

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 April, 2022, at 7:00 p.m., for its regular monthly business meeting.

The following managers were present: Don Belter
Chad Stuewe
Kevin Lindeman
Matt Melberg
Larry Kramer

The following managers were absent/excused: n/a

Also attending the meeting were: John Kolb, Attorney
Larry Phillips
Darryl Luthens, McLeod County
Lisa Odens, HEI
Mike Muelners
Fern Albers
Justin Luthens
Randall Thalmann
Doug Krueger, McLeod County
Al Kerber
Gary Albers

President Belter called the meeting to order and announced the first order of business was the consideration of the minutes of the regular meeting of the Board of Managers held on March 22, 2022. Motion by Manager Kramer seconded by Manager Lindeman to approve the minutes. After discussion, the Board of Managers, by unanimous vote, approved the minutes for the meeting held on March 22, 2022.

President Belter then called for review of the Treasurer's Report. The Treasurer Manager Stuewe and Larry Phillips presented a written report which outlined income and expenses as follows:

Security Bank & Trust Co.	
Money Market Checking Account -	
Beginning Balance:	\$426,636.99
Income:	
Interest earned thru March 2022	\$17.73

Expenses:

To checking to cover other checks issued	\$30,665.13
Gislason & Hunter - JD 8, Laterals 12 & 13	\$175.00
Gislason & Hunter – JD 15, Br. Q	\$420.00
Rinke Noonan – JD 8, Laterals 12 & 13	\$125.00
Bolton & Menk – JD 15, Br. Q	\$110.00

Ending Balance: \$395,159.59

Balance in Security Bank Now Account	\$836.42
Balance in Security Bank Savings Account - Projects	\$460.43

Total for all bank accounts: \$396,456.44

Motion by Manager Kramer seconded by Manager Melberg to approve the Treasurer’s Report subject to audit. After discussion, and by unanimous vote, the Board of Managers approved the Treasurer’s Report subject to audit.

President Belter next called for the bills that had been presented to the Board since the last meeting. Larry Phillips reported as follows:

League of MN Cities – Property/Casualty Coverage Premium	\$2,573.00
Rinke Noonan – Various	\$7,832.50
Bolton & Menk – JD 15, Br. Q	\$2,310.00
Houston Engineering, Inc. – Various	\$10,100.07
Gislason & Hunter, LLP – JD 8, Laterals 12 & 13	\$1,610.00
First Quarter Withholding – Paid April 21, 2022	\$172.20
Larry Phillips – Permit Consultant (monthly fee & mileage over 50 miles)	\$980.45
Mary Henke – Monthly fee & permit viewer work	\$437.50
Linda Phillips	\$425.00
Don Belter	\$146.81
Larry Kramer	\$113.72
Kevin Lindeman	\$181.81
Matt Melberg	\$112.55
Chad Stuewe	\$142.03
Total:	\$27,137.64

Motion by Manager Kramer seconded by Manager Lindeman to approve the bills for payment. After discussion, and by unanimous vote, the Board of Managers approved the above bills for payment.

President Belter called any new permits:

Permit 2022-04, Donald Husske: Section 36, Township 115 North, Range 29 West, Sumter Township, McLeod County.

Motion by Manager Kramer seconded by Manager Stuewe to consider. After discussion, and by unanimous vote, the Board of Managers approved the consideration of the permit.

Larry Phillips presented the permit application details. Landowner Don Husske would like to replace existing approximately 14-foot cement tile with approximately 15-foot plastic tile along the main line of his property. He would also like to connect the existing tile lines and add four new lines of tile on this property. The tile size must be verified by the landowner. Phillips recommends approval with a condition that the replacement tile match the size of the existing tile within reasonably available modern tile size.

Motion by Manager Lindeman seconded by Manager Melberg to approve the permit with the condition recommended by Phillips. After discussion, and by unanimous vote, the Board of Managers approved the permit with conditions.

Permit 2022-05, Hawthorne View Estates LLC: Section 35, Township 115 North, Range 28 West, Glencoe Township, McLeod County.

Motion by Manager Melberg seconded by Manager Kramer to consider. After discussion, and by unanimous vote, the Board of Managers approved the consideration of the permit.

Larry Phillips and Lisa Odens of Houston Engineering presented the permit application details. Odens reviewed her memorandum reviewing the project. Hawthorne View Estates would like to build a housing development on a former school site called the Helen Baker Development Project in Glencoe. The project will be constructed in phases and this permit applies only to Phase 1. The work proposed in Phase 1 includes the removal of existing storm sewer pipes and the installation of a new water main, sanitary sewer, storm sewer, and stormwater basins. They would also like to grade the site for future home construction of structures and driveways, along with turf establishment of all disturbed areas.

Odens recommends approval of the permit, with the following conditions:

- Any disconnected storm sewer that is determined to be still in use must be reconnected at an equivalent capacity; and
- As-built drawings be provided to the Buffalo Creek Watershed District once construction is completed.

Phillips and Odens recommend approval with conditions outlined in the engineer's review memorandum. Doug Krueger commented on the permit regarding existing drainage challenges with draining 16th Street. Phillips followed up on Krueger's comments based on the information contained in the permit application for the current phase of work.

Motion by Manager Lindeman seconded by Manager Kramer to approve the permit with conditions as recommended. After discussion, and by unanimous vote, the Board of Managers approved the permit with conditions amended to address drain tile.

President Belter next called for public discussion:

Al Kerber attended to question why he was not considered for appointment to view for the JD 8 improvement viewing. The Board considered Mr. Kerber's comments.

Randall Thalmann presented a question to the Board related to a plan to tile property. The proposed project is to replace the function of an existing tile that is not functioning properly and may have been cut. Thalmann's have coordinated an alternative route for the tile with the neighboring property owner, Cohrs. Mr. Thalmann was directed to work with Phillips to prepare a permit application and review the project.

President Belter next called for discussion of old business:

Laterals 12 & 13 of McLeod/Sibley Judicial Ditch 8 Improvement. Attorney Kolb presented the draft findings and order as directed by the Board. Kolb reviewed several edits made to the draft order included in the Board packet and provided a copy of both a redline and clean update of the order.

Motion by Manager Melberg seconded by Manager Lindeman to adopt the findings and order as updated. After discussion and upon a vote, the motion passed by unanimous vote.

Kolb presented and explained the reimbursement resolution and bonding term, interest rate and deficiency resolution in the proceedings. Kolb explained both resolutions be required to preserve and establish the Board's authority and options related to funding of the improvement if established.

Motion by Manager Melberg seconded by Manager Lindeman to adopt the reimbursement resolution as prepared. After discussion and upon a vote, the motion passed by unanimous vote.

Motion by Manager Melberg seconded by Manager Lindeman to adopt the bonding term, interest rate and deficiency resolution as prepared. After discussion and upon a vote, the motion passed by unanimous vote.

One Watershed, One Plan. Manager Melberg reported on the planning meeting of the policy committee. The meeting was virtual and was intended to serve as a general instruction of the drafting consultant and the timeline and process. Larry Phillips further reported on a meeting regarding procedure. The next meeting is May 18, 2022.

Houston Engineering Projects. No update.

JD 15, Branch Q Improvement. Waiting on the final engineer's report.

JD 15 Branch Improvements. Larry Phillips provided a report on the staking and tile alignment investigation for the Branch P improvement. The contractor is recommending a realignment closer to the old line. The layout provided by the engineer is substantially off of the existing alignment. Attorney Kolb advises that the engineer prepare an amended shop drawing

to account for revised location. Manager Melberg reported on the preconstruction meeting for the Branch M and S improvements. Manager Melberg complimented Coreman Contracting on its interactions with the landowners and their plan for the improvements.

President Belter next called new business:

Purchase of Real Property. Attorney Kolb explained the proposed project, the general content of the engineer's review, and anticipated discussion of what business is to be conducted in closed session.

Motion by Manager Melberg seconded by Manager Kramer to go into closed session, pursuant to statutes section 13D.05, subd. 3(c)(3). Motion passed by unanimous vote.

Discussions were held in closed session and recorded. Recording to be preserved as required by statute.

Upon coming out of closed session, Manager Kramer moved, seconded by Manager Stuewe to authorize Manager Melberg to bid on the property on behalf of the District for a price not to exceed the number decided in closed session. Motion passed by unanimous motion.

President Belter next called for Manager/Staff reports:

Larry Phillips presented MAWD correspondence regarding MAWD membership renewal. The Board discussed renewal of the membership. The Board expressed concern over the lack of information and updates from the organization. The Board questioned the value of membership. Discussion was made regarding alternatives to membership renewal. Manager Melberg suggested perhaps the District only pay half. The Board solicited opinions from the public, Kerber and Krueger commented. Motion by Manager Stuewe, seconded by Manager Kramer to not renew in 2022. After discussion and upon a vote, the motion passed by unanimous vote. The Board further directed Phillips to prepare a letter to MAWD explaining the basis of the Board's decision.

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 24, 2022, at 7:00 p.m., in person, in the Board's meeting room in the Glencoe City Center.

Matt Melberg, Secretary