

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 23rd day of March, 2021, 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
Al Roback
Doug Krueger, McLeod County
Lisa Odens, HEI Via Webex
Coleton Draeger (McLeod SWCD)
Ryan Freitag (McLeod SWCD)
Jeff Broderius, 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 February 23, 2021. 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 February 23, 2021. 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:

Security Bank & Trust Co.	
Money Market Checking Account -	
Beginning Balance:	\$273,537.30
Income:	
Interest earned thru February 2021	\$51.34

Expenses:

To checking to cover other checks issued	\$80,872.58
Marsh Water Project – Rinke Noonan	\$277.00
JD 15 Br. A – Rinke Noonan	\$195.00
JD 15 Br. L-12 – Rinke Noonan	\$130.00

Ending Balance: \$192,114.06

Balance in Security Bank Now Account	\$1,004.97
Balance in Security Bank Savings Account - Projects	\$115,323.09
Total for all bank accounts:	\$308,442.12

Motion of Manager Phillips seconded by Manager Kramer 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	\$1,363.81
Bolton & Menk – JD 15 Br. Q	\$2,497.00
League of Minnesota Cities – Worker's Comp Coverage	\$200.00
McLeod Publishing Group, Inc. – Publish Hearing Notice & Filing Notice	\$176.20
Rinke Noonan – Various	\$5,602.16
Houston Engineering – 2021 BCWD Permits	\$1,257.25
Castle Rock Contracting – Buffalo Creek Cleanout	\$25,200.00
Gislason & Hunter, LLP – JD 15 Br. Q	\$230.50
Mary Henke	\$568.75
Linda Phillips	\$325.00
Don Belter	\$77.10
Larry Kramer	\$111.82
Matt Melberg	\$110.70
Larry Phillips	\$72.62
Chad Stuewe	\$72.62
Total:	\$37,865.53

Motion of Manager Kramer seconded by Manager Phillips 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:

Permit 2021-01, Seneca Foods Corporation: Section 27 in Osceola Township, Renville County.

Motion by Manager Phillips seconded by Manager Kramer to consider. After discussion, and by unanimous, roll call vote, the Board of Managers approved the consideration of the permit. Votes as follows by roll call: President Belter – Y, Manager Kramer – Y, Manager Melberg – Y, Manager Phillips – Y, and Manager Stuewe – Y.

Seneca Foods Corporation would like to construct three additional dormitory style buildings on their site in Glencoe, MN. The construction would include the three buildings, extending sanitary sewer, water main, gas, and electric to service each building, and adding sidewalks around the buildings. A ponding area is proposed for the Northeast corner of the site to provide rate control for discharges leaving the site and a swale is proposed on the Southwest corner of the site to provide rate control for discharges.

Eberhard and Houston Engineering recommend approval.

Motion by Manager Phillips seconded by Manager Stuewe to approve the permit. Motion passed. After discussion, and by unanimous, roll call vote, the Board of Managers approved the permit with the recommended condition. Votes as follows by roll call: President Belter – Y, Manager Kramer – Y, Manager Melberg – Y, Manager Phillips – Y, and Manager Stuewe – Y.

Permit 2021-02, City of Glencoe: Glencoe Municipal Airport

Motion by Manager Phillips seconded by Manager Stuewe to consider, carried. After discussion, and by unanimous, roll call vote, the Board of Managers approved the consideration of the permit. 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 Glencoe would like to install a 4-inch drain tile in an open-water wetland basin just south of the runway at Glencoe Municipal Airport. The wetland will be drained to eliminate the standing water that attracts waterfowl, which poses a safety threat to aircrafts. The project does not include any new or redeveloped impervious area. The 4-inch drain tile is sized appropriately to meet the 3/8ths-inch drainage coefficient and the tile discharges to Judicial Ditch 8, which has a capacity above a 3/8ths-inch coefficient.

Eberhard and Houston Engineering recommend approval with the below condition:

- The City of Glencoe is to provide an approved wetland replacement plan per the Wetland Conservation Act or exemption/no loss determination.

Motion by Manager Phillips seconded by Manager Stuewe to approve the permit with the recommended condition. Motion passed. After discussion, and by unanimous, roll call vote, the Board of Managers approved the permit with the recommended condition. Votes as follows by roll call: President Belter – Y, Manager Kramer – Y, Manager Melberg – Y, Manager Phillips – Y, and Manager Stuewe – Y.

Permit 2021-03, David Melich: Section 33, Township 116 North, Range 33 West in Osceola Township, Renville County.

Motion by Manager Kramer seconded by Manager Phillips to consider, carried. After discussion, and by unanimous, roll call vote, the Board of Managers approved the consideration of the permit. Votes as follows by roll call: President Belter – Y, Manager Kramer – Y, Manager Melberg – Y, Manager Phillips – Y, and Manager Stuewe – Y.

David Melich would like to install 1,500 feet of 15-inch and 1,000 feet of 18-inch D.W. tile pattern collectors at .05%. The 15-inch collectors will drain 100 acres and the 18-inch will drain 180 acres; both tile sizes meeting the Buffalo Creek 3/8" coefficient requirements. The tile lines will outlet to Branch C and Part of Lateral E of CD 4.

Motion by Manager Kramer seconded by Manager Melberg to approve the permit. Motion passed. After discussion, and by unanimous, roll call vote, the Board of Managers approved the permit with the recommended condition. 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. No Update

One Watershed One Plan. Kolb reviewed a draft of BWSR preferred templates for a cooperative planning agreement and resolution of support for the planning grant. A web-meeting is scheduled for March 25, 2021, to discuss a planning agreement and grant application. Kolb and Manager Phillips will attend.

Permit 2020-07, Roger Rauch – 6-Month Extension Request. Eberhard presented a request to extend permit 2020-07 pending resolution of drainage system outlet issues with McLeod County. The circumstances met the criteria for a permit extension and Eberhard has sent a letter confirming the extension.

Improvement Proceedings; JD 15 ROB Status. Kolb presented an update on pending branch improvements on JD 15 that are awaiting action by the Board. The Joint Drainage Authority filed the final order in the redetermination on February 25, 2021 and the appeal period will end on or about March 27, 2021. Kolb requested Board guidance on the scheduling of final hearings for Branches S, P, A, and M20 based on the discussion below:

Branch S, JD 15: The Final Engineer's Report (Bolton and Menk) and DNR Advisory Report have been filed. The Engineer has provided a response to the DNR. All as of July 2019. The viewers were holding on filing their improvement reports pending completion of the ROB in order not to trigger the final hearing timeline. They will be instructed to file the reports on a timeline consistent with the Board's guidance on hearing dates.

Branch P1, JD 15: The Final Engineer's Report (ISG) has not been filed either with the District or with the DNR for advisory review. This is the project for which engineering was slightly delayed because the scope of the improvement was expanded by supplemental petition. Jeff Braegelmann has withdrawn from representing the petitioners for the improvement. Like the other improvements, the viewers were holding on filing their improvement reports pending completion of the ROB in order not to trigger the final hearing timeline. Here, too, the engineer has communicated that he would like to see a draft of the viewers' reports before completing the final engineer's report. By email, Kolb has instructed both viewers and the engineer to directly coordinate and to file the reports on a timeline consistent with the Board's guidance on hearing dates.

Branch A, JD 15: The Final Engineer's Report (Bolton and Menk) and DNR Advisory Report have been filed. The engineer has provided a response to the DNR. All as of July 2019. The viewers were holding on filing their improvement reports pending completion of the ROB in order not to trigger the final hearing timeline. They will be instructed to file the reports on a timeline consistent with the Board's guidance on hearing dates.

Branch M20, JD 15: The Final Engineer's Report (Houston Engineering) has been filed with the District and with the DNR for advisory review. The Board has not, to Kolb's knowledge, received the DNR final advisory report. Kolb has asked the engineer to confirm delivery, resubmit the final engineer report to the DNR, or forward the final advisory report. Like the other improvements, the viewers were holding on filing their improvement reports pending completion of the ROB in order not to trigger the final hearing timeline. By email, Kolb has instructed both viewers and the engineer to directly coordinate and to file the reports on a timeline consistent with the Board's guidance on hearing dates.

Next steps in the improvement proceedings: Kolb asked the Board to provide guidance on several matters regarding the improvement proceedings that are ready or will be ready for final hearings (Branches S, P1, A and, M20). The Board provided guidance as follows:

1. **Combining ditch proceeding dates:** Based on the likely duration of the hearings, the Board prefers to hold the hearings on separate days, preferably in the evenings.
2. **When:** The Board would like to schedule the hearings in the second half of June, no sooner than the week of June 14. This will allow time for preparation and delivery of

owner reports and notices and give sufficient time for landowner meetings with viewers in advance of the hearings.

3. **Where:** Renville County Government Services Building. Kolb will coordinate with Seth Sparks for dates and availability of the County meeting rooms.
4. **Informational meetings:** Two weeks before the final hearing and send the notice of the meeting out with the mailed, final hearing notice.

Other pending improvement proceedings:

Branch Q, JD 15: The preliminary hearing on the improvement is scheduled for April 27, 2021 at 7 p.m., in conjunction with the Board's regular meeting. Kolb's office will be preparing and delivering the meeting notices. The DNR has received a copy of the preliminary engineer's report and been given notice of the date of the preliminary hearing.

Branch L12, JD 15: The petition for this improvement was received but the bond was determined to be insufficient. The Board adopted an initial order appointing an engineer (Bolton and Menk), but instructed the engineer not to proceed until a conforming bond is posted. The engineer has returned his oath and bond and is standing by to proceed upon notice. Kolb was informed by the petitioners' attorney that several of the petitioners are considering enrolling lands affected by Branch L12 in CRP. If this happens, the scope of the petition might change or the petition may be withdrawn altogether. The petitioners' attorney stated that decision on CRP contracts would occur in March. Kolb has requested an update in advance of the meeting.

WD 79-2 Repair Update: The contractor has paused work until the road restrictions come off.

Creek Channel Maintenance Update: The contractor had to stop about 300 yards short of completion near the City of Stewart because conditions would not safely allow them to continue. This area will be top priority for next year's work.

Gorsuch Bridge Removal: Kolb provided an update on the Board, consensus-driven offer to cost share a portion of the bridge removal.

The District intends to offer financial assistance, in the form of a reimbursement, cost share grant agreement, for a portion of the cost of removal of the collapsed bridge in Buffalo Creek on the Gorsuch property in Section 25 of Bergen Township, McLeod County. We are waiting for a clarification and revised proposal from S&S Excavating LLC (Paul Schlueter and Eddie Picha) to provide better detail on their scope of work. The cost of the quote should not change much. One item of importance that drives the low cost of the quote is S&S's expectation that it will be allowed to retain the salvaged metals from the bridge. Without that understanding, the cost would be much higher.

Under its proposal, S&S intends to remove the structural components of the bridge super-structure and deck. S&S intends to leave the abutments and pilings adjacent to the creek bank as they are actually serving to stabilize the bank and are preventing bank deterioration. S&S also intends to remove the accumulated brush, deadfalls, and debris from the creek channel and stabilize the areas disturbed by the work. In its revised proposal, S&S will clarify how it will handle the removed debris.

The Board's expectation is that the Gorsuches will hire S&S to perform the work (as they have a good track record on such projects), but they are free to engage a different contractor. A different contractor, if chosen, will have to submit its proposal and plan to the Board for approval (the Board has already reviewed and approved S&S's plan).

The Board is proposing the following financial assistance: upon successful completion of the work and proof of payment in full to the contractor, the Board will reimburse to S&S 50 percent of the cost of removal or the amount of \$2,160.00, whichever is less. The Board will work with the contractor to coordinate required permits or other local, state or federal approvals. The District expects the work to be completed as soon as can safely be accomplished following removal of local, spring road restrictions. The District expects that the Gorsuches will provide or coordinate reasonable access to the work area for the contractor.

We are waiting on an updated proposal from S&S and final approval of a cost share agreement by Gorsuches.

President Belter asked for public comment.

Al Roback asked about the status of a culvert near Seneca under the railroad. The Board had no update or further information regarding repair of the culvert.

Commissioner Krueger requested that the Board inspect some work done on his property and some erosion of the creek channel adjacent to his property.

Al Roback thanked the Board for its work on the Marsh project. Manager Phillips reported on the spraying of weeds and returning shrubs adjacent to the ditch bank.

President Belter next called new business:

Manager Re-appointment – Matt Melberg. Kolb explained the late reappointment of Manager Melberg by the Renville County Board. Manager Melberg executed his updated oath of office and bond.

President Belter next called for Manager reports:

Manager Phillips asked about the outlet of Eagle Lake. Commissioner Krueger commented on the reestablishment of CD 63 and the grade difference between the outlet structure on the lake and the as constructed grade of the ditch. Ryan Freitag provided a further

update and considerations related to the repair of CD 63. Odens provided information regarding the historic outlet elevations of the lake.

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, April 27, 2021, at 7:00 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.

Matt Melberg, Secretary