke, upon unanimous vote the Board approved the expenditures as outlined by Engineer Eberhard for the aerial topographical survey and approved the

partnership with McLeod County and to include the watershed areas of Carver and Sibley Counties. The motion also included a provision that in the event Renville County decides to participate in a similar project in Renville County, the Watershed District will consider similar cost sharing with Renville County.

President Belter next called for the agenda item concerning the MAWD Legislative Breakfast & Day at the Capitol in St. Paul. After discussion, no Board members expressed an interest in attending.

The next item to be discussed by the Board was the non-waiver of liability limits as set forth in Minnesota Statutes §464.04. After discussion, Manager Phillips offered the following resolution and moved its adoption:

RESOLVED, that Buffalo Creek Watershed District accepts liability coverage limits of \$1,000,000.00 from the League of Minnesota Cities Insurance Trust.

Manager Schlagel seconded the motion. There were five “Yea’s” and no “Nay’s” as follows:

Larry Phillips	Yea
George Schlagel	Yea
Donald Belter	Yea
Corey Henke	Yea
Charles Kubesh	Yea

The resolution was declared carried.

Manager Henke next reported that the Overall Plan of the Watershed District had been posted on the website.

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, March 27, 2007, at 1:00 P.M. at its regular meeting place in the City Council Chambers, City Hall, 630 10th St. E., Glencoe, MN.

Charles Kubesh, Secretary