

**MINUTES OF THE ROSEAU RIVER WATERSHED DISTRICT BOARD OF
MANAGERS MEETING HELD February 3rd, 2010**

ORDER: Chairman Todd Miller called the meeting to order at 8:00 a.m.

MANAGERS PRESENT: Floyd Haugen, LeRoy Carriere, Laverne Voll and Todd Miller

STAFF PRESENT: Administrator, Rob Sando; Administrative Assistant Halstengard

OTHERS PRESENT: Refer to attendance sheet.

CONSULTING STAFF PRESENT: Attorney Pat Moren.

DELEGATIONS: There were no delegations for this meeting.

AGENDA: A **motion** was made by Manager Voll and seconded by Manager Haugen to approve the agenda with changes. Motion carried unanimously

MINUTES: A **motion** was made by Manager Voll and seconded by Manager Carriere to approve the December 2009 revised minutes with changes. Motion carried unanimously A **motion** was made by Manager Carriere and seconded by Manager Voll to approve the January 6th, 2010 minutes as mailed. Motion carried unanimously

RECEIPTS:

Receipts -- Memo	Balance
Citizens State Bank -- Interest on checking	\$ 133.71
State of Minnesota -- MVC & Bovine TB Credit	\$ 34,799.23
Roseau County -- share of taxes	\$ 18,384.35
Johnson Fargo Culvert -- refund of overpayment	\$ 4,454.55
Marshall County -- share of taxes	\$ 80.73
Kittson County -- share of taxes	\$ 82.99
Beltrami County -- share of taxes	\$ 117.27
TOTAL	\$ 58,052.83

Bills -- Memo	Amount
City of Roseau -- utilities	\$ 363.29
Verison -- cell phone charge	\$ 51.29
CenturyLink -- phone bill	\$ 117.01
Sjoberg's Cable TV -- cable internet	\$ 42.32
Tony Torn -- copier maintenance	\$ 14.97
Roseau Times-Region -- notice	\$ 7.88
Minnesota Energy -- natural gas bill	\$ 169.66
MAWD -- annual dues	\$ 738.90
Patrick D. Moren -- legal fees	\$ 1,093.75
HDR Engineering -- Project Engineering	\$ 13,492.39
Floyd Haugen -- meetings, mileage and expenses	\$ 175.43
LeRoy Carriere -- meetings, mileage and expenses	\$ 69.26
Todd Miller -- meetings, mileage and expenses	\$ 338.22
LaVerne Voll -- meetings, mileage and expenses	\$ 157.44
Rob Sando -- expenses and mileage	\$ 235.50
Rob Sando -- salary	\$ 3,093.62
Tracy Halstensgard -- wages	\$ 1,642.49
Multi Office Products -- supplies	\$ 53.37
PERA -- employee and employer share	\$ 821.43
Internal Revenue Service -- 941 tax	\$ 1,532.02
Doug's Supermarket -- food for meetings and supplies	\$ 16.85
DbA Consulting -- Quickbooks consultant	\$ 1,490.75
ICS Construction Inc. -- Pay Estimate #3	\$ 78,080.73
MonTech Computers -- card reader	\$ 17.09
DbA Consulting -- QuickBooks year end consulting	\$ 1,490.75
Minnesota Viewers Association -- membership dues	\$ 125.00
Mitch Magnusson -- debris removal (Mickelson Bridge & FEMA)	\$ 9,245.00
Roseau County Highway Dept. -- signage; grading & reshaping ;culverts	\$ 3,439.00
Quality Printing -- printing plans	\$ 38.15
TOTAL	\$ 118,153.56

BILLS: Administrator Sando stated that the City of Roseau has yet to pay for maintenance on the West Interceptor. Manager Haugen discussed a conversation with Mayor Jeff Pelowski concerning who was responsible for the cost of maintaining the project. Roseau County Commissioner Jack Swanson suggested scheduling a meeting with the City. Mr. Swanson will schedule that meeting and act as facilitator for that meeting.

After a brief explanation of the bills and receipts, Manager Voll made a **motion** to withhold the cost of grading and reshaping the road along Hay Creek from the payment to Wagner Construction, seconded by Chairman Miller. Motion carried unanimously. A **motion** was made by Manager Carriere to pay the normal monthly bills, seconded by Manager Voll. Motion carried unanimous. .

PROJECT TEAM & ENGINEERS REPORT:

RRWMA: After discussion on the amount of snowpack, Chairman Miller would like to request additional storage in the RRWMA for spring runoff.

Hay Creek/Norland: Engineer Dalager discussed construction pay estimates. A **motion** was made by Manager Carriere seconded by Manager Voll to pay Pay Estimate #3 to ICS, Inc. in the amount of \$78,080.73. Motion carried unanimously. There was discussion on the payment to subcontractors by North Pine Aggregate. North Pine Aggregate has requested a reduction in retainage. Chairman Miller

brought up the issue of the MPCA violations and asked about the accountability of the contractor in this situation. Engineer Dalager updated the board as to the violation being investigated by the MPCA. There was discussion on the timing of the construction and the MPCA inspection. Chairman Miller asked about requesting a different liaison from the MPCA. Chairman Miller stated there needs to be a formulated response from the County and the Watershed District. Engineer Dalager stated that he would like to continue to try to communicate with the MPCA on this subject. Chairman Miller asked about the retainage for the contractor. It was stated that the Watershed and County work together to resolve the issue. After further discussion on North Pine Aggregate's requested to reduce the amount of retainage, a **motion** to keep the retainage at 10% was made by Manger Haugen and seconded by Manager Carriere. Motion Carried unanimously. Chairman Miller discussed the costs of the project, including construction and engineering. Chairman Miller asked if there were any other costs. Engineer Dalager stated that the County review and permit was still an unresolved issue. Commissioner Swanson will follow up on that issue. Chairman Miller asked if Engineer Dalager would come back in March with a revised cost breakdown. Engineer Dalager discussed the mitigation plan. The Step 3 submittal will be presented to the RRWMB. Engineer Dalager discussed bidding the next phase this spring and provided the board with an update report to the COE. Roseau County Engineer Brian Ketring updated the board on the review of the permit request. A **motion** was made by Manager Carriere and seconded by Chairman Miller to pay the HDR Engineering bill in the amount of \$8,433.08. Motion carried unanimously.

Palmville Project: Chairman Miller discussed the O & M plan and requested that Administrator Sando send the plan out to the landowners. Administrator Sando relayed the notes on the changes from the DNR. A **motion** was made by Manager Voll and seconded by Manager Haugen to keep the language in the O & M that allows the Watershed to operate the project if there is flooding on farmland. Motion carried unanimously. A **motion** was made by Manager Carriere and seconded by Manager Voll to pay the HDR Engineering bill in the amount of \$1,515.32. Motion carried unanimously.

Pontow Ring Dike: Administrator Sando discussed the current changes to the ring dike plan. There was discussion on the funding for ring dikes. A **motion** was made by Manager Carriere and seconded by Chairman Miller to pay the HDR Engineering bill in the amount of \$3,543.99. Motion carried unanimously.

Robert Lee Ring Dike: Administrator Sando will continue to pursue funding.

Beltrami: There was discussion on the purchase of stream gages. Manager Voll made a **motion** to purchase the fiberglass stream gages, seconded by Manager Carriere. There was discussion on the height and installation of the gages. Administrator Sando will order the gages. There was discussion on the JOR Engineering bill. The board will be requesting more in depth itemization on their bill. A **motion** was made by Manager Carriere and seconded by Manager Voll to table the JOR Engineering bill for further itemization. Motion carried unanimously.

There was discussion on the culvert installation requested by the Fourtown snowmobile club.

PERMITS:

There were no permits for this meeting

RRWMB Report:

Chairman Miller stated that the meeting was in conjunction with the Basin Commission meeting held in Grand Forks. RRWMB sent a letter addressing the concerns of the proposed Fargo – Moorhead diversion. A letter was also sent to the Lassard Outdoor Heritage Council with concerns with the portion of funding to watershed districts. Ron Harnack sent a letter requesting Administrator Sando attend a hearing in St. Paul to lobby for funding. Chairman Miller and Administrator Sando will attend the hearing in St. Paul. Dan Thul discussed the star value system and funding for projects. There will be some unused USGS gages that will be removed. Mr. Thul spoke about the TSAC committee and the hydrologic modeling and requesting certain reductions from tributaries to the Red River based on their contribution to peak flows. The finance committee met and discussed watershed district's finding the funding for land purchase. The RRWMB will no longer be able to invest the money prior to a project being initiated.

Chairman Miller spoke about attending the Red River Basin Commission meeting and various presentations.

Administrator's Report:

Administrator Sando reported on the following issues:

- WI mitigation cost break down & Reed Canary control pilot study
- ICS is continuing construction
- The gage at Malung will be remodeled this year
- Mitch Magnusson debris removal bill
- Conservation Drainage Workshop update
- Board chairs & table – Administrator Sando will get estimates on a board table from H&J Displays. It was the consensus of the board to keep the current board chairs for the time being.
- Office computers – A **motion** was made to approve purchase of new office computers was made by Manager Carriere and seconded by Manager Haugen. Motion carried unanimously
- Big Swamp Project Team minutes

RRIW: A meeting has been scheduled for February 11, 2010 in Vita. The agenda and the minutes from the January meeting were handed out. Managers Haugen and Voll updated the board on what took place at the last meeting.

OLD BUSINESS:

Administrator Sando updated the board on the Chris Johnson litigation. The trial date has been moved to May. The board has spent \$3,397.58 for this litigation. Chairman Miller spoke about garnishing the Johnson's wages for the outstanding judgment the Watershed has against them. Manager Miller told the Board that he had talked to Sheriff Jule Hanson and all that Manager Miller needed was a couple of papers and he could garnish Johnson's wages. Attorney Moren told the Board that this is not possible. In order to garnish Johnson's wages it was first necessary to have a Court judgment in place against the Johnsons. Further, no such judgment was in place because the Johnsons had appealed the Judge's Conciliation Court ruling and therefore there is no judgment and a trial de novo is required. Attorney Moren further indicated that Johnson's attorney would most likely file an injunction to stop such attempt at garnishment prior to judgment.

Attorney Moren also reminded the Board that at the outset of this controversy he had, at a previous meeting, advised the Roseau River Watershed District Board that the cost of litigation against the Johnsons to recover the amount owing would likely exceed any amount that could be recovered from the Johnsons. And in addition, Attorney Michelle Moren at a later meeting had given the same advice to the Board of Managers. It was the direction of the board to contact the parties involved, hold a meeting and try to resolve the issue. Chairman Miller and Administrator Sando will represent the Watershed Board at the meeting.

The outlet of Lateral 3 of WD 3 was discussed. Manager Haugen stated that he wanted the rest of the board to be aware of the state of the outlet. Manager Haugen stated he felt that the issue needs to be addressed for the maintenance of the ditch and should be paid for by SD 51 funds. The County has agreed to survey from the angle pipes to the outlet. Administrator Sando will provide the pictures to Manager Haugen. For the next meeting, an agreement with the County for replacing the angle pipes should be discussed.

Chairman Miller addressed the legal costs incurred by the Watershed District. He stated that he felt that it was not necessary for the Attorney to attend the entire meeting. Attorney Moren stated that he felt it was important to attend the meeting and stay abreast of the current issues. Attorney Moren stated that he also does not charge for his support staff. Chairman Miller stated that he questioned the relevance of the information that is discussed during the majority of the meeting. Two Rivers Watershed District has the attorney attend only a portion of the meeting. Attorney Moren stated that he felt his fees are very reasonable. There was extensive discussion on costs incurred by the board for engineering and legal fees.

NEW BUSINESS:

Daryle Dahl contacted the board with a question on how many acres he will be farming under his contract. Administrator Sando stated that HDR Engineering figured 50.6 acres are currently farmable in that parcel. It was the recommendation of the board to approve the 2010 contract with Daryle Dahl with the reduced acreage.

There was discussion on when the township road along Hay Creek in Spruce Township. Administrator Sando will contact Engineer Ketring to discuss contacting the Township.

After reviewing the managers' vouchers, a **motion** was made by Manager Haugen and seconded by Manager Carriere to approve payment of those vouchers. Motion carried unanimously.

The next meeting is scheduled for March 3rd, 2009. After a **motion** by Manager Voll and seconded by Manager Haugen, the meeting was adjourned at 12:15 a.m.

Respectfully submitted,

LeRoy Carriere, Secretary

Tracy Halstensgard, Administrative Assistant