

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 28th day of April, 2020, at 1:00 p.m., for its regular monthly business meeting. The meeting, upon special notice was conducted by alternative means (via Webex) pursuant to Statutes Section 13D.021 because of a State declared emergency related to the COVID-19 pandemic, and a determination by the Board President that it was neither feasible, prudent, nor safe to conduct an in-person meeting.

The following managers were present:

- Don Belter
- Larry Phillips
- Larry Kramer
- Chad Stuewe
- Matt Melberg (for a portion of meeting)

Also attending the meeting were:

- John Kolb, Attorney
- Chuck Eberhard, Consultant
- Scott Lang (on Permit 2020-03)
- Chris Otterness, HEI
- Lisa Odens, HEI

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 March 24, 2020. A motion was made by Manager Phillips and seconded by Manager Kramer 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 March 24, 2020. Votes as follows by roll call: President Belter – Y, Manager Kramer – Y, Manager Melberg – A, Manager Phillips – Y, and Manager Stuewe – Y.

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

Security Bank & Trust Co. Money Market Checking Account -	
Beginning Balance:	\$249,444.33
Income:	
Interest earned thru March 2020	\$98.82
Expenses:	
Funds transferred to a new savings account	\$40,000.00
Funds transferred to checking for other checks paid	\$22,888.89
JD 15 Br. M20 – Rinke Noonan	\$814.50

JD 15 Br. M20 – Houston Engineering	\$10,050.14
JD 15 Br. M20 – Gislason & Hunter, LLP	\$162.50
JD 15 Br. M20 – Steven Johnson – Viewer	\$500.00
JD 15 Br. P 1 – I & S Group	\$13,933.18
JD 15 Br. P 1 – Rinke Noonan	\$3,051.50
JD 15 Br. P 1 – Steven Johnson – Viewer	\$1,576.18
JD 15 Br. P 1 – Gislason & Hunter, LLP	\$2,326.95
JD 15 Br. Q – Rinke Noonan	\$1,945.50
JD 15 Br. Q – Gislason & Hunter, LLP	\$84.00
JD 15 Br. S – Rinke Noonan	\$327.00
JD 15 Br. S – Steven Johnson – Viewer	\$525.00
JD 15 Br. A – Steven Johnson – Viewer	\$525.00
JD 15 Br. A – Rinke Noonan	\$327.00

Ending Balance: \$150,505.81

Balance in Security Bank Now Account	\$1,001.24
Balance in Security Bank Savings Account - Projects	\$115,009.92
Balance in CorTrust Bank Savings Account	\$1,287.14
Balance in CorTrust Bank DDA Account	\$1,002.07
Total for all bank accounts:	\$268,806.18

Upon motion of Manager Stuewe which was seconded by Manager Kramer by unanimous vote, the Board of Managers approved the Treasurer's report subject to audit. Votes as follows by roll call: President Belter – Y, Manager Kramer – Y, Manager Melberg - A, Manager Phillips – Y, and Manager Stuewe – Y.

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 – various	\$9,858.90
Houston Engineering – various	\$13,643.91
Eberhard Consulting	\$2,307.90
Gislason & Hunter, LLP – various	\$952.50
Schmidt Agri Drainage - viewer (4 individual billings)	\$1,173.62
Bolton & Menk - JD 15 Br. Q	\$2,584.50
League of MN Cities – premium due for Property/Casualty Coverage	\$2,375.00
Rickert Excavating - Marsh Creek Project - Phase 2	\$17,979.25
Mary Henke	\$656.25
Linda Phillips	\$325.00
Don Belter	\$138.52
Larry Kramer	\$138.52
Matt Melberg	\$138.52

Larry Phillips	\$277.04
Chad Stuewe	\$214.32
Total	\$52,763.75

Upon motion from Manager Kramer seconded by Manager Phillips and by unanimous vote, the Board of Managers approved the above bills for payment. Votes as follows by roll call: President Belter – Y, Manager Kramer – Y, Manager Melberg – Y, Manager Phillips – Y, and Manager Stuewe – Y.

President Belter called any new permits:

Permit 2020-04, Renville County: T116N, R31W, Sec. 36, Boon Lake Township, Renville County. Motion by Manager Phillips, seconded by Manager Kramer to consider, carried. Votes as follows by roll call: President Belter – Y, Manager Kramer – Y, Manager Melberg – Y, Manager Phillips – Y, and Manager Stuewe – Y.

Eberhard recommends that the permit be tabled as he is still waiting for information. Motion by Manager Melberg seconded by Manager Phillips to table the permit as recommended. Motion passed. Votes as follows by roll call: President Belter – Y, Manager Kramer – Y, Manager Melberg – Y, Manager Phillips – Y, and Manager Stuewe – Y.

Permit 2020-05, Paul and Teresa Marxen: T115N, R33W, Sections 4 and 9, Melville Township, Renville County. Motion by Manager Kramer seconded by Manager Phillips to consider, carried. Votes as follows by roll call: President Belter – Y, Manager Kramer – Y, Manager Melberg – Y, Manager Phillips – Y, and Manager Stuewe – Y.

The Marxens are proposing to install 1,760 ft. of 12" D.W.P. @ 0.4% grade, 640 ft. of 12" S.W.P. @ 0.1%, and 200 ft. of 10" S.W.P. @ 0.1%. Other pipe to be installed includes 2,000 ft. of 8" pipe and 1,200 ft. of 6" pipe. The proposed tile will outlet into County Ditch 27, Lat. D. Along with installing the tile, they are proposing to install 3 terraces. These terraces will be approximately 2 or 3 feet in height and 100 to 200 feet in length. This depends where they are placed in the fields. Eberhard provided two photographs showing erosion, a map showing the pipe layout, and a rough sketch of the terraces.

Eberhard was not concerned with the 6" and 8" tile since the District does not require a permit for these pipe sizes. In reviewing the permit, it showed a total drainage area of 100 AC.

Using the Prinsco pipe calculator for pipe sizing, the proposed 12" D.W.P. @ 0.4% grade would exceed BCWD's requirements. The other proposed tile (12" and 10" pipe) will meet the District's requirements. The 12" D.W.P. @ 0.4% grade would allow 155 AC to drain through the pipe. A 12" D.W.P. @ 0.32% grade will drain 139 AC +/- at a 3/8" coefficient.

Eberhard recommends approval of the permit with the following conditions:

1. The grade of the 12" D.W.P. should not exceed 0.32%;

2. The outlet area of County Ditch 27, Lat. D shall be riprap with Class 3 and Class 2 riprap. The riprap shall be placed from top of the ditch to the top of the ditch (from side to side);
3. The Marxens shall maintain this ditch area for 20 years. Erosion could take place within a few months or 20 years; and
4. The 3 terraces shall also be maintained by the Marxens to prevent silt from entering the proposed tile lines.

Motion by Manager Phillips seconded by Manager Melberg to approve the permit with conditions as recommended. Motion passed. Votes as follows by roll call: President Belter – Y, Manager Kramer – Y, Manager Melberg – Y, Manager Phillips – Y, and Manager Stuewe – Y.

Fitzgerald Permit Withdrawn (information only): T119N, R29W, Sec. 14, Sumter Township, McLeod County. Eberhard received a permit application from Mr. Mathew Fitzgerald to install a 10" tile. The total drainage area is 25 AC. The tile line is to outlet in a ditch approximately 400 ft. north of his property. This ditch is not within the BCWD boundary.

Eberhard asked the District's attorney if the Board could issue a permit out of the watershed. Kolb's advice would be to decline jurisdiction over the permitting of this drainage. Eberhard first thought a permit would require approval by the Board, but by reexamining the flow charts, an 8" tile would work for this drainage. It is Eberhard's and Kolb's recommendation that the Board not concern itself with this particular inquiry/application based on the ambiguity between the physical watershed boundary and jurisdictional boundary of the BCWD.

Mr. Fitzgerald was informed that an 8" tile would work and a permit would not be required by BCWD because of the 8" tile size. Mr. Fitzgerald verbally withdrew his permit request.

President Belter next called for discussion of old business:

Permit No. 2020-03, Scott Lang. This permit was assigned and tabled at the March 24, 2020, meeting. Motion by Manager Kramer seconded by Manager Phillips to remove the permit from table, carried. Votes as follows by roll call: President Belter – Y, Manager Kramer – Y, Manager Melberg – Y, Manager Phillips – Y, and Manager Stuewe – Y.

The permit is for installing 2,420 ft. of 24" tile, 4,000 ft. of 18" tile, 740 ft. of 12" tile, and 40 ft. of 10" tile. The project location is Sec. 24, T116N, R32W in Brookfield Township and Sec. 19, T116N, R31W in Boon Lake Township.

Eberhard provided a history of Permit 1983-10, which was issued on June 27, 1983, to Mr. Stanley J. Hagberg for the improvement of drainage on Government Lot 5 in Sec. 19 of Boon Lake Township.

Eberhard recommends approval of the permit with the following conditions:

1. Allow the new tile line to be installed per the table contained in Eberhard's permit summary;
2. Based on Eberhard's mapping, Lang will be required to drain all areas in green to the existing 16" concrete tile;
3. Based on Eberhard's mapping, Lang will be required to keep existing tile in the areas in blue connected to CD 65 with Lot 1, 2, and 3, along with the remaining portion of Ditch 65 being disconnected;
4. Based on Eberhard's mapping, Lang will be required to ensure that the landowners in red connect existing pattern tile to the new system;
5. Obtain all required easements before starting construction;
6. No new inlets should be allowed on any of the tile line (new or old); and
7. If ponding is still a concern of Mr. Lang, he should add more small dia. tile line in his existing pattern tile system and connect to the existing 16" concrete tile.

Lang appeared and questioned several items contained in Eberhard's recommendation related to routing of tile. Motion by Manager Melberg seconded by Manager Kramer to approve the permit with conditions as recommended with instructions to Eberhard to work out the final details of the project based on Mr. Lang's concerns. Motion passed. Votes as follows by roll call: President Belter – Y, Manager Kramer – Y, Manager Melberg – Y, Manager Phillips – Y, and Manager Stuewe – Y.

Glencoe East and Central Project. The Board held discussion regarding the County's request for financial participation in the Morningside component of the proposed Glencoe East and Central Project. Manager Phillips suggested that the Board not participate immediately in the project, but give indication to the County and City of possible future reimbursement of a portion of costs, based on the establishment of the East and Central Project. Odens provided an update on some of the elevation questions related to the Morningside Pond. Motion by Manager Phillips seconded by Manager Stuewe to not participate at this time in the Morningside Project, but to consider reimbursement of costs after the East and Central Project to the extent the action supports the East-Central Project. Motion passed. Votes as follows by roll call: President Belter – Y, Manager Kramer – Y, Manager Melberg – Y, Manager Phillips - Y, and Manager Stuewe – Y.

President Belter next called new business.

Renville County CSAH 38 – Culvert Replacement. Renville County is going to replace a centerline culvert under CSAH 38 near Lake Allie. The existing culvert is steel and they want to replace it with a concrete culvert. The existing culvert is the outlet for an existing rain garden that BCWD constructed in 2009 with the help of a grant received from BWSR. There is an existing tile line that empties into the rain garden. The County wants to connect this existing tile

to an existing tile line on the lake side of CSAH 38. The only reason given to connect these two tile lines is so there is not a constant flow in the centerline culvert. They want to know if BCWD would pay for the repair of the rain garden. No cost was given. Eberhard reviewed the Minutes from September 2011, and it appears BCWD paid to have dead plants found in the rain garden replaced at a cost of \$4,633.03. Eberhard thinks the tile line should continue to flow into the rain garden so that the rain garden can uptake any pollutants that may be coming from the tile line and preventing them from entering Lake Allie. The Board took no action.

Resolution – South Fork One Watershed One Plan Grant Application/Partnership with McLeod SWCD. Kolb presented a resolution related to the One Watershed Planning grant application and partnership with McLeod SWCD. Motion by Manager Phillips, seconded by Manager Kramer to adopt the resolution as presented. Motion passed. Votes as follows by roll call: President Belter – Y, Manager Kramer – Y, Manager Melberg – A, Manager Phillips – Y, and Manager Stuewe – Y.

Sibley County – Late Tax Filings (information only). Sibley County has floated options for implementing possible penalty and interest abatements for property taxes due in May 2020. One option would allow landowners to late-pay, interest and penalty free, their first half of 2020 property taxes. This would essentially result in a delay in final settlement of the BCWD portion to taxes collected by Sibley County. Based on current collections, assuming no more is collected, Sibley County would remit @ \$300.00 to the BCWD (if everyone paid on time, this would be, normally, @ \$3,300.00). The Sibley County Auditor was checking in with us to determine what impact this (late settlement) would have on our on-going operations. The Board discussed current finances.

Odens provided an update on the Collins Township erosion and Buffalo Creek stabilization project.

President Belter provided an update on a landowner contact (Dave Resh) related to erosion on the Whitthus property. President Belter indicated an intent to inspect the area.

Odens provided an update on a portion of the Marsh Creek Phase 2 work by Rickert.

Manager Phillips provided an update on work done to replace a culvert on BC 79-2, the status of the drainage system account, and the removal of beaver in the upper reaches of the ditch.

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, May 26, 2020, at 1:00 p.m. by alternative means as provided by Statutes Section 13D.021.

Matt Melberg, Secretary