

# 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 22<sup>nd</sup> day of December, 2020, at 1:00 p.m., for its regular monthly business meeting. The meeting, upon special notice, was conducted in person and 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 for all participants.

The following managers were present:  
(in-person at the meeting place)

Don Belter  
Larry Phillips  
Larry Kramer  
Chad Stuewe  
Matt Melberg

Also attending the meeting were:

John Kolb, Attorney  
Chuck Eberhard  
Chris Otterness, HEI (via Webex)  
Al Roback  
Doug Krueger, McLeod County  
(via Webex)

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 November 24, 2020. Motion by Manager Phillips, seconded by Manager Kramer to approve the minutes. After discussion, and by unanimous, roll call vote, the Board of Managers approved the minutes for the meeting held on November 24, 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>\$312,346.00</b>
<b>Income:</b>	
Interest earned thru November 2020	\$80.64
Deposit from MMB – Minnesota	\$3,453.46
Deposit from McLeod County	\$71,851.44
Deposit from Sibley County	\$1,992.92

**Expenses:**

To checking to cover other checks issued	\$21,998.79
JD 15 Br. Q – Bolton & Menk	\$4,968.50
JD 15 Br. A – Bolton & Menk	\$1,485.00
S & S Excavating – Marsh Creek North Lateral	\$24,340.00

**Ending Balance: \$336,932.17**

Balance in Security Bank Now Account	\$1,003.72
Balance in Security Bank Savings Account - Projects	\$115,235.95
<b>Total for all bank accounts:</b>	<b>\$453,171.84</b>

Motion of Manager Kramer, seconded by Manager Stuewe to approve the Treasurer’s Report subject to audit. After discussion, and by unanimous, roll call 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:

Eberhard Consulting	\$726.20
Gislason & Hunter, LLP – JD 15 Br. M20	\$65.00
Larry Kunkel – 14 beavers trapped at \$50/each	\$700.00
S & S Excavating, LLC – 79-2 cleanout	\$24,511.50
Rinke Noonan – Various	\$2,301.00
Houston Engineering – Various	\$1,024.50
Victor’s PC Solutions – set up 5 laptops for BCWD	\$5,135.32
Board	
Mary Henke	\$450.00
Linda Phillips	\$369.00
Don Belter	\$77.45
Larry Kramer	\$112.96
Matt Melberg	\$86.51
Larry Phillips	\$232.36
Chad Stuewe	\$158.41
<b>Total:</b>	<b>\$35,950.21</b>

Motion of Manager Kramer, seconded by Manager Melberg to approve the bills for payment. After discussion, and by unanimous, roll call 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:

No new permits were reported.

President Belter next called for discussion of old business:

**Glencoe East and Central Project.** Kolb updated the Board on the City of Glencoe's apparent response to recent correspondence from the District regarding the project (as reported in the McLeod County Chronicle). Kolb explained the City's apparent intent to proceed with phase 3 of the project development process as set forth in the petition for the project. As reported in the article, the City would like certain analyses included in the phase 3 reporting. Kolb suggested to the Board that he work with Houston Engineering to develop a revised scope of tasks for phase 3 and confirm the revised scope with the City, gaining written concurrence from the City before proceeding. By consensus the Board directed Kolb to proceed with the recommended coordination.

**WD 79-2 Lindeman Outlet Petition.** Kolb presented a draft of findings and an order accepting the petition and appointing a viewer to assist the Board in determining both an outlet fee and future benefits value for the lands proposed to be added to WD 79-2 under the petition.

Motion of Manager Phillips, seconded by Manager Kramer to adopt the findings and order as presented. After discussion, and by unanimous, roll call vote, the Board of Managers adopted the findings and order. 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 Issue.** Kolb updated the Board that he has not yet drafted a response to the inquiry from James and Mark Ludowese regarding the permit.

**Petition for Improvement of Branch L12 of Renville JD 15.** Kolb presented a memorandum and discussed his review of the petition and bond. Kolb has concluded that the petitioners meet the requirements for a valid petition for improvement but that, for various reasons outlined in the memorandum, the bond was deficient. Kolb has contacted and is working with the petitioners' attorney to file a compliant and sufficient bond. Kolb recommended that preliminary findings and an order accepting the petition and appointing an engineer can be adopted with a contingency that the engineer not proceed and that no costs be incurred until a compliant and sufficient bond is filed. The Board discussed the appointment of an engineer in the proceedings. After discussion and upon consensus of the Board, the Board instructed Kolb to identify Shaun Luker, P.E. of Bolton and Menk, Inc., as the appointed engineer in the proceedings. Kolb presented a draft of preliminary findings and an order accepting the petition and appointing Shaun Luker, P.E. of Bolton and Menk, Inc., in the proceedings. The draft order contains the contingency as discussed.

Motion of Manager Melberg, seconded by Manager Kramer to adopt the findings and order as presented. After discussion, and by unanimous, roll call vote, the Board of Managers

adopted the findings and order. 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.

**McLeod County Chronicle Article.** The Board discussed the article and the proposal to continue with the Central and East project petitioned by the City of Glencoe. See discussion of the Glencoe East and Central project above.

**Rinke Noonan 2021 Legal Services Agreement.** Motion by Manager Melberg, seconded by Manager Phillips to renew the legal services agreement with Rinke Noonan for 2021 under option 1 as presented in the proposal. After discussion, and by unanimous, roll call vote, the Board of Managers renew the agreement under option 1. 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 Manager reports.

Manager Melberg reported about an update from Renville County regarding the redetermination of benefits hearings for JD 15. Once completed, the BCWD Board may proceed to notice and hold final hearings on the multiple, pending improvements to various branches of JD 15.

Manager Phillips reported that Castle Rock (Perry Collins) is planning to start tree and snag removal in Buffalo Creek after the first of the year (2021) at the same pay rate as past years. Manager Phillips reviewed the insurance and bonding documents with the Board. The work area will be west of highway 15.

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, January 26, 2021, at 1:00 p.m. in person in the Board's meeting room in the Glencoe City Center with an option for attendance and participation by alternative means as provided by Statutes Section 13D.021.

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Matt Melberg, Secretary