

# 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 26th day of May, 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

Also attending the meeting were: John Kolb, Attorney  
Chuck Eberhard, Consultant  
Lisa Odens, HEI  
Chris Otterness, HEI  
Dwight Anderson, Hector Tile

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 April 28, 2020. Manager Phillips offered a correction on the Lang Permit indicating an 18" tile rather than a 24" tile and that the motion was made by Manager Phillips, not Manager Melberg, to approve the permit. A motion was made by Manager Phillips and seconded by Manager Kramer to approve the minutes from the previous meeting with the correction as requested. After discussion, and by unanimous vote, the Board of Managers approved the minutes at the meeting held on April 28, 2020. 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 upon Manager Phillips for the Treasurer's report. Manager Phillips presented a written report which outlined income and expenses as follows:

<b>Security Bank &amp; Trust Co.</b>	
<b>Money Market Checking Account -</b>	
<b>Beginning Balance:</b>	<b>\$150,505.81</b>
<b>Income:</b>	
Interest earned thru April 2020	\$47.53
Deposit – Payment from the City of Glencoe	\$20,071.57
<b>Expenses:</b>	
Funds transferred to checking for other checks paid	\$22,328.78

JD 15 Br. M20 – Gislason & Hunter	\$455.50
JD 15 Br. M20 – Rinke Noonan	\$260.00
JD 15 Br. M20 – Houston Engineering	\$648.00
JD 15 Br. M20 – David Schmidt – Viewer	\$285.20
JD 15 Br. P 1 – Rinke Noonan	\$1,827.00
JD 15 Br. P 1 – David Schmidt – Viewer	\$353.86
JD 15 Br. P 1 – Gislason & Hunter	\$357.50
JD 15 Br. Q – Rinke Noonan	\$798.00
JD 15 Br. Q – Bolton & Menk	\$2,584.50
JD 15 Br. Q – Gislason & Hunter	\$140.00
JD 15 Br. A – David Schmidt - Viewer	\$382.16
JD 15 Br. A – Rinke Noonan	\$455.50
JD 15 Br. S – Rinke Noonan	\$570.00
JD 15 Br. S – David Schmidt – Viewer	\$152.40
Marsh Creek Project – Phase 2 – Rickert Excavating	\$17,979.25
Marsh Creek Project – Rinke Noonan	\$218.50
Marsh Creek Project – Houston Engineering	\$2,967.60
<b>Ending Balance:</b>	<b>\$117,861.16</b>

Balance in Security Bank Now Account	\$1,001.43
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	\$1,001.80
<b>Total for all bank accounts:</b>	<b>\$236,161.45</b>

Upon motion of Manager Phillips 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 – Y, 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	\$3,592.50
Houston Engineering – Various	\$5,604.66
Eberhard Consulting	\$1,095.73
Bolton & Menk – JD 15 Br. Q	\$4,168.00
Rickert Excavating – 79-2 - Install New Culvert	\$2,320.50
Rickert Excavating – Marsh Creek Project – Phase 2	\$66,275.09
Mary Henke	\$450.00
Linda Phillips	\$325.00
Don Belter	\$145.42
Larry Kramer	\$69.26
Matt Melberg	\$69.26

Larry Phillips	\$207.78
Chad Stuewe	\$207.78
<b>Total:</b>	<b>\$84,530.98</b>

Upon motion from Manager Phillips seconded by Manager Kramer 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 2020-06, City of Brownton:** T115N, R29W, Sections 29, 30, and 31, all within the City of Brownton. 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 City of Brownton is proposing to reconstruct 4 blocks of City streets. Included within this construction project is 590 ft. of 12" storm sewer. The proposed storm sewer will connect to an existing 12" undersized storm sewer.

Eberhard provided the following summary of the application:

1. No change in the amount of impervious surface;
2. Proposed storm sewer is designed for a 5-year rainfall event;
3. A rainfall event greater than a 5-year may result in some street flooding; and
4. The existing 12" storm sewer drains into Buffalo Creek.

Eberhard recommends approval.

Motion by Manager Kramer seconded by Manager Phillips to approve. 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 2020-07, Roger Rauch:** T116N, R30W, NE¼ of Sec. 17. Motion by Manager Melberg 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.

Mr. Roger Rauch is proposing to install a lift station from the existing 10" tile to an existing 6" tile line and complete the 10" tile line started last year. The existing 6" tile line is downstream of the lift station. The existing 6" tile line is connected to an existing 10" tile line.

Eberhard had Chris Otterness review the pumping system. Chris stated that based on the submitted information and his discussion with the contractor for the project, the proposed pumping system will not pressurize the existing downstream 6" tile line. The pumping operation will be physically limited to the capacity of the existing 6" tile line. The project will not increase the capacity of the system or burden the downstream system. The pumping system only provides the ability to have a functional outlet on the applicant's property.

According to emails from Mr. Rauch, no work will be done on the Fox Ridge Farms property.

Eberhard recommends approval of the permit with the following conditions:

1. No work shall be performed on the east side of Walden Avenue under this permit; and
2. The existing 6" tile cannot be increased in size due to the increased flow due to the pumping system.

Manager Melberg asked a question about the receiving tank and whether it will overflow to the adjacent road ditch. There may be a requirement to get a road authority permit. Dwight Anderson from Hector Tile responded regarding the overflow issue. If the tank overflows, the water will recirculate in the field and not discharge to the road ditch. Manager Melberg urged the applicant to ensure he gains necessary easements for any changes to the existing drainage patterns.

Motion by Manager Kramer 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.

President Belter next called for discussion of old business:

**Glencoe East and Central Project.** Kolb provided a brief update and invited Manager discussion. Manager Phillips asked about ditch cleaning and other relief for landowners in the contributing watershed. Kolb explained that the project is not yet established. Rather, there is a step in the project development that requires City approval. Odens gave her understanding of the status of the project and required future coordination with the City.

**Permit 2020-04, John Tanata.** T116N, R31W, Sec. 36 of Boon Lake Township, Renville County. This permit was tabled at the April 28, 2020, meeting. Motion by Manager Kramer seconded by Manager Melberg 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.

Mr. John Tanata is proposing to install 1,000 ft. of 10" D.W.P., 1,900 ft. of 12" S.W.P., and 3,100 ft. of 15" D.W.P. The 10" D.W.P. will drain about 34 AC, the 12" S.W.P. will drain about 80 AC, and the 15" D.W.P. will drain 140 AC. All of the pipe will be placed at a 0.10%

grade. An existing 10" tile @ 0.10% will drain a 25 AC parcel. All of the tile will meet BCWD 3/8 coefficient. Eberhard recommends that the permit be approved.

Motion by Manager Phillips seconded by Manager Melberg to approve 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.

**Renville County CSAH 38 – Culvert Replacement.** The Renville County Highway Department is going to replace a centerline pipe under CSAH 38 near Lake Allie this summer. The existing steel culvert will be replaced with a concrete culvert. The existing culvert is an outlet for the existing rain garden that was constructed in 2009 with financial assistance from the BCWD under a State grant. The rain garden has been maintained since its construction and has met the service life requirements of the grant.

There is an existing drain tile, believed to come from the golf course, that empties into the rain garden. The Highway Department wants to extend this tile line across CSAH 38 to an existing tile line on the lake side of CSAH 38. The reason for connecting these two tile lines is so that there is not a constant flow in the centerline culvert. Renville County is looking for the District to pay for the restoration of the rain garden. No dollar amount 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. The existing tile line should continue to flow into the rain garden, so that any pollutants would continue to be taken up by the rain garden. That is one of the reasons the garden was constructed. However, there is no longer any requirement to maintain the rain garden under the terms of the State grant.

Eberhard recommends that the Watershed District should not pay for the restoration work.

Motion by Manager Melberg seconded by Manager Kramer to not provide any financial assistance to the project (not to pay for replacement of the rain garden). Motion passed. Votes as follows by roll call: President Belter – Y, Manager Kramer – Y, Manager Melberg – Y, Manager Phillips – Y, and Manager Stuewe – Y.

**Drainage Proceedings Update.** Kolb provided an update. The current delay on all proceedings related to JD 15 is the result of having to wait until the redetermination of benefits for JD 15 is completed.

President Belter next called new business.

No new business was reported.

President Belter next called for Manager reports.

Manager Phillips reminded President Belter and Manager Stuewe to go and sign signature cards at the bank.

President Belter reported about the Resch property south of Glencoe. Resch reports movement of the channel of Buffalo Creek and a loss of land. Kolb updated the Board on the law of accretions and relictions.

Manager Stuewe reported on some tiling activity on the Doehling property. The work does not require a permit, but Manager Stuewe reminded the property owner of future requirements and when a permit is required.

Manager Phillips reported on the outlet stops on the Marsh Creek ponds in Glencoe. The gates are being manipulated by someone. Manager Phillips proposes to place a lock on the gate structures.

Managers Phillips and Stuewe raised an issue of grey area tiling (i.e. placing two 8" tile to avoid a permit). Manager Melberg reminded the Board of the 3/8<sup>th</sup> inch coefficient requirement regardless of tile size.

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, June 23, 2020, at 1:00 p.m. by alternative means as provided by Statutes Section 13D.021.

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Matt Melberg, Secretary