

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

The Managers of Buffalo Creek Watershed District met on the 26th day of March, 2013, at 1:00 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  
Charles Kubesh  
Larry Phillips  
Corey Henke  
Larry Kramer

Also attending the meeting were:

Charles Eberhard, Engineer  
Pete Kasal, Attorney

President Belter called the meeting to order. The first order of business was the consideration of the minutes of the regular meeting of the Board of Managers held on February 26, 2013. Upon motion of Manager Henke, which motion was seconded by Manager Kramer, by unanimous vote the Board of Managers approved the minutes of the regular meeting held on February 26, 2013.

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.D.	\$ 58,059.96	
C.B.	33,822.90	
Rec'd: Interest to 12/28/12 (C/D #8358)	17,539.84	
Interest (Savings #4206225)	.70	
Carver County	<u>1.71</u>	
		\$ 109,425.11
LESS: Transfer to checking		<u>27,696.15</u>
		\$ 81,728.96
 <u>CHECKING:</u>		
February balance	\$ 1,381.40	
Deposit from savings	<u>27,696.15</u>	
		\$ 29,077.55
LESS: Checks drawn		<u>27,591.54</u>
		\$ 1,486.01

PROJECT 79-2:

CD's #7949 & 11550 redeemed	\$9,978.58	
LESS: 79-2 expense	<u>2,448.29</u>	
New CD #87051		\$ 7,530.29
McLeod Co. Auditor/79-2 Fund		<u>21,271.63</u>
TOTAL 79-2 Funds		\$ 28,801.92

Upon motion of Manager Henke, which motion was seconded by Manager Kramer, 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 – attorneys fees	\$ 904.26
Rinke Noonan – consulting fees	200.00
Eberhard Consulting – engineering fees	2,259.93
Linda Phillips – secretarial/accounting	159.84
Corey Henke – per diem & mileage	215.00
Donald Belter – per diem & mileage	82.71
Larry Phillips – per diem & mileage	155.65
Larry Kramer – per diem & mileage	117.94
Charles Kubesh – per diem & mileage	<u>200.85</u>
TOTAL	\$ 4,296.18

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 called upon Dale Stamer regarding Application for Permit No. 2012-18. The application concerns a project of pattern tiling and the installation of a lift station or pump. Engineer Eberhard reported to the Board on the information received from Mr. Stamer's engineer. He indicated that the drainage project included pattern tiling over the parcel with 8-inch and 6-inch mains leading to a discharge pump, which outletted into an existing 18-inch culvert under a road adjoining the property. The engineer report submitted by Mr. Stamer indicated that the existing culvert can readily handle the discharge from the pump system. It was noted that the lift station does not discharge through the same location as the prior drainage system, which discharged through an existing culvert some distance from the current system. Engineer Eberhard indicated that he did not see any problem with the capacity of the lift station or the capacity of the outlet. He did indicate he has requested additional information from the engineering firm hired by Mr. Stamer to verify the size of the adjacent land draining into the system to assure that the new system will adequately drain run-off from adjacent properties. He noted that the McLeod County Engineer had no problem with the discharge through the existing 18-inch culvert. Engineer Eberhard stated that he believed with the additional information requested, the permit could be approved. The discharge of the drainage system flows onto adjacent property owned by the Fish & Wildlife Service. The drainage from the subject property has historically drained onto the Fish &

Wildlife property, only in a different location. Upon motion of Manager Phillips, which motion was seconded by Manager Kramer, by unanimous vote the Board of Managers moved to table Application for Permit No. 2012-18 for further consideration at the April meeting pending the receipt of additional information.

President Belter next called upon Larry Dreier, who addressed the Board regarding his Application for Permit No. 2013-3, which anticipated the creation of 15-inch main tile. Engineer Eberhard noted that the application has not been properly signed or completely filled out, nor had the necessary easements been received. Upon motion of Manager Henke, which motion was seconded by Manager Kubesh, by unanimous vote the Board of Managers moved to table Application for Permit No. 2013-3 pending receipt of further information.

Manager Phillips next reported to the Board on the Board's liability insurance coverage. He noted that there needs to be a motion by the Board to limit tort coverage to \$1.5 million dollars, which is the statutory maximum. After discussion, Manager Kubesh offered the following resolution and moved its adoption:

RESOLVED, that the Board of Managers accept the League of Minnesota Cities' recommendation and not waive the \$1.5 million tort liability limit set by Minnesota Statutes.

Manager Phillips seconded the motion. There being five "Yea's" and no "Nay's" as follows:

Donald Belter	Yea
Larry Phillips	Yea
Charles Kubesh	Yea
Corey Henke	Yea
Larry Kramer	Yea

The resolution was declared carried.

In further discussion, it was the general agreement of the Board of Managers to add an additional \$6,000.00 of coverage on the liability policy for damage to office equipment. Upon motion of Manager Phillips, which motion was seconded by Manager Henke, by unanimous vote the Board of Managers approved the additional \$6,000.00 of liability coverage.

President Belter next called for any new permits. Engineer Eberhard presented an application for a permit submitted by Gary Toren. Upon motion of Manager Kubesh, 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. 2013-6. Engineer Eberhard noted that the drainage project, which is located in Renville County, anticipates draining approximately 150 acres; however, there was no indication on the application of the size of the line to be installed or other pertinent information. Upon motion of Manager Henke, which motion was seconded by Manager Phillips, by unanimous vote the Board of Managers moved to table Application for Permit No. 2013-6.

Engineer Eberhard next presented an application for a permit submitted by Renville County. Upon motion of Manager Kramer, which motion was seconded by Manager Kubesh, by unanimous vote the Board of Managers accepted the application for a permit for consideration and designated it Application for Permit No. 2013-7. Engineer Eberhard explained that the permit application seeks the replacement of an existing bridge on Judicial Ditch No. 15 in Renville County. He indicated that he would need more time to evaluate the permit application since it was just received. Upon motion of Manager Henke, which motion was seconded by Manager Phillips, by unanimous vote the Board of Managers moved to table Application for Permit No. 2013-7.

President Belter next called for items of old business. Manager Phillips reported on a letter received from the Rinke Noonan law firm regarding the Marsh Water Project. In part, the letter recommended that any gap funding needed by the Watershed in order to proceed with the project could be established by raising the entire Watershed levy. He noted that assessing individual damages for a project of this type, which mainly focuses on improvement of water quality, would be difficult against individual landowners. Rinke Noon recommended that a separate fund be established by the Board for this purpose. It was noted by the Board members that the letter was somewhat confusing in certain parts, and further explanation would be needed. The Board instructed Engineer Eberhard to contact Houston Engineering, the Rinke Noonan law firm and the City of Glencoe regarding a future meeting where all parties could be present to discuss not only the gap funding, but also pursuit of grant monies and a timeline for the project construction.

The Board next discussed the Loncorich permit which had previously been granted. Questions had been raised as to how much land was being drained through the project and whether there was a change in the amount of acres drained in the project from that originally described in the permit application. It was determined that further study would be needed on this matter.

Attorney Kasal reported on the status of the Gatz lawsuit. He indicated to the Board that the Watershed was very close to being dismissed from the lawsuit, but there may need to be an amended Affidavit signed by the President of the Board to resolve the Watershed involvement.

Manager Henke reported on the Eagle Lake Dam project. He indicated that Ducks Unlimited will report in the near future on several alternatives for the construction of the dam, but that progress was being made toward completion of the project.

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 April 30, 2013 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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Charles Kubesh, Secretary