

MINUTES OF THE ROSEAU RIVER WATERSHED DISTRICT BOARD OF MANAGERS MEETING HELD NOVEMBER 3, 2021

The meeting was held at the Roseau River Watershed District office located at 714 6th Street SW, Roseau, MN 56751.

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

MANAGERS PRESENT: Jason Braaten, Tony Wensloff, LaVerne Voll and Carter Diesen.

STAFF PRESENT: Watershed Specialist McCormack and Administrator Halstensgard.

OTHERS PRESENT: Matt Magnusson and Mitch Magnusson, landowners; Roger Falk, County Commissioner; Randy Prachar, MN DNR; Matt Fischer, BWSR; and Andrew Graham, Red River Basin Coordinator, MN DNR.

CONSULTING STAFF PRESENT: Nate Dalager and Jake Huwe, HDR Engineering; and Michelle Moren, Attorney.

AGENDA: A **motion** was made by Manager Wensloff, seconded by Manager Voll to approve the agenda as amended with the addition of the following: Matt and Mitch Magnusson as delegates; Permits #21-26 and #21-27 under Permits; and landowner dispute under New Business. Manager oath of office was removed from the agenda since Manager Schmalz was not in attendance. Motion carried unanimously.

CONSENT AGENDA: A **motion** to approve the Consent Agenda was made by Manager Braaten and seconded by Manager Voll. The motion carried unanimously. Adoption of the Consent Agenda included approving the October 13, 2021 regular meeting minutes, approving the October 21, 2021 special meeting minutes, the Treasurer's Report, Permits #21-22 #21-23 #21-24 #21-25, and manager expense vouchers.

PERMITS:

Specialist McCormack discussed permit application #21-27. Manager Voll made a **motion** to approve permit #21-27 (Charles Peckman), seconded by Manager Braaten. Motion carried unanimously.

After discussion implications of work proposed in permit application #21-26 (Isaac Erickson), Manager Wensloff made a **motion** to table the permit and request additional information, seconded by Manager Voll. Specialist McCormack will reach out to Mr. Erickson in writing for additional information. Motion carried unanimously.

DELEGATES:

Andrew Graham, MN DNR Red River Coordinator, gave a presentation on the Flood Damage Reduction Work Group, the 1998 Mediation Agreement, and the Project Team process. Mr. Graham commented on how the RRWD has used the Project Team process and followed the Mediation Agreement for current and past projects. There was discussion on how the process and the FDRWG is involved in acquiring bonding funds from the state through the Flood Hazard Mitigation program and how they determine if the project receives a higher than 50% cost-share due to the Natural Resource Enhancements.

Matt Fischer, BWSR Board Conservationist, gave the board an update on funding available through the agency. Mr. Fischer stated that 1W1P implementation funding is allocated every other year and if the Roseau River 1W1P (RR1W1P) gets approved in a timely manner, there may be money remaining in this bi-annual budget that could be allocated to the RR1W1P. BWSR is offering a manager training February 4th in Warren and February 11th in Barnsville. More information will be coming for those trainings. Grants training for staff will also be coming soon.

Mitch Magnusson, landowner, asked Randy Prachar if he was willing to sit down with landowners and consider a smaller project. Mr. Prachar stated that the project is proceeding as planned. Mr. Magnusson then asked who would take financial responsibility for any damage this project would do. The board did not respond. Mr. Magnusson asked about the decision to discontinue providing WebEx availability for their meetings. Attorney Moren answered by stating that after the Governor lifted the Emergency Authorization, there is no requirement to host meetings online and many local units of government have discontinued the practice. There is no requirement in the Open Meeting Law to have meetings available electronically.

Matt Magnusson, landowner, asked about the poor audio quality. There were statements as to the effort made by the District to remedy the issue. Mr. Matt Magnusson requested reinstatement of the online availability of meetings.

REPORTS:

ADMINISTRATOR: Administrator Halstensgard updated the board on the following items:

- 1W1P update on Policy Committee meeting. A Kick-off meeting is being scheduled for December at the City Center. Administrator Halstensgard asked the Board if they would like to host the Citizens' Advisory Committee (CAC) the evening after the 1W1P kick-off meeting. The board was in favor of holding the CAC meeting in conjunction with the kick-off meeting. A Special meeting will be scheduled for that date.
- MAWD Region 1 meeting – the MAWD conference is virtual again this year. Region 1 is hoping to get together in person if something is scheduled in the region. Administrator Halstensgard will keep the managers informed as more details are available.
- District's certificate of deposit – Administrator Halstensgard and Treasurer Wensloff recommended transferring the funds to the checking account to cover upcoming expenses until reimbursement is made. Manager Braaten recused himself from the conversation. A **motion** was made by Manager Voll seconded by Manager Wensloff, to transfer the funds from the CD to the District's checking account. Motion passed with Manager Braaten abstaining.
- The City of Roseau asked if the District is willing to sell portions of the lot and was informed that if a proposal was made to the Board, they would consider it.
- Personnel committee to meet before December board meeting
- Administrator Halstensgard will be attending a joint SWCD manager – watershed administrator meeting in Baxter on November 9th and 10th.
- The office will be closed November 11 & 12, and 25th & 26th
- Website update

WATERSHED SPECIALIST: Specialist McCormack provided the following update to the Board:

- Monitoring equipment retrieval and damage
- Manager Braaten recused himself from the board. CD 16 – Mitigation site establishment. A **motion** was made by Manager Wensloff, seconded by Manager Voll, to purchase the native seed. Motion carried with Manager Braaten abstaining. Specialist McCormack

discussed the removal of buildings and well sealing on the Erickson site. Manager Braaten rejoined the board discussion

- Beaver dam issue in Norland Impoundment.
- Concrete stop was reset on the southwest outlet of the Norland Impoundment.
- Site C outlet survey of the additional 4 miles of ditch downstream has been completed.
- Gopher issue on the West Intercept corridor.
- Palmville structures have been maintained and ready for winter.
- Manager Voll asked about the data being collected in the SD 61 system for the Lost River project will be provided in the County and if they will be paying any of the costs. Specialist McCormack stated that because of the way the work was funded, the data would be made available to the public. Much of the data may not be useful for drainage analysis because it most soil, vegetation, etc. information.

RRWMB: Manager Braaten updated the board on LIDAR flight taking place this fall stating the conditions have been very favorable for a good collection. There was a press event for the project in Fargo at which Administrator Halstensgard presented. The RRWD has been asked to present the Roseau Lake Project at the March Conference.

NEW BUSINESS:

Administrator Halstensgard discussed the request from the County to potentially downsize the culvert(s) along CR 3 (west side) south of the river. Recent efforts to have a trap constructed for the culvert closest to the river have been futile. Cost is also an issue. Specialist McCormack discussed the history of the culvert/trap issue. The County has authorized a study to size the replacement culverts.

Mike Jorganson (landowner) and Kasey Solberg (renter) brought concerns to Specialist McCormack about improvements to drainage upstream by a landowner (Brock Svoda). At this point they do not have a preferred path forward, but they wanted the Watershed aware of the situation.

OLD BUSINESS: Topics under Old Business were previously discussed.

PROJECTS:

WD #4 update: Administrator Halstensgard stated that the viewers' would be at the December meeting to give a summary of the Viewer's Report. The Board could set the date for the public hearing after hearing the summary.

Jason recused himself from the Board.

CD #16: Joe Zavoral, RJ Zavoral & Sons, discussed an increase in the cost of materials (culverts) due to the delay in contract award. The increase is \$33,627.00. There was no action taken by the board. Engineer Huwe spoke about additional costs and the quotes presented to Zavoral. Attorney Moren would like to review the issue as it pertains to the delay. Administrator Halstensgard will look into funding for the increase in the side water inlet costs.

Administrator Halstensgard reviewed the project costs and a draft resolution to the County. A **motion** was made by Manager Wensloff, seconded by Manager Voll to adopt the resolution for project funding request. Motion carried with Manager Braaten abstaining.

Manager Braaten rejoined the Board.

Roseau Lake: -- Administrator Halstensgard discussed the prospect of additional project team meetings. Administrator Halstensgard recommended not having another meeting based on the process requirements. As a project team member, Mr. Fischer concurred that, based on the duties and responsibilities of a project team, he considers the project team process complete since they have made their recommendations to the Board. It's the Board decision on how they act on those recommendations. At this point a meeting would be more for the purpose of updating team members which could be accomplished with an email. The Board concurred that an email update was adequate.

Administrator Halstensgard discussed the project plan being proposed for Board approval. There was discussion on how the plan were developed. Manager Braaten made a **motion** to approve the Operating Plan, Maintenance Plan and Access Plan, seconded by Manager Wensloff. Motion carried with Manager Voll opposed.

The Board discussed the utilization of SD #51 for the Roseau Lake Project. The Board preference is scenario 2 as outlined in the memo from Engineer Dalager. Administrator Halstensgard will prepare up-to-date information for the December board meeting.

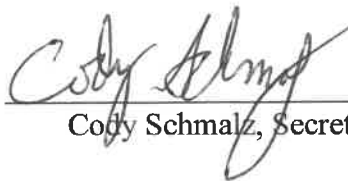
Whitney Lake: Specialist McCormack gave the survey update earlier in the meeting.

Administrator Halstensgard read aloud the resolution (see attached). A **motion** was made by Manager Wensloff, seconded by Manager Braaten to adopt the amended resolution to close the meeting to discuss land acquisition. Motion carried unanimously.

A **motion** was made by Manager Voll, seconded by Manager Wensloff, to open the public meeting. Motion carried unanimously. A **motion** was made by Voll, seconded by Manager Wensloff to hire an appraiser to provide appraisal for the SE1/4 of the SE1/4 of Sect. 33 of Township T163N R40W. Motion carried unanimously.

After a **motion** by Manager Voll and second by Manager Wensloff, the meeting was adjourned at 10:50 a.m.

Respectfully submitted,


Cody Schmalz, Secretary


Tracy Halstensgard, Administrator

RRWD November 2021 Bills & Receipts

RRWD Checkbook Balance as of October 29, 2021	\$105,894.09
Receipts:	
State of Minnesota - Roseau Lake reimbursement	\$ 120,594.68
State of Minnesota - Market Value Credit	\$ 7,668.60
Brock White - product refund	\$ 483.76
Citizens State Bank -- interest 9-20-21	\$ 4.33
Total:	\$ 128,751.37
Bills:	
Tracy Halstensgard -- Salary and Insurance	\$5,039.64
Torin McCormack -- Salary and Insurance	\$5,486.64
Tracy Bergstrom -- wages	\$131.92
Jason Braaten -- per diem and mileage	\$418.68
Carter Diesen -- per diem and mileage	\$220.54
Tracy Halstensgard - expenses & mileage	\$723.12
Torin McCormack -- expenses & mileage	\$53.63
LaVerne Voll - per diem and mileage	\$337.53
Tony Wensloff -- per diem and mileage	\$184.70
Internal Revenue Service -- Withholding	\$4,012.85
Minnesota Department of Revenue -- Withholding	\$630.00
PERA -- Employer / Employee Contribution	\$1,710.23
Cardmember Services -- web service fees, meeting expenses, supplies	\$591.74
City Of Roseau -- utilities	\$186.97
Marco -- Copier agreement	\$162.66
Minnesota Energy -- Natural Gas	\$11.04
Patrick Moren Law Office -- Legal Fees	\$2,143.75
Roseau Times Region -- Meeting Notices	\$122.40
Roseau Electric Co-op -- Int/phone --	\$154.60
Verizon Wireless -- Trimble	\$40.01
Pete Kvien - Hay Creek / Norland mowing	\$2,310.00
At Your Service Lawn Care -- mowing	\$160.31
WSB -- Lost River project	\$9,718.27
Halverson Sand & Gravel -- Moser SWI cost share	\$710.00
HDR -- Inv #1200378729, #1200378736, & #1200378714	\$4,969.70
HDR -- Inv #1200378723 & 1200378716	\$64,192.02
David Trangsrud -- Duxby mowing	\$330.00
Novacek Family Farm -- Hay Creek seeding	\$900.00
Mark Beito -- beaver trapping	\$225.00
Robert Wagner -- WD #4 viewing	\$4,090.16
Roger Bieswenger - WD #4 viewing	\$350.00
Micheal Baumgartner -- WD #4 viewing	\$1,062.00
Total:	\$111,380.11

**ROSEAU RIVER WATERSHED DISTRICT
CD #16 IMPROVEMENT PROJECT**

**RESOLUTION OF THE ROSEAU RIVER WATERSHED DISTRICT
DATED NOVEMBER 3, 2021, CONCERNING THE FUNDING OF ROSEAU RIVER
WATERSHED DISTRICT CD #16 IMPROVEMENT PROJECT.**


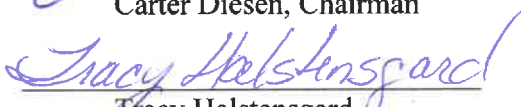
WHEREAS, the Roseau River Watershed District has approved the establishment of the Roseau County Ditch #16 (CD#16) Improvement Project; and

WHEREAS, the Roseau River Watershed District lacks sufficient reserves to fund the project internally;

NOW THEREFORE, the Roseau River Watershed District does hereby request that the County of Roseau fund said project in the amount of **One Million Four Hundred Thousand** (\$1,400,000.00) which can be paid from the County's present funds or by way of bonding for the construction and establishment of said project and that the sum expended be recovered by Roseau County by way of drainage lien collection.

Resolution authorized by RRWD Board Motion approved on: November 3, 2021.

Dated: Nov 3, 2021


Carter Diesen, Chairman

Tracy Halstensgard
Administrator

	Class	Expense
To date	Legal	\$ 43,223.00
To date	Engineering	\$ 242,606.00
To date	Viewing	\$ 13,751.00
To date	Administration	\$ 19,194.00
	petitioners expense	\$ 5,819.00
expected	construction	\$ 921,855.00
expected	engineering	\$ 35,000.00
expected	utilities	\$ 75,929.00
expected	ROW cost	\$ 40,350.00
expected	wetland mitigation	\$ 10,000.00
		\$ 1,407,727.00
	contingency (2%)	\$ 28,154.54
	Total cost	\$ 1,435,881.54
	request to county (- ROW costs)	\$ 1,395,531.54

RESOLUTION CLOSING BOARD MEETING

WHEREAS, the Minnesota Open Meeting Law, Minn. Stat. § 13D.05, subd. 3(c) (3) states that:

“A public body may close a meeting:

To develop or consider offers or counteroffers for the purchase or sale of real or personal property.

Before holding a closed meeting under this paragraph, the public body must identify on the record the particular real or personal property that is the subject of the closed meeting. The proceedings of a meeting closed under this paragraph must be tape recorded at the expense of the public body. The recording must be preserved for eight years after the date of the meeting and made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the governing body has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of members and all other persons present at the closed meeting must be made available to the public after the closed meeting. If an action is brought claiming that public business other than discussions allowed under this paragraph was transacted at a closed meeting held under this paragraph during the time when the tape is not available to the public, Section 13D.03, subdivision 3, applies.

An agreement reached that is based on an offer considered at a closed meeting is contingent on approval of the public body at an open meeting. The actual purchase or sale must be approved at an open meeting after the notice period required by statute or the governing body's internal procedures, and the purchase price or sale price is public data.”

WHEREAS, the Roseau River Watershed District will be developing or considering offers or counteroffers for the purchase of the following described real property:

Roseau Lake - Lands under consideration include portions of Sections 12-14, 23, 24, and 26, Dieter Township (T163N, R41W), Roseau County and Sections 7, 21-22, and 28-29, Unorganized Township (T163N, R40W), Roseau County (see attached map), and;
Site C - Lands under consideration include portions of Section 11, Ross Township (T162N, R41W), Roseau County (see attached map), and;
Site A – lands under consideration include portions of Sections 21 – 23, 27, and 28, Moose Township (T162N, R42W), Roseau County (see attached map).

On November 3, 2021, during the regular board meeting commencing at 8:00 a.m., at the Roseau River Watershed District Board office located at 714 6th Street SW, Roseau, Minnesota, 56751; and

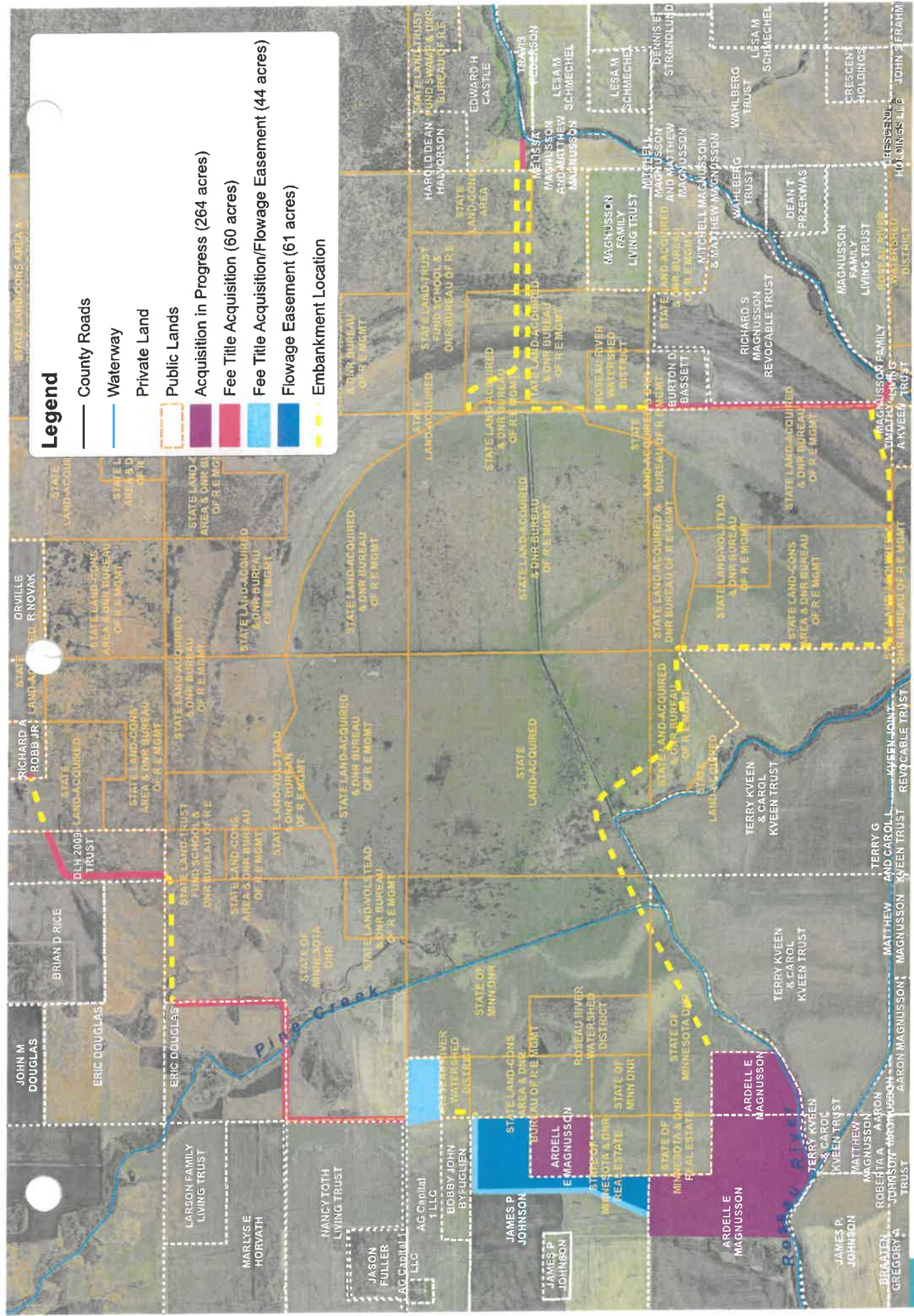
BE IT RESOLVED by the Roseau River Watershed District Board as follows:

1. The Roseau River Watershed District Board hereby closes this meeting pursuant to Minn. Stat. § 13D.05, subd. 3(c)(3) to develop or consider offers or counteroffers for purchase of the above described real property;
2. That any agreement reached based upon an offer considered at this meeting shall be contingent upon approval of the Roseau River Watershed District Board at an open meeting and the actual purchase or sale must be approved at an open meeting after the notice period required by statute or the Roseau River Watershed District Board's internal procedures and the purchase price or sale price as public data.

Dated this 3rd day of November, 2021.

Chairman

Secretary



LAND EASEMENTS AND ACQUISITION

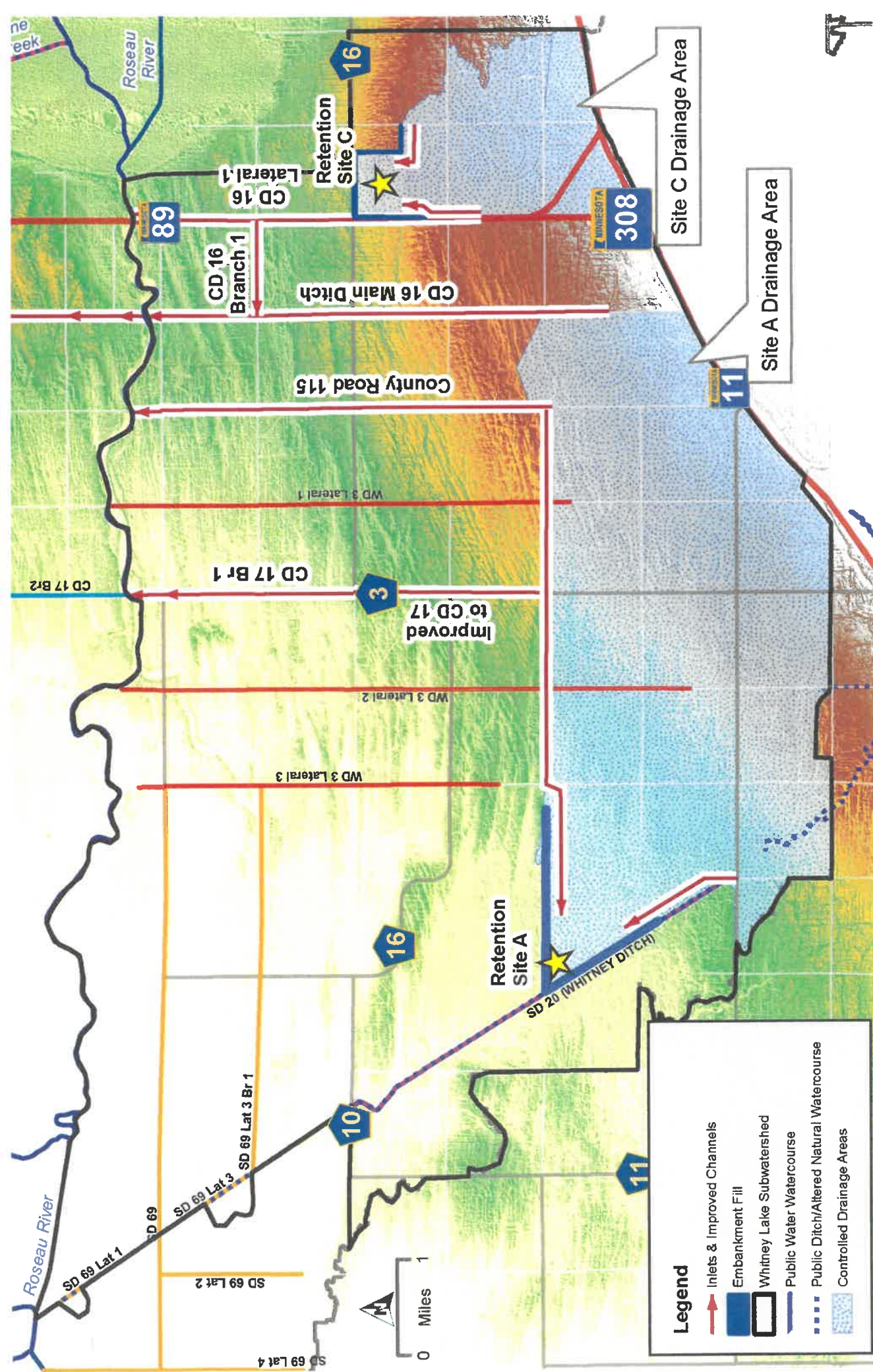
UPDATED: JUNE 2020

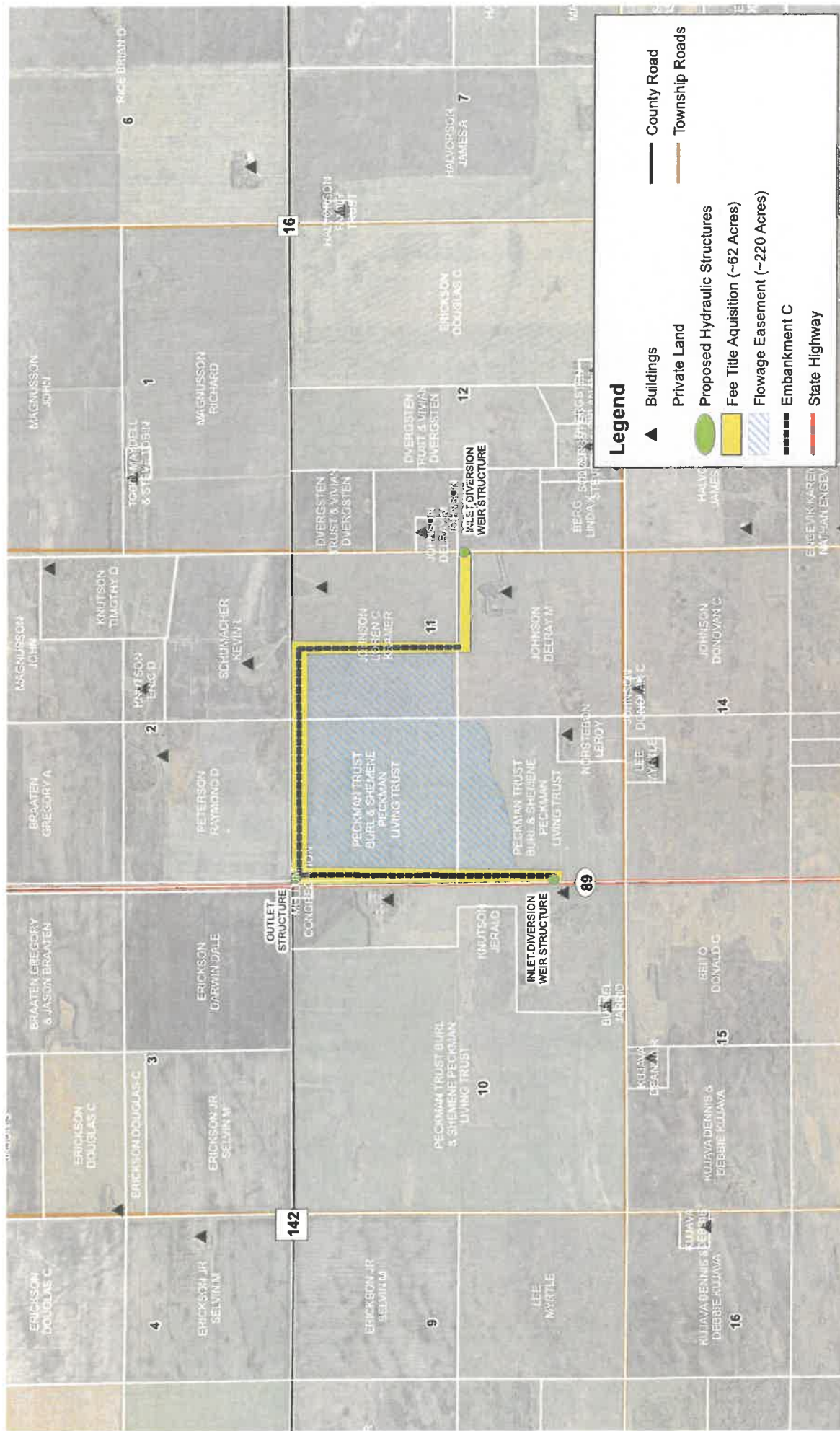
PROJECT



Watershed Property
SE1/4 of SE1/4 Section 33
T163N-R40W







FEE TITLE AND FLOWAGE EASEMENT ACQUISITION

RETENTION SITE C
SEPTEMBER 2019
WHITNEY LAKE SUBWATERSHED

