

**MINUTES OF MEETING OF MANAGERS**  
**OF BUFFALO CREEK WATERSHED DISTRICT**

The Managers of Buffalo Creek Watershed District met on the 24th day of August, 2010 at 7:30 P.M. at its regular meeting place in the City Council Chambers, City Hall, 630 10<sup>th</sup> Street E., Glencoe, MN, for a public hearing on the proposed Budget for the Watershed District for the year 2011, a public hearing on the proposed change of Watershed meeting location, a public hearing on revisions to the Rules & Regulations of the Watershed District, and for its regular meeting thereafter at 8:00 P.M.

The following members were present:

Donald Belter  
Larry Phillips  
Corey Henke  
Charles Kubesh

Also attending the meeting were:

Pete Kasal, of the firm of  
KASAL & SCOTTING  
Hutchinson, MN

Charles Eberhard, Engineer  
Litchfield, MN

The public hearing on the 2011 Budget was called to order by President Belter at 7:30 P.M. Manager Phillips read the Notice of Hearing and recited the proposed Budget for the year 2011. It was noted that the Notice of Hearing had been published as required by law in the legal newspapers within the Watershed District for the various counties involved.

There being no other persons in attendance at the hearing, upon motion duly made, seconded and unanimously carried, the hearing on the Budget for the year 2011 was adjourned.

The public hearing on the proposed change of Watershed meeting location was called to order by President Belter. Manager Phillips read the Notice of Hearing, and it was noted that the Notice of Hearing had been published as required by law in the legal newspapers within the Watershed District for the various counties involved and the Auditors of the various counties had been notified by letter of the proposed change of the official meeting place to Glencoe City Center, 1107 11<sup>th</sup> Street E., Suite 103, Glencoe, MN.

There being no other persons in attendance at the hearing, upon motion duly made, seconded and unanimously carried, the hearing on the change of the official Watershed meeting location was adjourned.

President Belter next called to order the public hearing to consider proposed revisions to the Rules & Regulations of the Watershed District. Manager Phillips read the Notice of Hearing, and it was noted that the Notice of Hearing had been published as required by law in the legal newspapers within the Watershed District for the various counties involved.

It was noted that Manager Scott Lang was now present. Also attending the public hearings were Larry Gasow (McLeod County Planning & Zoning), Roger Berglund (McLeod County Environmental Officer) and Tom Fischer (Board of Water & Soil Resources).

President Belter called upon Matt Johnson of Mid-Minnesota Development to comment on the revisions to the Rules & Regulations of the Watershed District. Mr. Johnson asked Larry Gasow of McLeod County Planning & Zoning to provide comments on the proposed changes. Mr. Gasow reported that any new platting in McLeod County will include notification to the Board of Managers. He had a concern with the fee schedule for review of plats and culvert installation. He noted that fees are already charged by McLeod County and the MPCA for review of those issues. Engineer Eberhard responded that almost all the fees are eventually waived by the Board if required reviews are performed by contractors employed by the owner. Mr. Johnson stated that he will further confer with Mr. Gasow regarding the fees.

Tom Fischer of BWSR commented that he believed that fees are limited by statute. He suggested that the Board's legal counsel review the legality and extent that fees can be charged. Mr. Fischer also presented written comments to the Board. Mr. Johnson addressed those written comments, and stated that he agrees with the majority of the suggestions made by Mr. Fischer. He further suggested that a table of contents and an administrative section be added to the Rules & Regulations.

Mr. Johnson also stated that he will ask the Board's legal counsel to review whether any person can request a public hearing on a permit application.

An extensive discussion followed among all parties present and the Managers with regard to various other provisions of the Rules & Regulations. Ken Schiroo also appeared and provided comments about the proposed revisions.

There being no further comments by those in attendance or the Managers, Manager Henke made a motion to close the public hearing on the revision of the Rules & Regulations, which motion was seconded by Manager Phillips and unanimously carried.

President Belter called the regular meeting of the Board of Managers to order.

President Belter announced the first order of business was the consideration of the minutes of the regular meeting of the Board of Managers held on July 27, 2010. After review of the minutes, upon motion of Manager Henke, which motion was seconded by Manager Phillips, by unanimous vote the Board of Managers approved the minutes of the meeting held on July 27, 2010.

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:

<u>SAVINGS:</u>	
C.D.	\$ 58,059.96
C.B.	170,404.04
Rec'd: Interest (Savings #4206225)	27.96
Interest to 6/28/10 (CD #8358)	15,647.28
Carver County	428.45
Kandiyohi County	<u>567.00</u>
	\$245,134.69
Less: Transfer to checking	<u>10,468.35</u>
AUGUST BALANCE	\$234,666.34
<u>CHECKING:</u>	
July balance	\$ 2,053.27
Deposit from savings	10,468.35
Interest	<u>.11</u>
	\$ 12,521.73
LESS: Checks drawn	<u>9,810.19</u>
AUGUST BALANCE	\$ 2,711.54
<u>PROJECT 79-2:</u>	
CD #7949 and #11550	\$ 7,697.12
Interest to 7/11/10	<u>2,074.83</u>
	9,771.95
McLeod Co. Auditor/79-2 Fund	<u>20,741.40</u>
TOTAL 79-2 Funds	\$30,513.35

Upon motion of Manager Henke, which motion was seconded by Manager Kubesh, 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. Treasurer Phillips reported as follows:

Kasal & Scotting - attorneys fees	\$ 1,027.29
League of Minnesota Cities	12.00
Mid-Minnesota Development	10,000.00
City of Glencoe	11,000.00
City of Glencoe	400.00
Jerry Scharpe – audit	1,500.00
Hawk Publishing	148.00
Glencoe Enterprise	63.28
Sun Publishing	69.05

Charles Eberhard – engineering services	739.80
Mary Henke – secretarial services	140.00
Linda Phillips – secretarial/accounting	177.78
Charles Kubesh – per diem & mileage	107.00
Corey Henke – per diem & mileage	93.00
Donald Belter – per diem & mileage	82.00
Larry Phillips – per diem & mileage	146.00
Scott Lang – per diem & mileage	<u>107.00</u>
TOTAL	\$25,812.20

Upon motion of Manager Henke, which motion was seconded by Manager Lang, by unanimous roll call vote the Board of Managers approved the above bills for payment.

President Belter next called for any new permits. Engineer Eberhard reported that the Brelje Ditch Association wants to clean out a private ditch. Upon motion of Manager Phillips, which motion was seconded by Manager Henke, by unanimous vote the Board of Managers accepted for consideration the application for a permit and designated it Application for Permit No. 2010-12. Engineer Eberhard recommended tabling the permit application until further information has been obtained. Upon motion of Manager Henke, which motion was seconded by Manager Phillips, by unanimous vote the Board of Managers tabled Application for Permit No. 2010-12.

Engineer Eberhard next reported on an application submitted by Wayne Exsted to install a new tile line. Upon motion of Manager Henke, which motion was seconded by Manager Phillips, by unanimous vote the Board of Managers accepted for consideration the application for a permit and designated it Application for Permit No. 2010-13. Engineer Eberhard again recommended tabling the permit application until further information could be obtained. Upon motion of Manager Henke, which motion was seconded by Manager Phillips, by unanimous vote the Board of Managers tabled Application for Permit No. 2010-13.

Engineer Eberhard next presented an application for a permit submitted by West Hillside. Upon motion of Manager Kubesh, which motion was seconded by Manager Lang, by unanimous vote the Board of Managers accepted for consideration the application for a permit and designated it Application for Permit No. 2010-14. Engineer Eberhard again recommended tabling the permit application until further information could be obtained. Upon motion of Manager Lang, which motion was seconded by Manager Henke, by unanimous vote the Board of Managers tabled Application for Permit No. 2010-14.

The Board next considered an application submitted by Zebra Ditch Association for ditch cleaning. Upon motion of Manager Phillips, which motion was seconded by Manager Henke, by unanimous vote the Board of Managers accepted for consideration the application for a permit and designated it Application for Permit No. 2010-15. Engineer Eberhard again recommended tabling the permit application until further information could be reviewed. Upon motion of Manager Kubesh, which motion was seconded by Manager Lang, by unanimous vote the Board of Managers tabled Application for Permit No. 2010-15.

Manager Phillips next reported to the Board that he had received information that Randall Thalmann was again stockpiling dirt on his land. The Board noted that this stockpiling and spreading of soil without a permit had occurred in the past and Mr. Thalmann was previously notified not to proceed without seeking a permit. The Board directed Attorney Kasal to send a letter to Mr. Thalmann about this issue indicating that his neighbors are concerned about the stockpiling and spreading.

President Belter called for items of old business. The Board next discussed Application for Permit No. 2010-10 which had previously been submitted by Renville County to install two new culverts. Engineer Eberhard has requested further information from Renville County and will report back to the Board.

The Board next addressed Application for Permit No. 2010-7 previously submitted by the U.S. Fish & Wildlife Service. Engineer Eberhard indicated that Roger Berglund, the Environmental Officer for McLeod County, has been asked to do a wetland assessment of the permit area. The present concern is having access to a public ditch running past the property.

Engineer Eberhard next reported on Application for Permit No. 2010-1 previously submitted by Ronald Sommerdorf. Engineer Eberhard indicated he is still waiting for the DNR to sign off on the project.

President Belter next recited the fact that a hearing on the Budget had been conducted prior to the regular meeting and that no objections to the proposed Budget for the year 2011 had been made. Manager Henke offered the following resolution and moved its adoption:

RESOLVED, that the Board of Managers of Buffalo Creek Watershed District adopt the following Budget for Buffalo Creek Watershed District as the Budget for the year 2011:

Audit expense	\$ 1,500.00
Dues to Minnesota Watershed Assn.	2,200.00
Salaries of Managers, per diem & mileage	17,500.00
Bond premiums & insurance, including workers compensation	4,000.00
Legal expenses	10,000.00
Engineering expenses	15,000.00
Newspaper notices & office expenses	3,000.00
Routine stream maintenance	30,000.00
Special projects	17,600.00
Water quality septic & intake repair	15,000.00
New office	<u>12,200.00</u>
TOTAL	\$128,000.00



RESOLVED, that the official meeting place of the Board of Managers of Buffalo Creek Watershed District shall be Glencoe City Center, 1107 11<sup>th</sup> Street E., Suite 103, Glencoe, Minnesota beginning with the regular meeting of the Board on September 28, 2010.

Manager Phillips seconded the motion. Upon vote there were five “Yea’s” and no “Nay’s” as follows:

Larry Phillips	Yea
Donald Belter	Yea
Corey Henke	Yea
Charles Kubesh	Yea
Scott Lang	Yea

The resolution was declared carried.

Manager Phillips reported that he has contacted Curt Templin about containing erosion on his tile outlet on Buffalo Creek. It was the general consensus of the Board that an effort would be made to cooperate with Mr. Templin to place some rock or riprap at the outlet to prevent further erosion.

Engineer Eberhard reported on a notification received from Roger Berglund, the McLeod County Environmental Officer, regarding the clean-out of County Ditch No. 63. He suggested that no permit is needed.

Engineer Eberhard next requested approval of the Board of Managers to apply for a BWSR grant to fund the erosion projects in the city of Brownton and the county park located south and east of Glencoe. Upon motion of Manager Lang, which motion was seconded by Manager Kubesh, the Board of Managers authorized Engineer Eberhard to make the application.

Manager Phillips next reported that the Annual Audit has been completed and has been sent to the proper State agencies.

Manager Henke then reported on his research into the Eagle Lake outlet located in McLeod County. He stated he has been having a difficult time finding the original specifications of the dam on Eagle Lake. He noted that McLeod County authorities are also having a difficult time finding records.

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, September 28, 2010 at **8:00** P.M. at its new meeting place in the Glencoe City Center, 1107 11<sup>th</sup> Street E., Suite 103, Glencoe, MN 55336.

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Charles Kubesh, Secretary

