

**MINUTES OF THE ROSEAU RIVER WATERSHED DISTRICT BOARD OF
MANAGERS MEETING HELD AUGUST 1, 2018**

ORDER: Chairman Jason Braaten called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance.

MANAGERS PRESENT: LeRoy Carriere, Carter Diesen, Cody Schmalz, Tony Wensloff, and Jason Braaten

STAFF PRESENT: Administrator Halstensgard, Specialist McCormack, and Assistant Bergstrom

OTHERS PRESENT: Marlin Lindland, Landowner; Kelly Lindland, Landowner; Heidi Fischer, Landowner; Brian Ketring, RCHD; Daryl Dahl, RCHD, Mark Foldesi, Roseau County Commissioner; Roger Falk, Roseau County Commissioner; Tom Johnson, Landowner, Brad Blawat, Landowner; Cory Lins, Landowner, Wayne Trangsrud, Landowner

CONSULTING STAFF: Michelle Moren, Attorney; Nate Dalager, HDR; Matt Fischer, BWSR; Randy Prachar, MNDNR

DELEGATIONS PRESENT: Chris Beito, Landowner

AGENDA: A **motion** was made by Manager Wensloff and seconded by Manager Carriere to approve the agenda with changes. The motion carried unanimously.

CONSENT AGENDA:

A **motion** to approve the Consent Agenda with changes was made by Manager Carriere, seconded by Manager Diesen. The motion carried unanimously. Adoption of the Consent Agenda included approving the June 27, 2018 minutes, the Treasurer's report with additions, manager and employee expense vouchers, and permits #18-10 (Stoe) and #18-11 (RCHD).

DELEGATES:

Chris Beito, a landowner adjacent to Duxby Levee addressed the board regarding easement language and the lack of specifics as to how the Levee is to be maintained. The dike is inspected by the ACOE on a yearly basis. Mr. Beito disagrees with the level of maintenance on the dike road. The Board determined the RRWD will have their attorney look into it.

NEW BUSINESS:

Specialist McCormack briefed the Board regarding a set of plans by HDR for the outlet ditch at the Duxby Levee on the Morris land. The ACOE and adjacent landowner are part of the planning process to restore the outlet. The plans include the restoration of grade to the ditch and replacement of failing pipes and trap. Manager Diesen made a **motion** to send plans to local contractors for quotes on the project. Manager Carriere seconded the motion which passed unanimously.

The Board was presented with a new logo design for the RRWD to make signage easier to read. The Board was favorable to using a new logo.

PUBLIC HEARINGS:

At 8:30, Manager Wensloff made a **motion** to open the permit hearing for RCHD permit #17-39. The motion was seconded by Manager Diesen and passed unanimously.

Attorney Moren opened the hearing stating that the purpose was to address an administrative compliance order issued to the RCHD regarding permit #17-39 issued on October 4, 2017. District Specialist McCormack began by giving a brief timeline of events leading to the hearing. Administrator Halstengard presented information from the ACOE. After presenting evidence for the RRWD, the RCHD responded by presenting hydraulic reports and water surface profiles. The RCHD also presented survey information of the State Ditch 69 system. Houston Engineering provided the hydraulic information. Attorney Moren suggested that the RCHD and the RRWD are close to a solution and should wait until all information is presented before the board makes its decision. Documentation offered as exhibits in the hearing are attached to the August 1, 2018 Board Minutes. Manager Carriere made a **motion** to close the permit hearing. The motion was seconded by Manager Wensloff and carried unanimously.

Manager Wensloff made a **motion** to open the Final Payment Hearing on the RRWMA Pool 3 Outlet Project. Manager Schmalz seconded the motion which passed unanimously. Engineer Dalager commented that MN Statute requires a final payment hearing to close the contract with RJ Zavoral for construction. Administrator Halstengard added that a landowner emailed concerns regarding drainage and a letter was submitted regarding noxious weeds in the area. The RRWD will continue to address landowner concerns arising from completion of project construction. A **motion** was made by Manager Wensloff to close the Final Payment Hearing. The motion was seconded by Manager Diesen and passed unanimously.

A **motion** to make the final payment to RJ Zavoral for \$12,734.66 was made by Manager Wensloff and seconded by Manager Carriere. The motion was unanimously passed.

The Board opened the meeting up for discussion regarding permit #17-39. Marlin Lindland, landowner addressed the board. Mr. Lindland commented on the ACOE's input regarding local impacts. He stated that taxes are paid into the 69 system and many landowners would be benefited by cleaning the ditch but not if the 18" culvert is in place and allowing more water into the ditch. Mr. Lindland alleges that the installation of the pipe was placed under false pretenses. Wayne Trangsrud commented about the timing of drainage and its ability to reach the river prior to the peak.

Landowner Tom Johnson addressed the Board wondering why the push for the culvert installation. Commissioner Foldesi responded the push came from a different landowner who was not in the audience. Marlin Lindland would like to see the system returned to its original design.

Engineer Ketring commented that the original idea came from the RRWD and has since been modeled multiple times. Specialist McCormack informed the audience that the process began with landowners in the WD3 area in 2006. At that time, there were public hearings and meetings that took place. The process stalled until 2008 when the RRWD petitioned to allow WD3 to outlet into SD 69. The petition was not acted upon. In 2013, the RRWD Board petitioned to install a 36" pipe based upon modeling reports. The original intent was to gain a west outlet after a landowner had trapped a culvert east of the CSAH 10 and CR 139 intersection.

Engineer Ketring commented that regardless of the trap remaining on the culvert in question, the RCHD will be cleaning the ditch in the fall of 2018 after crops have been harvested. Engineer Dalager suggested that involved parties continue to meet to come up with a solution. In his opinion, the Board does not have the information it needs to act.

Attorney Moren asked the Board if they would like to issue findings at this time or defer to the following RRWD board meeting. After discussion by the Board, and recommendation by Attorney Moren, it was determined that the trap needs to stay on, and the permit issue will be tabled until the next meeting. Chairman Braaten called for a motion to table the discussion until the ACOE, RRWD, and Roseau County can meet at the end of August. In the meantime, the trap will remain on the culvert. Manager Wensloff made the **motion** which was seconded by Manager Carriere. The motion carried unanimously. Administrator Halstengard will schedule a meeting with concerned parties prior to the September 5, 2018 RRWD board meeting.

NEW BUSINESS:

Manager Wensloff stepped out of the board meeting at 9:45 am. Matt Fischer BWSR updated the Board regarding the Overall Plan extension. The broad plan to manage watershed planning is necessary not only to maintain BWSR funding but is necessary to act as a document to house rules and policies for RRWD planning and working toward transitioning to One Watershed, One Plan. Mr. Fischer's recommendation is for the RRWD to amend the Overall Plan and designate sub-watershed districts within the RRWD and include necessary updates to guide management practices. Mr. Fisher asked the Board to amend and extend the RRWD's current plan. Upon being presented with a resolution to do so, Manager Carriere made a **motion** to accept the resolution. The motion was seconded by Manager Diesen and passed unanimously.

Administrator Halstengard presented the board with a draft Buffer Rule for the RRWD containing comments submitted by BWSR. Administrator Halstengard's recommendation to the Board was to take out language referring to minor, moderate, and major compliance violations and the fee schedule associated with those designations and opt for one fee schedule for either being in compliance or not. Attorney Moren and Matt Fischer recommended the same. Chairman Braaten called for a motion to set a public hearing and to make changes to the draft Buffer Rule as indicated on September 5, 2018 at 8:30 am. The **motion** was made by Manager Carriere and seconded by Manager Diesen. The motion carried unanimously.

Administrator Halstengard presented the Board with the first half 2018 budget and the proposed 2019 budget. Manager Diesen made a **motion** to accept the 2019 draft budget and to set a public hearing for September 5, 2018 at 9:00 am. Manager Schmalz seconded the motion which passed unanimously.

Permit #18-02 amendment - The Fourtown-Grygla Sportsmans' Club applied for an amendment to permit #18-02 requesting additional 18" culverts. Manager Schmalz made a **motion** to approve the amendment based upon Specialist McCormack's review. Manager Carriere seconded the motion which passed unanimously.

Administrator Halstengard secured a proposal regarding RRWD insurance from the League of Minnesota Cities Insurance Trust (LMCIT). The insurance coverage will be less than half the cost of current coverage. The new policy will begin on September 1, 2018. Manager Carriere made a **motion** to accept the proposal submitted by LMCIT and switch insurance carriers. The motion was seconded by Manager Diesen and passed unanimously.

OLD BUSINESS:

The Board discussed making the east entrance of the building useable. Manager Wensloff rejoined the meeting at 10:28 am. Manager Diesen asked about the cost of a parking lot. The Board directed Administrator Halstengard to present options for access to the office from the east entrance.

PROJECT UPDATES:

Roseau Lake:

- Board members, staff, and consulting staff toured the area with local landowners following a landowner meeting on June 18. Administrator Halstensgard read a letter received by the RRWD from Terry Kveen. RRWD staff will gather and resend additional Roseau Lake Project information with an Affidavit of Mailing. Administrator Halstensgard reiterated that we are not required to create data we do not have.
- The Board held extensive discussion regarding the current status of the Roseau Lake Project and project alignments being considered. There was a discussion of protection elevations.
- Administrator Halstensgard presented the board with a resolution to adopt in order to receive funding for the project. She then read the resolution for Flook Hazard Mitigation Grant Funding Assistance for the Roseau Lake Rehabilitation Project. A **motion** to adopt the resolution and have Chairman Braaten sign the resolution was made by Manager Carriere and seconded by Manager Wensloff. The motion carried unanimously.

Whitney Lake:

- Engineer Dalager commented that CP2 approval was received from the ACOE and Review Point 3 was approved by NRCS. The goal is to have the draft EA completed by the end of August 2018.

REPORTS:

Administrator:

- Third quarter FY 2018 reimbursement request has been submitted for Whitney Lake.
- River Trail plan is set for completion by the end of August.

Specialist:


- Data on the cut-off channels and the 310-slope failure are being gathered.
- R & Q Construction will begin the sediment removal on SD51. They will also reset a failing culvert in CD16 Lat 1. HDR will supply technical information.
- Discussion regarding spraying. The Board determined that submitted bills from private landowner spraying after the fact would set precedent and would not be paid without prior authorization. Landowners are encouraged to notify the RRWD office of infested areas.
- Halvorson's completed exterior ditch spot cleaning and restoring an outlet to the exterior ditch across watershed land.
- Identification of three 24" culverts in need of replacement through the Duxby Levee. The ACOE has been contacted for guidance.

Red Board:

- Tax Levy will remain unchanged.
- Granted 1M to TRF Diversion Project
- Sandhill has not submitted a letter confirming their withdrawal from the Red Board.

A **motion** to adjourn was made at 11:35 a.m. by Manager Wensloff and seconded by Manager Schmalz Motion carried unanimously.

Respectfully submitted,


Cody Schmalz, Secretary


Tracy Halstensgard, Administrator