

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

The Managers of Buffalo Creek Watershed District met on the 28th day of April, 2009, at 8:00 P.M. at its regular meeting place in the City Council Chambers, City Hall, 630 10<sup>th</sup> Street E., Glencoe, MN, for its regular monthly business meeting.

The following members were present:

Donald Belter  
Charles Kubesh  
Corey Henke  
Larry Phillips  
George Schlagel

Also attending the meeting was:

Troy Scotting, of the firm of  
KASAL & SCOTTING  
Hutchinson, MN

Engineer Charles Eberhard  
Litchfield, MN

President Belter announced the first order of business was the consideration of the minutes of the regular meeting of the Board of Managers held on March 24, 2009. Upon motion of Manager Schlagel, which motion was seconded by Manager Kubesh, by unanimous vote the Board of Managers approved the minutes of the regular meeting held on March 24, 2009.

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

SAVINGS:

C.D.	\$ 58,059.96	
C.B.	142,443.08	
Rec'd: Interest to 12/28/08 (C/D #8358)	13,122.01	
Interest (Savings #4206225)	<u>96.94</u>	
		\$213,721.99
LESS: Transfer to checking		<u>2,732.79</u>
APRIL BALANCE		\$210,989.20

CHECKING:

March balance	\$ 3,407.74
Deposit from savings	2,732.79
Interest	<u>.16</u>

		\$ 6,140.69
LESS: Checks drawn		<u>2,635.61</u>
APRIL BALANCE		\$ 3,505.08
 <u>PROJECT 79-2:</u>		
CD #7949 and #11550	\$ 7,697.12	
Interest to 4/11/09	<u>1,793.98</u>	
		9,491.10
McLeod Co. Auditor/79-2 Fund		<u>21,330.36</u>
TOTAL 79-2 Funds		\$30,821.46
 <u>Clean Water Legacy Grant Funds (Act. #4215367):</u>		
2/281/09 balance	\$19,054.60	
Rec'd: Interest to 3/31/09	<u>.84</u>	
		\$19,055.44
LESS: Lake Allie Assn. – buffer strip incentive		<u>940.00</u>
APRIL BALANCE		\$18,115.44

Upon motion of Manager Schlagel, which motion was seconded by Manager Phillips, 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:

Kasal & Scotting – attorneys fees	\$ 595.03
Sun Patriot News – meeting notice publication	28.80
Hubin Publishing – meeting notice publication	15.81
Hub Publishing – meeting notice publication	15.98
Hawk Publishing – meeting notice publication	17.00
League of Minnesota Cities	11.00
Charles Eberhard – engineering fees (2 mon.)	2,459.47
Mary Henke – secretarial	136.13
Linda Phillips – secretarial/accounting	130.77
Corey Henke – per diem & mileage	94.80
Donald Belter – per diem & mileage	82.70
Larry Phillips – per diem & mileage	241.50
George Schlagel – per diem & mileage	175.85
Charles Kubesh – per diem & mileage	<u>110.20</u>
TOTAL	\$ 4,115.04

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

President Belter next called upon Ken Schiroo, who lives on 20<sup>th</sup> Street in Glencoe, and who was in attendance at the meeting. Mr. Schiroo had some questions for the Board regarding retention ponds located near where he lives. He indicated that recently the ponds were emptied when the creek was at its peak and he wondered whether or not that was appropriate. It was Mr. Schiroo's belief that the ponds should be emptied when the creek is low so as to better be able to control the level of the creek. A brief discussion was had regarding this issue.

President Belter next called upon Thomas Fischer of BWSR, who was in attendance. Mr. Fischer inquired of the Board as to whether or not there were any new developments regarding discussions with Charles Schmidt, a Glencoe resident. Manager Phillips reported that he had a discussion with Mr. Schmidt but was unclear as to what work Mr. Schmidt would like to have done. Manager Phillips reported that Mr. Schmidt had indicated he would like to have a meeting this summer after the water level goes down in Buffalo Creek, and he requested a list of parties from Mr. Schmidt that should be invited to the meeting. Manager Phillips indicated that as of yet he had not received a response from Mr. Schmidt. Manager Phillips provided copies of documents pertaining to this issue which are incorporated into the minutes. After a discussion, the Board directed Manager Phillips to send Mr. Schmidt a letter requesting a meeting in July or August when the creek is low. The letter also should request that Mr. Schmidt provide Manager Phillips with a list of all the parties that should be contacted and invited to the meeting.

President Belter next called upon Leon Zeug, an engineer with BWSR who was in attendance at the meeting. Mr. Zeug indicated to the Board that he was there regarding a permit for Bonnie Elfring. The application for a permit is for a wetland restoration project located in Section 23, Lynn Township. Upon motion of Manager Phillips, which motion was seconded by Manager Schlagel, by unanimous vote the Board of Managers accepted the application for a permit for consideration and designated it Application for Permit No. 2009-4.

Mr. Zeug indicated to the Board that they still needed permission from one property owner before the project could move forward. He indicated that one property owner had rescinded a verbal approval for the project, but that the property owner's permission was not needed as the project would no longer have an effect on that owner's land. Mr. Zeug also indicated that the project had been approved by the Renville County Highway Dept. He also indicated that they still needed written approval from the last property owner but expects that to be received because they have received verbal approval on two occasions. Engineer Eberhard indicated that he wanted to see written documentation from all landowners so that the Board can be sure that the landowners are fully aware of everything that will happen with the project.

Mr. Zeug indicated that they needed to move quickly on the project because they want to be able to seed native grasses in May and the next opportunity to seed would not be until fall, and that would put everything behind schedule. Engineer Eberhard indicated he was OK with the permit if it was conditioned on receiving written documentation from the affected landowner or that the project be changed so that no work would be done on that property. Upon motion of Manager Phillips, which motion

was seconded by Manager Schlagel, by unanimous vote the Board of Managers approved Permit No. 2009-4, upon the condition that written documentation be provided to Engineer Eberhard that the landowner had approved the project, or that the project would no longer impact that landowner. The Board also indicated that the permit would be in effect as soon as Engineer Eberhard acknowledges receipt of the documentation.

Mr. Zeug next reported to the Board that he was also there for a second permit application for Sheryl Exsted. This is another wetland restoration project located in Sections 25 and 26, Lynn Township. Upon motion of Manager Kubesh, which motion was seconded by Manager Phillips, by unanimous vote the Board of Managers accepted the application for a permit for consideration and designated it Application for Permit No. 2009-5.

Mr. Zeug indicated to the Board that there was already a wetland there, but the project is aimed at improving the wetlands, including installing a culvert to connect two separate wetlands. He reported that no other landowners would be affected and that Ms. Exsted owns all of the land involved in the project. Upon motion of Manager Kubesh, which motion was seconded by Manager Phillips, by unanimous vote the Board of Managers approved Permit No. 2009-5.

President Belter next called on Chip Hentges from Carver County Soil & Water, who was in attendance. Mr. Hentges gave a presentation to the Board regarding the National Pollutant Discharge Elimination System program. He indicated that the MPCA does not have enough people to police ongoing projects to ensure compliance with the NPDES. He indicated that what they are doing in Carver County is to actually go to the sites and meet with the contractors to ensure that the property is in compliance. Mr. Hentges finally indicated that in his experience most people don't follow the requirements and there is usually never enforcement unless somebody calls in with a specific complaint to the MPCA. The program that they have operating in Carver County ensures that contractors are in compliance without having to wait for a specific complaint to come in regarding a project.

President Belter next called for any items of old business. Manager Phillips indicated that with regard to the spraying of Ditch 79-2 that had been discussed at the previous meeting, he had not contacted McLeod County but would be doing so.

President Belter next called for any items of new business. Engineer Eberhard indicated that he had received an e-mail from the Renville Planning & Zoning Administrator asking him to come to a meeting regarding drainage concerns with respect to the Arvid Acres permit application. Engineer Eberhard indicated that would be attending the meeting next week and would report to the Board at its next meeting.

Manager Phillips indicated that the annual audit is currently being worked on at the accountant's office.

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 May 26, 2009 at 8:00 P.M. at

its regular meeting place in the City Council Chambers, City Hall, 630 10<sup>th</sup> St. E.,  
Glencoe, MN.

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Charles Kubesh, Secretary

April 12, 2009

Gentleman,

After trying for over a week to contact Charley Schmidt, I caught up to him on Friday afternoon, April 10, 2009. We had a long discussion about what he wants done along the Buffalo Creek. After our discussion, I honestly don't know what he wants done.

We talked about tree removal, which BCWD does and has done along this area. We talked about the flood gates and their maintenance, which they have been maintained by city and state highway department.

We also talked about silt and debris removal from the channel.

We talked about the possibility of a dike along his property that the city of Glencoe had proposed to do for him last year to protect his property & nearby property owners from 100 year flood events. Mr. Schmidt and other landowners opposed the dike project. The proposed project was dropped by city of Glencoe.

Mr. Schmidt indicated that he would like a meeting this summer after the water level goes down, to view the channel at a low water level.

I, again informed him that we needed a list of all the parties he has contacted, so we can include them for this meeting.

In conclusion, these issues and others that Mr. Schmidt has, are not easy to figure out or fix - - and some of which have been ongoing for almost 30 years.

Larry Phillips, Manager  
Buffalo Creek Watershed District

**Date:** Mon, 13 Apr 2009 09:19:04 -0500

**From:** "Freitag, Ryan - Glencoe, MN" <Ryan.Freitag@mn.nacdn.net>

**To:** "ceberhard" <ceberhard@bcwatershed.org>, "larryp" <larryp@bcw .....>

**CC:** "Charles Kubesh" <ckubesh@bcwatershed.org>, "Corey Henke" <co .....>

**Subject:** RE: Charley Schmidt meeting

Larry,

He must have spoken to you after he left the SWCD/NRCS office. He has been in our office 3 times thus far, and I agree with you, its not easy to understand what he wants. This is what I and Jon have understood.

- 1) Complete tree removal of the straightened part of the creek. This is to include all of the floodplain area. After it is all removed, it should be grubbed of all stumps and seeded to some type of "park grass" that the city should maintain.
- 2) He believes that there is silt in the flood plain area, and wants that cleaned out next to the channel, and placed in the floodplain.
- 3) Storm water culvert by Jungclause Implement, he would like that re-routed to outlet by the others that flow through the cemetery.
- 4) He claimed that there was 10' of sediment in the channel, and wants that cleaned out.
- 5) His claim is if you remove 2' of sediment, you will drop the water level by 2' as well.

I'm not sure, but a lot of the things that are being brought forward will not help with the flooding. My best recommendation would be for the City to look for FEMA grants to purchase those houses in the floodplain, and remove them. This would solve a lot of problems, and stop wasting tax payer dollars on ideas/complaints that cannot be adequately addressed.

Ryan

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**From:** ceberhard [mailto:ceberhard@bcwatershed.org]

**Sent:** Monday, April 13, 2009 8:17 AM

**To:** larryp; Tom Fischer

**Cc:** Charles Kubesh; Corey Henke; Don Belter; Freitag, Ryan - Glencoe, MN

**Subject:** Re: Charley Schmidt meeting

**Larry:**

**It is my recommendation that you put a date on your memo and present it at the next BCWD meeting. Your memo should then become part of the minutes of the meeting. Add dates within you memo when you talked to the land owner. Good memo.**

**Chuck**

**On Sun, 12 Apr 2009 21:02:33 -0600, larryp wrote**

> See attached letter regarding the conversation I had with Charley Schmidt.

>

> Larry Phillips

> BCWD, Manager

