MINUTES OF MEETING OF MANAGERS
OF BUFFALO CREEK WATERSHED DISTRICT

The Managers of Buffalo Creek Watershed District met on the 23rd day of June, 2015, at 8:00 P.M. at its regular meeting place in Suite 103, Glencoe City Center, 1107 11th Street E., Glencoe, MN, for its regular monthly business meeting.

The following members were present:  
Donald Belter  
Corey Henke  
Larry Phillips  
Larry Kramer  
Matt Melberg

Also attending the meeting were:  
Pete Kasal, Attorney  
Charles Eberhard, Engineer

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 May 26, 2015. Upon motion of Manager Phillips, which motion was seconded by Manager Kramer, by unanimous vote the Board of Managers approved the minutes of the meeting held on May 26, 2015.

President Belter next called upon Manager Phillips for the Treasurer's report. Manager Phillips presented a written report which outlined income and expenses as follows:

SAVINGS:
C.B. #4206225 $ 62,982.02
Rec’d: Interest 1.50
$ 62,983.52
LESS: Transfer to checking (6,216.35)
McLeod County Ditch No. 33 (1,650.00)
MAY BALANCE $ 55,117.17

CHECKING:
May balance $ 1,091.50
Deposit from savings 7,866.35
$ 8,957.85
LESS: Checks drawn 7,802.01
MAY BALANCE $ 1,155.84

PROJECT 79-2:
CD's #87812 starting balance $ 6,507.56
Interest to 12/28/2014 CD #87051 26.07
McLeod Co. Auditor/79-2 Fund 22,130.66
TOTAL 79-2 Funds $28,664.29
Upon motion of Manager Kramer, which motion was seconded by Manager Phillips, by unanimous vote the Board of Managers approved the Treasurer’s report.

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kasal Law Office – attorneys fees</td>
<td>$676.28</td>
</tr>
<tr>
<td>Rinke Noonan – consulting fees</td>
<td>200.00</td>
</tr>
<tr>
<td>Houston Engineering</td>
<td>6,449.35</td>
</tr>
<tr>
<td>Olson &amp; Sons – 79-2 repairs</td>
<td>6,078.00</td>
</tr>
<tr>
<td>Mike Karg – beaver trapping</td>
<td>140.00</td>
</tr>
<tr>
<td>Web Hosting</td>
<td>254.40</td>
</tr>
<tr>
<td>Bolton &amp; Menk</td>
<td>780.00</td>
</tr>
<tr>
<td>Eberhard Consulting – engineering fees</td>
<td>4,247.78</td>
</tr>
<tr>
<td>Mary Henke – secretarial</td>
<td>140.63</td>
</tr>
<tr>
<td>Linda Phillips – secretarial/accounting</td>
<td>275.79</td>
</tr>
<tr>
<td>Corey Henke – per diem &amp; mileage</td>
<td>355.77</td>
</tr>
<tr>
<td>Donald Belter – per diem &amp; mileage</td>
<td>81.05</td>
</tr>
<tr>
<td>Larry Phillips – per diem &amp; mileage</td>
<td>268.97</td>
</tr>
<tr>
<td>Larry Kramer – per diem &amp; mileage</td>
<td>118.70</td>
</tr>
<tr>
<td>Matt Melberg – per diem &amp; mileage</td>
<td>109.50</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$20,176.22</strong></td>
</tr>
</tbody>
</table>

Upon motion of Manager Phillips, which motion was seconded by Manager Melberg, by unanimous vote the Board of Managers approved the above bills for payment.

President Belter called upon Chris Otterness of Houston Engineering to report on the Marsh Water Project. Mr. Otterness reported that BSWR had responded to the petition for the amendment of the Watershed Plan with some questions and comments regarding the inclusion of a Water Management District in the Plan. One request was that BSWR wanted language in the Plan to identify a cap for maintenance fees per year on the proposed Water Management District. They suggested $25,000.00 a year as a maximum. BSWR also requested that the Water Management District include in its creation an appeals process to address in the Plan any potential landowner complaints regarding decisions of the Watershed. After discussion among Board members, it was moved by Manager Henke, which motion was seconded by Manager Kramer and unanimously approved, that the Board of Managers adopt a motion to provide a maximum assessment for maintenance fees per year of $25,000.00 and to include an appeals process as set out in Exhibit “A” attached hereto.

Mr. Otterness requested that the Board set a hearing date to have a public hearing on adoption of the amended Plan. After discussion, it was moved by Manager Henke, seconded by Manager Melberg and by unanimous vote, that a public hearing on the adoption of the amended Plan is set for July 28 at 7:30 P.M. It was noted that one publication would be necessary in 5 separate newspapers prior to the public hearing.
Mr. Otterness advised the Board that the overall Marsh Water construction plans must be submitted to BSWR and the DNR for their review. Manager Phillips introduced a motion to authorize President Belter to sign a letter forwarding the construction plans to BWSR and the DNR. The motion was seconded by Manager Henke and unanimously approved. Mr. Otterness also suggested that a public hearing date be set on the project for sometime in September, 2015.

Mr. Otterness next addressed potential BWSR grant applications for funding of individual repair projects on Buffalo Creek, and also conducting of a study of the effects of increased water drainage into Buffalo Creek and potential corrective actions that may be considered. He noted that fund applications are primarily for engineering costs to conduct feasibility studies for the proposed individual projects. After discussion by the Board concerning potential individual projects on Buffalo Creek, it was moved by Manager Henke, seconded by Manager Kramer and unanimously approved that Houston Engineering proceed with the grant applications to BSWR. Mr. Otterness advised the Board that he anticipated the costs of the grant applications would be approximately $750.00.

President Belter next called for discussion of tabled permits. Engineer Eberhard reported on the Zebra Ditch Assn. application. He noted that he spoke with the applicants and they are awaiting the Corps of Engineers report. He recommended no further action until that report is received.

Engineer Eberhard introduced an application for a permit submitted by Robin Doering. Upon motion of Manager Henke, which motion was seconded by Manager Phillips, by unanimous vote the Board of Managers accepted the application for permit for consideration and designated it Application for Permit No. 2015-15. Engineer Eberhard advised that the applicant seeks to excavate a channel from Schillings Lake. He noted that the DNR has already issued a permit for the project. Upon motion of Manager Henke, which motion was seconded by Manager Phillips, by unanimous vote the Board of Managers approved Permit No. 2015-15.

President Belter called upon Manager Henke to report on the Eagle Lake project. Manager Henke reported that the final walk-through with the contractors has been done and that the project is now formally completed.

Engineer Eberhard reported on County Ditch No. 33. He noted that the project is in the process of delineating wetlands in the ditch system. He also noted that a resolution by the Board of Managers is needed for a redetermination of benefits in the Ditch No. 33 system since additional lands have been found to be draining into the system that have not previously been assessed. Upon motion of Manager Phillips, which motion was seconded by Manager Kramer, by unanimous vote the Board of Managers approved an order for redetermination of benefits as set out in Exhibit “B” attached hereto.

Engineer Eberhard next addressed Application for Permit No. 2015-14 which had previously been approved subject to his review. He continued to express concern with the size of the 20-inch line at end of the main line. He recommended that the main line size be reduced to 14 inches for the last 1,000 feet to satisfy drainage coefficient requirements of the Watershed. After reviewing maps of the area and discussion by the Board, it was
moved by Manager Henke, which motion was seconded by Manager Phillips, to approve Permit No. 2015-14 subject to the amendments suggested by Engineer Eberhard. The motion was unanimously approved.

Manager Henke provided to the Board an Annual Activity Report for the Watershed District for 2014.

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, July 28, 2015 at 8:00 P.M. at its regular meeting place in Suite 103, Glencoe City Center, 1107 11th Street E., Glencoe, MN.

____________________________________
Matt Melberg, Secretary
Local Appeal Procedure: Because the Marsh Water Management District is proposed to be a perpetual water management district, the Board of Managers establishes the following, local appeal procedure from the order authorizing amendment to the Watershed Management Plan establishing the Marsh Water Management District:

- Upon receipt of the Order of the Board of Water and Soil Resources authorizing amendment to the Watershed Management Plan establishing the Marsh Water Management District, the Board of Managers shall publish notice of the Order in a newspaper in general circulation in the part of the Watershed District where the Marsh Water Management District is located.
- Any landowner affected by the Marsh Water Management District may, within 30 days of publication of notice of the Order, appeal the establishment of the Marsh Water Management District to the Board of Managers by filing a letter stating the basis for the appeal.
- Within 30 days of receiving a letter of appeal, the Board of Managers shall hold a hearing on the appeal, giving the appellant an opportunity to be heard and to present evidence why the Marsh Water Management District should not be established. The hearing shall be noticed as required for a special meeting under statutes chapter 13D.
- The hearing shall be recorded in order to preserve a record for further review. The record of the appeal shall include the recording, any documentary evidence provided by the appellant and all records of the Watershed District related to the establishment of the Marsh Water Management District.
- Within 30 days of the hearing, the Board of Managers shall adopt and mail findings and an order on the appeal to the appellant and the Board of Water and Soil Resources.
- Further appeal, if any, shall be as provided in Statutes Chapter 103D.
EXHIBIT "B"

STATE OF MINNESOTA
BUFFALO CREEK WATERSHED DISTRICT BOARD OF MANAGERS
SEATED AS DRAINAGE AUTHORITY UNDER STATUTES CHAPTER 103E
FOR THE IMPROVEMENT OF McLEOD COUNTY DITCH 33

<table>
<thead>
<tr>
<th>The matter of the redetermination of benefits for McLeod County Ditch 33</th>
<th>Findings and Order for Redetermination of Benefits</th>
</tr>
</thead>
</table>

Manager _____________ moved, seconded by Manager _____________, for adoption of the following:

The Board of Managers of the Buffalo Creek Watershed District (the Board), sitting as the Drainage Authority for McLeod County Ditch 33 (CD 33) under statutes chapter 103E, makes the following:

**FINDINGS**

The Board, upon petition, initiated proceedings for the improvement CD 33.

During the course of his investigation for the detailed survey report for the project, the Drainage Engineer has reported that, based on an examination of the watershed of the ditch, the existing benefits roll and the nature of drainage from properties within the watershed of the CD 33, the original benefits or damages determined for CD 33 do not reflect reasonable present day land values and the area benefited by CD 33 has changed.

The Board, having considered the report of the Engineer and having reviewed the watershed area of CD 33 finds that the nature of drainage from properties within the watershed of the CD 33 has changed such that the originally determined benefits for CD 33 are no longer valid.

Further, the Board finds, based on an examination of the original roll of benefits for CD 33, that the original benefits or damages determined for CD 33 do not reflect reasonable present day land values.

The Board has already engaged viewers to determine the improvement benefits and damages for the current drainage project.

The viewers are available to conduct a redetermination of benefits.

**ORDER**

Based on the foregoing findings, the Board orders the redetermination of benefits of CD 33 pursuant to statutes section 103E.351.
The Board appoints the following viewers to conduct the redetermination of benefits and damages and make a viewers' report:

James (Jim) Weideman, Lead Viewer
William (Bill) Moldstad, Viewer
Duane Bendixsen, Viewer
Ronald (Ron) Mortenson, Alternate Viewer

The viewers shall subscribe to an oath to faithfully perform their duties.

The Board directs the viewers, once qualified, to work with the engineer and to commence viewing as soon as practical.

The engineer is directed to assist the viewers in identifying the watershed of CD 33 and the nature and extent of hydraulic benefit or watershed demand occurring to properties within the watershed, including identifying properties responsible for increased sedimentation in downstream areas of the watershed or responsible for increased drainage system maintenance or increased drainage system capacity because the natural drainage on the properties has been altered or modified to accelerate the drainage of water from the property.

After discussion, the Board President called the question. The question was on the adoption of the foregoing preliminary findings and order, and there were ___ yeas and ___ nays.

Upon vote, the President declared the motion _______________.

_________________________ Dated: ____________, 2015
Board President
I, _____________, Secretary of the Buffalo Creek Watershed District, do hereby certify that I have compared the above Findings and Order with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand this ___ day of June, 2015.

_____________________, Secretary