

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 May, 2023, at 7:00 p.m., for its regular monthly business meeting.

The following managers were present:

Larry Kramer
Chad Stuewe
Don Belter
Matt Melberg
Kevin Lindeman

The following managers were absent/excused:

Also attending the meeting were:

John Kolb, Attorney
Larry Phillips
Al Robeck
Lisa Odens
Fred Mueleners
Gary Albers

Darrell Luthens
Joel Cohrs
Brian Millbrand
Mike Mueleners
Fern 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 April 25, 2023. Motion by Manager Kramer seconded by Manager Lindeman to approve the minutes for the meeting held on April 25, 2023.

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

April Financials:

5/23/2023	Bills approved to be paid		
Larry Phillips - Permit Consultant		\$ 850.00	
mileage-196 miles @ .655		\$ 128.38	\$ 978.38
Mary Henke - Permit Viewer - 2.25 hrs @ \$25 per hr		\$ 56.25	
Mary Henke - Monthly Service Fee		\$ 350.00	\$ 406.25
Linda Phillips - Monthly Service Fee		\$ 425.00	
Rinke Noonan - JD 15 Br Q		\$ 1,896.00	
Rinke Noonan - JD 8 Lat 12 & 13		\$ 172.50	
Rinke Noonan - 1W1P		\$ 1,185.00	
Rinke Noonan - General Administrative Advice		\$ 45.00	
Rinke Noonan - Retainer Fee		\$ 750.00	\$ 4,048.50
Minnesota Pollution Control Agency - Pymt # 11 due		\$ 12,313.83	
SUBTOTAL		\$ 18,171.96	***
Board Managers			
Don Belter - \$ 75.00 - 5.74 = 69.26 + 9.17 = 78.43		\$ 78.43	
Chad Stuewe - \$ 75.00 - 5.74 = 69.26 + 3.93 = 73.19		\$ 73.19	
Larry Kramer - \$ 75.00 - 5.74 = 69.26 + 49.78 = 119.04		\$ 119.04	
Matt Melberg - \$ 75.00 - 5.74 = 69.26 + 48.47 = 117.73		\$ 117.73	
Kevin Lindeman - \$ 75.00 - 5.74 = 69.26 + 14.41 = 83.67		\$ 83.67	
		\$ 472.06	***
Moved \$ 18,644.02 from MMkt to Now Acct 31085		\$ 18,644.02	*****

Motion by Manager Kramer seconded by Manager Melberg 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 2023-06, Improve JD 15 Branch Q Mainline: Sections 16, 17, 18, 19, 20, and 21, Township 115 North, Range 31 West, Preston Lake Township, Renville 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 presented the permit application details. The proposed work includes abandoning existing tile line and replacing it with new tile for the JD 15, Branch Q Mainline including Laterals Q18, Q19, Q16, Q28+Q9, Q10, Q11, Q12, Q13, Q14, Q6, Q7+Q8, Q4+Q5, Q25, and Q26+Q27. Phillips recommends approval.

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

Permit 2023-07, Improve JD 8 Laterals 12 and 13: Sections 20, 28, 29, and 30, Township 115 North, Range 27 West, Helen 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 presented the permit application details and the project review report submitted by Houston Engineering. Phillips recommends approval with conditions as outlined in the engineer's review report.

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

Permit 2023-08, Crown Door Building Addition: Section 14, Township 115 North, Range 27 West, Helen Township, McLeod County.

Motion by Manager Lindeman 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 presented the permit application details. Odens reviewed her memo regarding permit triggers and efforts by applicant to modify project to avoid certain permitting requirements. An erosion control permit is required automatically. The larger question is whether the development and stormwater permit components are also required.

Crown Door proposes to construct a building addition to an existing building on their property located at 135 McLeod Ave S, Plato, MN 55370. Current work that has been completed – remove red rock off the top of the existing east driveway and the parking area, and install fill. The engineer recommends a permit to include erosion control and land use development standards. The applicant removed a planned parking area from the plan in order to avoid the stormwater management standards. The engineer recommends inclusion of the stormwater management standard.

Motion by Manager Melberg seconded by Manager Kramer to conditionally approve the permit pending receipt of demonstrated compliance with the District's performance standards for erosion control, general development and stormwater management and inclusion of conditions as recommended by the engineer. After discussion, and by unanimous vote, the Board of Managers conditionally approved the permit with conditions.

President Belter next called for discussion of old business:

Glencoe Central-East Stormwater Basic Water Management Project. The Board discussed its workshop with the City. The Board instructed engineer Odens and Phillips to initiate discussions with landowners regarding local interest in possible projects.

One Watershed, One Plan. Melberg and Phillips reported on the next meeting of the policy committee.

Branches 12 &13, JD 8 Improvement. Consideration of bids and award of contract

Odens reviewed the bids received for the improvement of Branches 12 and 13 and the qualifications of the bidders. The following bids were received:

Rank	Contractor	Base Bid +Alternative 1 (Rigid Pipe)	Base Bid +Alternative 2 (Flexible Pipe)
1	Gustafson Drainage LLC	\$283,388.10	\$283,388.10
2	MSB Excavating & Tiling LLC	\$328,067.00	Not submitted
3	Leland Drainage and Excavating	\$384,219.00	\$376,299.00
4	Selly Excavating	\$396,843.50	Not submitted
5	Litzau Farm Drainage	\$397,238.15	\$392,947.55
6	Cooreman Contracting, Inc.	\$399,639.75	\$413,241.75
7	Schneider Excavating and Grading, Inc.	\$503,035.00	Not submitted

The engineer’s opinion of cost for the project, as presented during the final hearing, was \$444,557.00, not including contingency. The low bid was 36% lower than the engineer’s opinion of probable cost and 14% lower (\$44,678.90) than the next lowest bid. The engineer opines that Gustafson Drainage, LLC, is a responsible bidder and has otherwise complied with the bidding requirements. The engineer recommends the contract be awarded to Gustafson Drainage, LLC, in the amount of \$283,388.10, for the construction of Bid Alternative 1 (rigid pipe installation). The engineer further recommends an additional 15% of the contract be budgeted for potential change orders resulting from unforeseen conditions or omissions discovered as the project progresses, and that District staff be authorized to sign change orders totaling up to 15% of the contract.

Motion by Manager Melberg seconded by Manager Lindeman to award the contract for the construction of the improvement of Branches 12 and 13 of JD 8 to Gustafson Drainage, LLC, for the construction of Alternative 1; to authorize President Belter and the Board’s designee to execute the notice of award and other contract documents upon review and approval by the Board’s attorney; to appoint the Board’s consultant, Larry Phillips, as the owner’s designee/representative for the execution of documents before and during construction; and to establish a 15% contingency on the contract and to authorize Phillips, in consultation with the engineer, to approve change orders within the limits of the contingency. After discussion, the Board of Managers voted to approve the motion by the following, roll call vote: President Belter

– Y, Manager Kramer – Y, Manager Melberg – Y, Manager Lindeman – Y, and Manager Stuewe – Y. The president declared the motion passed by unanimous vote.

Discharge of Petitioners’ Bonds, Return of Deposits. Kolb discussed the discharge of petitioners’ bonds and returns of deposits related to the improvement proceedings. Current costs have been carried by the District against the petitioners’ bonds and deposits. Statutes section 103E.202 states that the Bonds are conditioned to pay the costs incurred if the proceedings are dismissed or a contract is not awarded to construct the drainage system proposed in the petition. Kolb’s recommendation is that the bonds be discharged upon final coordination with the County Auditor-Treasurers for the payment of costs in the proceedings from assessments and possible bonding.

Motion by Manager Melberg seconded by Manager Stuewe to direct Kolb and Phillips to coordinate with the County Auditor-Treasurers regarding the payment of costs and to authorize the discharge of the bonds or return of cash deposit bonds upon final coordination with the County Auditor-Treasurers regarding payment. After discussion, the Board of Managers voted to approve the motion by the following, roll call vote: President Belter – Y, Manager Kramer – Y, Manager Melberg – Y, Manager Lindeman – Y, and Manager Stuewe – Y. The president declared the motion passed by unanimous vote.

Discussion occurred regarding the Litzau parcel and whether the project needs to be extended to the Litzau Property

President Belter next called new business:

Brian Millbrand appeared and asked whether the Board can assist with a culvert replacement required as part of the JD 8 repair in Green Isle Township.

President Belter next called Manager/staff reports:

Branch Q improvement initiation: GM Contracting is conducting pre-construction reconnaissance to locate lateral tiles.

Annual Audit: The Auditor has initiated the audit of the 2022 financials.

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 27, 2023, at 7:00 p.m., in person, in the Board’s meeting room in the Glencoe City Center.

Matt Melberg, Secretary