

**MINUTES OF THE ROSEAU RIVER WATERSHED DISTRICT BOARD OF
MANAGERS MEETING HELD APRIL 7, 2021**

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

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

STAFF PRESENT: In Person: Watershed Specialist McCormack and Administrator Halstensgard.

Pursuant to Minnesota Statutes §13D.021, because of the declaration by Governor Tim Walz on March 13, 2020 of a Peacetime State of Emergency due to the COVID-19 Pandemic, the meeting was conducted via WebEx and at the Roseau City Center located at 121 Center Street East, Roseau, Minnesota observing all CDC guidelines including social distancing and masks being required.

OTHERS PRESENT In Person: Randy Prachar, MN DNR; Roger Falk, County Commissioner; Mitch Magnusson, Gerald and Liz Knutson, Vern Rugland, Vangie and Bob Byfuglien, Greg Halverson, and Norm and Allayn Kveen.

OTHERS PRESENT via WebEx: Chad Reese, David Losson, and Melanie Benit, Institute for Justice; Terry Kveen, Deb Stone, Tim Kveen, and James Johnson, and Rachel Williams.

CONSULTING STAFF PRESENT: In person, Nate Dalager, HDR Engineering; Michelle Moren, Moren Law office; Via WebEx: Chuck Holtman, Smith Partners; Erik Jones, Houston Engineering; Dillon Nelson and Jake Huwe, HDR Engineering.

AGENDA: A **motion** was made by Manager Braaten, seconded by Manager Wensloff to approve the agenda as amended. Motion carried unanimously.

CONSENT AGENDA: A **motion** to approve the Consent Agenda was made by Manager Voll and seconded by Manager Wensloff. The motion carried unanimously. Adoption of the Consent Agenda included approving the March 3, 2021 regular meeting minutes, the Treasurer's Report, Permits #21-01 and #21-02, and manager and employee expense vouchers.

PERMITS: There were no other permits for this meeting.

NEW BUSINESS:

- PCA Section 319 Grant: Administrator Halstensgard informed the board of the opportunity to apply for Section 319 grant monies for the work outlined in the Hay Creek Sub-watershed report. Engineer Erik Jones further explained the program, cost share possibilities, the process once funds are awarded, and gave the board examples of other projects he's worked on that received 319 funding. After some discussion of the assessment work already done in the subwatershed, Manager Voll made a **motion** to move forward and apply for the funding, seconded by Manager Wensloff. The motion carried unanimously.
- Attorney Moren and Administrator Halstensgard updated the board on the status of the River Trail City Center Site grant agreement for the proposed bank stabilization and kayak launch. A **motion** was made by Manager Braaten, seconded by Manager Wensloff

to accept the quote from Halverson Sand and Gravel. Attorney Moren will draft an agreement between the City, Watershed and Halverson for the Board to act on at the May meeting. The motion carried unanimously.

Chairman Diesen asked if there were any public comments on the New Business items. Vangie Byfuglien asked about the City Center Site project. Specialist McCormack and Chair Diesen replied.

OLD BUSINESS:

- Specialist McCormack stated that three quotes had been received for the CD 18 Outlet Repair Project. The quotes were as follows: Blooming Valley Services - \$39,990.00; Halverson Sand and Gravel - \$33,948.75; R & Q Trucking - \$27,870.00. A **motion** was made by Manager Braaten to hire R & Q Trucking as the low bid, seconded by Manager Wensloff. The motion carried unanimously.

Chairman Diesen asked if there were any comments on the Old Business item. There were no comments.

REPORTS:

ADMINISTRATOR: Administrator Halstensgard discussing the following:

- 1W1P update
- Property taxes – A **motion** was made by Manager Voll to pay the full 2021 property tax amount, motion seconded by Manager Braaten. Motion carried unanimously.
- New website development – A **motion** to hire Anything Media to update the website as quoted was made by Manager Voll, seconded by Manager Braaten. Motion carried unanimously.
- Value Certification letters have been sent to Counties.
- Growing frustration with MAWD with various watersheds in the state
- QuickBooks subscription update

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

- Stream gage equipment purchase and installation update
- Trap replacement on West Intercept
- Three requests for the Conservation Corps to do debris clearing and bank stabilization were approved and funded.
- Norland structure maintenance
- County Road 3 trap update (Lins culvert)

RRWMB: Manager Braaten discussed the Black River Impoundment funding and ongoing legislative efforts.

Chairman Diesen asked if there were any comments on the Reports. There were no comments.

PROJECTS:

WD 4 Update – There was discussion on signatures on the Findings and Order since Manager Schmalz was not at the meeting. Chairman Diesen and Manager Schmalz will need to coordinate a time and place to sign with a notary present.

A **motion** was made by Manager Braaten to approve and authorize Chairman Diesen to sign the Viewers' contract, seconded by Manager Wensloff. Motion carried unanimously.

Whitney Lake RCPP: -- A **motion** was made by Manager Wensloff, seconded by Manager Braaten, to adopt the Local Government Resolution for Flood Hazard Mitigation Grant Assistance. Motion carried unanimously.

Roseau Lake – Randy Prachar gave a presentation on the draft Maintenance Plan. There were follow-up questions and discussion from the board. A **motion** was made by Manager Wensloff, seconded by Manager Voll to schedule a special board meeting on April 13, 2021 at 7:00 a.m. at the RRWD office. The purpose of the meeting is for the board to review and provide comment on the draft Maintenance Plan. Motion carried unanimously.

Comments were received on the Operating Plan. There has not been time to prepare a response to those comments. A response will be prepared and the Board will take that up at a future meeting. Specialist McCormack spoke about the ditch abandonment petitions that will be taken to the Roseau County Board of Commissioners.

Ditch 16 Update – Administrator Halstensgard Introduced Attorney Charles Holtman, Smith Partners law firm. Attorney Smith provided a legal opinion on the acquisition of land for the improvement. The procedures the board went through provide legal right-of-way for the improvement. A final certificate could be filed upon completion of the project to record the encumbrances on the property. Attorney Holtman will provide a written opinion for the board to provide landowners and include in the minutes.

Engineer Huwe discussed the bid documents and the permit applications. MN DOT had substantial comments for their permit to meet safety standards. Engineer Huwe will be following up on potential modifications to the design. Engineer Dalager provided more details on the issues of concern to MN DOT. Attorney Moren stated that she would like to review the bid documents. Engineer Huwe will send them to her.

Chairman Diesen asked if there were any comments on the Projects. The questions from the audience were as follows:

- Vangie Byfuglien asked Mr. Prachar about locations of public access. Mr. Prachar had Administrator Halstensgard share a map on the screen and online showing the existing and proposed accesses. Mrs. Byfuglien then asked if the public would have to get a permit to access the project area. Mr. Prachar stated that access would be no more restrictive that it is now.
- Mrs. Byfuglien asked how the water from the east will get into the basin once the road is raised. Mr. Prachar stated that there would be several large culverts under the road that would allow the water to flow into the basin. Manager Voll continued to clarify the use of culverts as “equalizer pipes” under roadways to balance the water on each side of the road. Engineer Dalager stated that the size of the culverts has been designed to insure capacity to move the volume of water necessary to insure the integrity of the road and the function of the project.
- Norman Kveen asked Mr. Prachar about how the DNR plan to acquire land for this project. Mr. Prachar stated that the only land the DNR plans to acquire is already in the process.
- Mrs. Byfuglien made a comment about outreach to landowners. Manager Wensloff stated that there have been several meetings with landowners individually as well as in meetings and work sessions.
- Mitch Magnusson commented on the operating plan being provided to the public for comment. The Operating Plan was sent to the email list of landowners who have, at some point, expressed an interest in receiving information about the project.

- Terry Kveen commented about the history of the island and stated that with a dike on the north side of the river, this will cause flooding to the land on the south side of the river. Manager Wensloff asked Engineer Dalager to provide clarification to the board. Engineer Dalager stated that the goal of the project is to push water downstream in the early part of the hydrograph for any high water event in order to optimize the storage to reduce the depth and duration of the high water.
- Mrs. Byfuglien asked if the gage readings at Ross were specific enough to base the operation of the project on. Engineer Dalager replied to her question.
- Gerald Knutson provided general comments on climate change, Devils Lake, planning for the future, Canada, and other topics.
- Mitch Magnusson asked if the Board and staff were familiar with the Mediation Agreement and went on to claim that the mediation agreement has not been followed for this project. The board will take Mr. Magnusson's concerns under advisement. Mr. Magnusson also requested a copy of the audio from this meeting.

OTHER ITEMS:

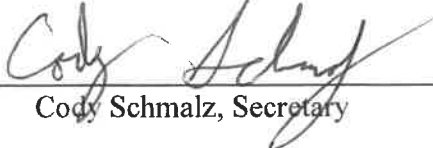
A **motion** was made by Manager Braaten, seconded by Manager Wensloff to accept and sign agreement for services from Smith Partners, LLC. Motion carried unanimously.

Manager Wensloff requested Specialist McCormack look at a drainage issue with a culvert under State Highway 89 just south of Roseau.

Manager Voll spoke about the issue with the water coming into the district from Canada. Staff discussed some of the efforts that have been ongoing with Manitoba agencies to develop better water management practices.

The next meeting will be May 5th at 8:00 a.m. at the Roseau City Center to accommodate social distancing requirements. After a **motion** by Manager Braaten and second by Manager Wensloff, the meeting was adjourned at 10:39 a.m.

Respectfully submitted,



 Cody Schmalz, Secretary



 Tracy Halstensgard, Administrator

RRWD April 2021 Bills & Receipts

RRWD Checkbook Balance as of March 30, 2021	\$356,816.07
Receipts:	
State of Minneosta (BWSR) -- SD 51 grant reimbursement	\$ 5,560.00
State of Minneosta (MPCA) -- WRAPS final reimbursement	\$ 6,841.62
State of Minneosta -- Roseau Lake reimbursement	\$ 109,016.08
Citizens State Bank -- interest 2-15-21	\$ 3.59
Total:	\$ 121,421.29
Bills:	
Tracy Halstensgard -- Salary and Insurance	\$5,039.64
Torin McCormack -- Salary and Insurance	\$5,486.64
Torin McCormack -- Mileage / Personal Equipment	\$82.84
Jason Braaten -- Per Diem and Expenses	\$104.67
LaVerne Voll -- Per Diem and Expenses	\$112.51
Carter Diesen -- Per Diem and Expenses	\$551.35
Tony Wensloff -- Per Diem and Expenses	\$400.76
Internal Revenue Service -- Withholding	\$3,986.67
Minnesota Department of Revenue -- Withholding	\$630.00
PERA -- Employer / Employee Contribution	\$1,686.28
Cardmember Services -- DNR permit application, argo parts, sympathy plants	\$1,245.87
City Of Roseau -- utilities	\$203.72
Marco -- Copier agreement	\$188.66
Minnesota Energy -- Natural Gas	\$88.51
Patrick Moren Law Office -- Legal Fees	\$2,493.75
Roseau County Treasurer -- 2021 property taxes	\$7,742.36
Roseau Electric Co-op -- internet & phone	\$154.60
Roseau County Recorder -- CD 16 easements	\$644.00
Verizon Wireless -- Trimble	\$40.01
Pribula Engineering -- Legal survey, Roseau Lake	
	\$48,510.00
Intuit -- quickbooks update and payroll subscription	\$716.06
Deluxe -- checks	\$492.33
DVS - Truck tabs	\$228.25
Houston Engineering -- River Restoration through 3-20-21	\$15,267.75
Anderson Brothers Construction -- SD 51 Debris removal	\$5,700.00
Jon Schauer - QuickBooks consulting	\$525.00
WSB -- Lost River Forest Peatland Restoration	\$4,532.50
HDR -- invoices 1200330441, 1200331978 & 1200332552	\$84,126.05
HDR -- invoices 1200326992 & 1200330443	\$29,733.98
Total:	\$220,714.76

AGREEMENT FOR LEGAL SERVICES

This Agreement is between the Roseau River Watershed District (Client) and Smith Partners, PLLP. Smith Partners agrees to provide all legal services requested by Client and Client agrees to pay Smith Partners for their services consistent with the hourly rate of \$250 for Principal Louis Smith and \$231 for all other attorneys, and the hourly rates of non-attorney legal staff of Smith Partners as described below:

Law Clerk	\$ 75 per hour
Legal Assistant	\$ 70 per hour
Case Assistant	\$ 65 per hour

Client also agrees to pay all expenses consistent with the expense schedule outlined below. Any expense not identified will be charged at actual cost.

Photocopying, printing	\$.09 per page (Black& White) \$.18 per page (Color)
Computer assisted legal research	Actual cost
Courier charges	Actual cost
Travel	Actual cost; mileage current IRS rates
Filing fees	Actual cost
Postage	Actual cost
Third party vendor charges	Actual cost

Smith Partners agrees to provide monthly service invoices describing the services provided and the costs for services provided. Time will be recorded in 1/10th hour increments and hourly rates for any services rendered after December 31, 2021 are subject to periodic adjustments by Smith Partners with notice to Client.


All fees, service charges and disbursements will be billed by Smith Partners on a monthly basis and payment will be due from Client within 30 days after receipt. Any questions or disputes concerning invoices should be brought to the attention of Smith Partners within two weeks after receipt of the invoice. Formal dispute resolution procedures are available through the local bar association and will apply to this Agreement. A late payment charge of 8% per year (or the maximum allowable rate, if lower) may be added to any unpaid invoice over 30 days past due.

Client may terminate this Agreement at any time without cause. Any termination of the Agreement by Smith Partners will comply with the applicable rules of professional responsibility.

To confirm acceptance of the terms of this Agreement, the parties will sign this document where indicated below, thereby establishing a legally binding Agreement.

Accepted and Agreed:

Dated: March 17, 2021. SMITH PARTNERS, PLLP

By: 
Louis N. Smith

Accepted and Agreed:

Dated: April 7th, 2021.

ROSEAU RIVER WATERSHED DISTRICT

By: 

Local Government Resolution For Flood Hazard Mitigation Grant Assistance

BE IT RESOLVED that Roseau River Watershed District , hereinafter referred to as the "Applicant" act as legal sponsor for the project contained in the **Flood Damage Reduction Grant Assistance Program Application** to be submitted on April 13, 2021 and
(Month-Day-Year)
that Board Chair Carter Diesen is hereby authorized to apply to the Department of Natural Resources
(Title of Authorized Official)
for funding of this project on behalf of the Applicant.

BE IT FURTHER RESOLVED that the Applicant has the legal authority to apply for financial assistance, and the institutional, administrative, and managerial capability to ensure adequate acquisition, maintenance and protection of the proposed project.

BE IT FURTHER RESOLVED that the Applicant has the financial capability to provide any required matching funds.

BE IT FURTHER RESOLVED that the source of Applicant's matching funds shall not include other State funds.

BE IT FURTHER RESOLVED that the source of Applicant's matching funds shall be \$350,000 in Watershed District Construction Funds.

BE IT FURTHER RESOLVED that the Applicant hereby pledges to complete the project or phase if it exceeds the total funding provided by the Department of Natural Resources and any required local match.

BE IT FURTHER RESOLVED that the Applicant has not incurred any costs, and has not entered into any written agreements to purchase property proposed by this project.


E IT FURTHER RESOLVED that the Applicant has not violated any Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the state, the Applicant may enter into an agreement with the State of Minnesota for the above- references project, and that the Applicant certifies that it will comply with all applicable laws and regulations as stated in the contract agreement.

NOW, THEREFORE BE IT RESOLVED that Board Chair Carter Diesen is hereby authorized to execute such
(Title of Authorized Official)
agreements as are necessary to implement the project on behalf of the applicant.

I CERTIFY THAT the above resolution was adopted by the Board of Managers of Roseau River Watershed District on April 7, 2021.

SIGNED:


(Signature)

Board Chair
(Title)

April 13, 2021
(Date)

WITNESSED:


(Signature)

Administrator
(Title)

April 13, 2021
(Date)