

**MINUTES OF THE ROSEAU RIVER WATERSHED DISTRICT BOARD OF  
MANAGERS MEETING HELD March 3<sup>rd</sup>, 2010**

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

**MANAGERS PRESENT:** Floyd Haugen, Laverne Voll and Todd Miller

**STAFF PRESENT:** Administrator, Rob Sando; Administrative Assistant Halstensgard

**OTHERS PRESENT:** Refer to attendance sheet.

**CONSULTING STAFF PRESENT:** Attorney Pat Moren.

**DELEGATIONS:** R & Q Contracting, Randy Pracher and Torris Bakken.

**AGENDA:** A **motion** was made by Manager Haugen and seconded by Manager Voll to approve the agenda with changes. Carried - unanimous.

**MINUTES:** A **motion** was made by Manager Voll and seconded by Manager Frislie to approve the February 3<sup>rd</sup>, 2010 minutes with changes. Carried - unanimous.

**RECEIPTS:**

<b>Receipts -- Memo</b>	<b>Balance</b>
Citizens State Bank -- Interest on checking	\$ 99.64
Lake of the Woods County -- Share of taxes	\$ 73.95
US Geological Survey -- cost oshare of Malung Dam repair	\$ 2,500.00
Marshall County -- share of taxes	\$ 11.07
<b>TOTAL</b>	<b>\$ 2,684.66</b>

<b>Bills -- Memo</b>	<b>Amount</b>
City of Roseau -- utilities	\$ 340.65
Verison -- cell phone charge	\$ 51.29
CenturyLink -- phone bill	\$ 111.62
Sjoberg's Cable TV -- cable internet	\$ 42.32
Tony Torn -- copier maintenance	\$ 12.17
Roseau Times-Region -- notice	
Minnesota Energy -- natural gas bill	\$ 124.57
ICS Constuction -- PE #4	\$ 7,993.62
Patrick D. Moren -- legal fees	\$ 531.25
HDR Engineering -- Project Engineering	\$ 5,971.60
JOR Engineering -- project work team engineering expenses	\$ 3,213.00
Floyd Haugen -- meetings, mileage and expenses	\$ 89.27
Allison Frislie -- meetings, mileage and expenses	\$ 335.79
Todd Miller -- meetings, mileage and expenses	\$ 94.26
LaVerne Voll -- meetings, mileage and expenses	\$ 156.52
Rob Sando -- expenses and mileage	\$ 584.41
Rob Sando -- salary	\$ 3,093.63
Tracy Halstensgard -- wages	\$ 1,693.71
Multi Office Products -- supplies	\$ 176.05
PERA -- employee and employer share	\$ 830.51
Internal Revenue Service -- withholding tax	\$ 1,525.75
Claire Kjersten -- Mowing Duxby Levee	\$ 560.00
Doug's Supermarket -- food for meetings and supplies	\$ 25.11
Scott's True Value -- supplies	\$ 76.75
Postmaster -- Stamps	\$ 176.00
MonTech Computers -- computers & picture supplies	\$ 1,663.19
West Publishing -- Statute Books and inserts	\$ 733.16
Quality Printing -- printing Hay Creek plans	\$ 620.94
<b>TOTAL</b>	<b>\$ 30,827.14</b>

**BILLS:** Administrator Sando discussed the funding issue for the Malung stream gage. The State wants to cut funding for the gage this year. Manager Miller stated that the RRWMB funds some gages in the valley. Administrator Sando wrote a request to continuing the funding as the gage is vital to the flood prediction in the City of Roseau. A **motion** was made by Manager Voll to pay the normal monthly bills, seconded by Manager Haugen. Motion carried unanimous.

**PROJECT TEAM & ENGINEERS REPORT:**

Hay Creek/Norland: Engineer Knott updated the board on the construction at the project site. Administrator Sando and Engineer Knott will be touring the site and viewing the outlet structures after the meeting. Engineer Knott has not heard anything from the MPCA on the permit violation issue.

After the RRWD Board submitted a request to build the project over County ditch system, the County contacted SEH Engineering to review the project Engineer's Report. Chairman Miller discussed the questions that engineering firm SEH has concerning the project so that they can present their opinion to the County Board. A **motion** was made by Manager Voll and seconded by Manager Frislie to direct Engineer Dalager to work with the engineer to answer their questions to the fullest. Motion carried unanimously.

There was discussion on the lowering of the pipeline under Hay Creek. A **motion** was made by Manager Frislie and seconded by Manager Voll to approve the contract with EFG, the pipeline company, to lower

the portion of the pipeline under the Hay Creek connection channel. Manager Voll asked about having someone watching the construction as it proceeds on this project. It was stated that EFG would be obtaining proposals from contractors and would be responsible for supervising construction. Motion carried unanimously.

There was discussion on the Terms and Conditions submitted by HDR. Manager Voll stated that he had concerns with some of the conditions. Chairman Miller stated that he felt that the board should not sign at this time. Action on this issue will be addressed at a later date.

Manager Miller discussed the project expenses. He has discussed the A & E expenses for the Hay Creek project with Engineer Dalager. Manager Miller stated that Engineer Dalager stated that additional A&E from now until the project is completed would be approximately \$270,000.00 (from 12% to 15% of construction). There was discussion on the costs of monitoring once the project is complete. Chairman Miller asked if setting up the monitoring equipment was included in the estimated A&E expenses. There was discussion on the long term effort and the costs of monitoring. Chairman Miller stated that construction costs have been at or below the engineer estimate.

Administrator Sando updated the board on the balance in the RRWD construction fund. Administrator Sando will continue to work on keeping the board up to date on the financial situation.

Torris Bakken, Spruce Township, asked the board for a legal document stating the Watershed District has turned control back over to the Township. Engineer Brian Ketring stated that the Township should have the road recorded as a Township road at the County Recorders office. Mr. Bakken stated that there were no issues with the road, safety or otherwise.

Administrator Sando stated that R&Q Contracting and Greenview Landscaping have not yet been paid for work completed on the project.

A **motion** was made by Manager Voll and seconded by Manager Haugen to pay the HDR Engineering Bill in the amount of \$3,465.25. Motion carried unanimously. A **motion** was made by Manager Haugen and seconded by Manager Voll to pay the ICS Construction bill in the amount of \$7,993.62. Motion carried unanimously.

RRWMA: Chairman Miller asked Randy Pracher about the RRWD request for additional drawdown. Mr. Pracher stated that the stop logs are currently frozen in place. When they can be removed, the WMA will try to honor the request. Mr. Pracher stated the pool 3 could possibly be drawn down an addition 6 inches and pool 2 6 inches to 1 foot. There was discussion on possibly acre feet of storage.

Palmville Project: Chairman Miller introduced the discussion on the O&M plan. Mr. Pracher stated that he was told by his supervisors that the current revisions are acceptable. There are a couple sentences that are still being debated. There was discussion on the wording of the County's responsibility to the ditch system within the project. The Board was in agreement to leave the original language in the O&M concerning the County's responsibility. The next area of discussion was the language about the RRWD ability to remove stoplogs if flooding to farmland occurs. Mr. Pracher stated that the addition of that language is not negotiable from the DNR's standpoint. After extensive discussion, it was the decision of the board to leave the wording in and add a trigger elevation. Mr. Pracher stated that he would take that back to his superiors. The Board will continue to work with the DNR on this issue.

Chairman Miller asked about the RRWMA project. Mr. Pracher spoke again about the possibility of pursuing the RRWMA project again. He stated that it should be looked at in conjunction with the Lake Bottom project. Mr. Pracher stated that the various components of the project are complicated and need further review. Manager Miller asked if the DNR hydrologists could take a look at the feasibility of a project on the WMA.

A **motion** was made by Manager Frislie and seconded by Chairman Haugen to pay the HDR Engineering bill in the amount of \$506.12. Motion carried unanimously.

Pontow Ring Dike: Administrator Sando stated that the plans for the Pontow Ring Dike have been submitted to the NRCS. There was discussion on the funding for the ring dikes. Chairman Miller stated that the Board needs to stay on top of the engineering bills since a \$10,000 reimbursement cap has been set. A **motion** was made by Manager Frislie and seconded by Chairman Haugen to pay the HDR Engineering bill in the amount of \$2,000.23. Motion carried with Manager Voll opposed.

Beltrami: After reviewing the billing explanation from Engineer Anderson, a **motion** was made by Manager Frislie and seconded by Manager Voll to pay the JOR Engineering bill for \$3,213.00. Manager Frislie asked what work was still pending for this project. Chairman Miller stated that there were concerns from the DNR. Engineer Anderson wants to get stream gage information from the spring run off and model the readings. Motion carried unanimously.

### **PERMITS:**

Administrator Sando spoke about Permit #10-01 (Fourtown Sportsman Club) with attached engineering plan. A **motion** was made by Manager Frislie and seconded by Manager Voll to table the permit for further review until the next meeting. Motion carried unanimously.

A **motion** was made by Manager Frislie and seconded by Manager Voll to approve permit #10-02 (Jan Farris) with the provision that the work does not compromise the integrity of the dike. Motion carried with Manager Haugen opposed.

### **RRWMB Report:**

Chairman Miller reviewed the Treasurer's Report and Finance Committee meeting. Chairman Miller discussed the funding of projects in the Red River Valley. He also spoke about partnering with other entities for funding (ie. SWCD & NRCS). In doing so, there would be additional NRE requests by those agencies. Attorney Moren suggested hiring a grant writer as the City of Roseau and County does.

Chairman Miller showed the board a handout on the proposed Fargo / Moorhead flood diversion project. Administrator Sando also spoke about a hearing he attended in St. Paul and the funding concerns with the project.

The proposed changes to the open meeting laws were discussed at the RRWMB meeting. Chairman Miller reviewed Ron Harnack's report and informed the Board of other topics discussed at the RRWMB meeting.

The next RRWMB meeting will be held in conjunction with the River Watch Forum at UMC in Crookston.

Administrator Sando submitted a quarterly report and the Step 3 Submittal for Hay Creek / Norland, which was approved.

### **Administrator's Report:**

Administrator Sando reported on the following issues:

- Hay Creek / Norland State funding
- Malung Dam state funding cuts
- MAWD Legislative Breakfast March 10 & 11
- Poll of Watershed Districts on attorney's attending meetings
- R & Q Contracting issue with receiving payment from North Pine Aggregate. Greenview Landscaping also has not been paid.
- Administrator Sando discussed chairs that he brought in and are being used in the office.
- Stream gage reading sent to Engineer Anderson for 2009 and 2004
- DNR request for comment on the East Diversion Project
- Correspondence from Attorney Michelle Moren to resolve the Christ Johnson matter
- Draft meeting notes from Two Rivers Big Swamp meeting
- Changes to the RRIW meeting notes
- Administrator Sando will review the State Historical site and get copies of any ditch records when he is in St. Paul.

**RRIW:** The next meeting is scheduled for March 18<sup>th</sup>, 2010. Chairman Miller asked if a copy of the report could be obtained on the Roseau River Ditch that was mentioned in the RRIW minutes.

**BIG SWAMP PROJECT TEAM:** Manager Frislie spoke about the Two Rivers Watershed District's project team meeting. The attendees who are interested in the problems with the 72 ditch system would like to have a separate meeting on the afternoon of scheduled PT meetings. Manager Frislie asked if another board manager would like to attend the meetings. TRWD is looking at a potential impoundment system. Manager Frislie updated the board on options that the TRWD is looking at to reduce flooding. The Board appointed Manager Haugen to attend the TRWD Big Swam PT meetings.

**OLD BUSINESS:**

Roseau County Commissioner Jack Swanson will arrange the meeting with the Watershed District and the City of Roseau. Chairman Miller had a brief discussion with Mayor Jeff Palowski concerning the amount leveed and owed by the City. Chairman Miller stated that the City wants to find out how the Watershed sets the levee and what is being billed. There was discussion on the accounting process for maintenance funds.

Chairman Miller stated that, after reviewing the issue, the legal fees that were spent to determine the responsibility of the WD 3 Lateral should be categorized as a general legal expense, not charge to the ditch system. Manager Haugen asked about the replacement of the angle pipes under County Road 10. Manager Haugen also showed pictures taken by Administrator Sando at the outlet of Lateral 3 of WD 3. Manager Haugen stated he would like to meeting with the County Engineer to discuss the replacing the culverts and discussing a gated structure that would be easier to control and maintain. There was discussion on who would be responsible for operation of the structure. It was stated that the RRWD Board would retain responsibility.

Manager Haugen stated that the ground was frozen on November 26<sup>th</sup>, 2009 and reported to the board his records on snow moisture content and rainfall amounts.

Chairman Miller talked about the need have an attorney at the meetings. He reviewed the finding of the poll of the watersheds. Manager Miller made a **motion** to have an attorney present only on an as needed basis, seconded by Manager Voll. Manager Haugen asked how Attorney Moren felt about being available as needed. Attorney Moren stated that he could not keep his calendar clear during board meeting times, and to expect that was unreasonable. Manager Frislie stated that if that situation was unacceptable to Attorney Moren, the board could spend more time and money bringing someone else in and bringing them up to speed. Chairman Miller stated that he felt they only needed legal representation on issues that require a legal opinion. Attorney Moren asked if Chairman Miller has ever told anyone that he was out to get Mr. Moren. Chairman Miller stated no. Attorney Moren also asked if Chairman Miller has ever said anything in public that was disparaging to Mr. Moren or his office. Chairman Miller stated Attorney Moren was getting off base. Chairman Miller later commented no. Manager Voll asked if the board mailing could be mailed out earlier. Administrative Assistant Halstensgard stated yes. There were some questions about some of the information in this month's information and getting a legal opinion. Manager Haugen suggested waiting until Manager Carriere is in attendance. The motion was withdrawn and will be reviewed when Manager Carriere is in attendance.

**NEW BUSINESS:** There was no new business at this time.

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

The next meeting is scheduled for April 7th, 2010. After a **motion** by Manager Voll and seconded by Manager Haugen, the meeting was adjourned at 12:50 a.m.

Respectfully submitted,

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LeRoy Carriere, Secretary

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Tracy Halstensgard, Administrative Assistant