

**MINUTES OF THE ROSEAU RIVER WATERSHED DISTRICT BOARD OF
MANAGERS MEETING HELD SEPTEMBER 7, 2016**

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

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

STAFF PRESENT: Administrator Halstensgard and Technician McCormack

OTHERS PRESENT: see attendance sheet

CONSULTING STAFF PRESENT: Nate Dalager & Randy Knott, HDR Engineering; Michelle Moren, Attorney.

AGENDA: A **motion** was made by Manager Diesen, seconded by Manager Carriere to approve the agenda. Motion carried unanimously.

MINUTES: A **motion** was made by Manager Carriere and seconded by Manager Braaten to approve the August 3, 2016 regular meeting minutes with changes. Motion carried unanimously.

RECEIPTS:

Receipts -- Memo	Balance
Interest -- Checking account	\$ 47.34
Marshall County -- share of taxes	\$ 52.13
Roseau County -- share of taxes	\$ 44.68
State of Minnesota -- RRWMA reimbursement	\$ 283,289.94
NRCS -- Beltrami RCPP reimbursement	\$ 6,536.47
Total	\$ 289,970.56

Bills	Amount
Tracy Halstensgard -- wages	\$ 4,228.24
Torin McCormack -- wages	\$ 4,487.24
Tracy Halstensgard -- mileage and reimbursement	\$ 51.84
Brady Castle -- wages	\$ 560.22
LeRoy Carriere -- per diem & expenses	\$ 317.31
Carter Diesen -- per diem & expenses	\$ 86.54
Jason Braaten -- per diem & expenses	\$ 324.57
Cody Schmalz -- per diem & expenses	\$ 227.62
Tony Wensloff -- per diem & expenses	\$ 156.35
PERA -- employer / employee contribution	\$ 1,483.22
Internal Revenue Service -- withholding	\$ 3,781.69
MN State withholding -- Payroll tax withheld	\$ 648.00
Sjobergs TV -- internet access	\$ 50.04
Marco -- copier maintenance & annual audit	\$ 59.37
Minnesota Energy -- natural gas bill	\$ 52.89
CenturyLink -- phone service	\$ 119.38
City of Roseau -- utilities	\$ 225.33
HDR engineering -- invoices for 6/25/16 - 7/23/16	\$ 34,529.75
RRWMA - \$10,272.25; RL - \$11,017.68; CD 8 - \$8,249.82; plans - \$5,000.00	repair
Roso Cleaners -- July rug rental	\$ 18.81
Cardmember Services -- out of town meeting expenses	\$ 235.86
Roseau Times Region -- notices & subscription	\$ 238.40
Moren Law Office -- legal fees 7-28-16 through 8-16-16	\$ 1,200.00
Houston Engineering -- Beltrami Project	\$ 12,148.87
Postmaster -- Stamps	\$ 94.00
RJ Zavoral & Sons, Inc -- Pay estimate #4	\$ 491,961.60
Universal Screenprint -- posters for Whitney Lake meeting	\$ 106.88
Roseau Ace Hardware -- mitigation supplies	\$ 118.51
Northern Resources Cooperative -- gas	\$ 130.48
Larson Helicopters, LLC -- WI - \$2,375.00 & Ditch 8 - \$733.40	\$ 3,108.40
Total	\$ 560,751.41

BILLS: A **motion** was made by Manager Braaten to pay the normal monthly bills, seconded by Manager Carriere. Motion carried unanimous.

DELEGATIONS: Scott Habstritt, landowner, met with the board to discuss the letter sent to landowners near the Norland Impoundment concerning use of District land. There was discussion on access to the dikes. Mr. Habstritt asked about the current operation of the structures. Technician McCormack informed him of the current position of the gates.

PERMITS:

Chairman Wensloff abstained from the discussion. Technician McCormack discussed permit #16-25 (Claire Erickson). Vice-Chair Braaten called for the vote. A **motion** was made by Manager Carriere, seconded by Manager Schmalz to approve the permit for a 24" culvert. Motion carried with Chairman Wensloff abstaining.

Technician McCormack discussed permit #16-26 (Isaac Erickson). A **motion** was made by Manager Diesen, seconded by Manager Braaten to approve the permit as submitted. Motion carried unanimously.

Technician McCormack discussed permit #16-27 (Isaac Erickson). A **motion** was made by Manager Braaten, seconded by Manager Carriere to approve the permit as submitted. Motion carried unanimously.

Technician McCormack discussed permit #16-28 (Brent Walsh). A **motion** was made by Manager Diesen, seconded by Manager Schmalz to approve the permit as submitted. Motion carried unanimously.

Manager Diesen abstained from the discussion. Technician McCormack discussed permit #16-29 (Byron Diesen). A **motion** was made by Manager Braaten, seconded by Manager Schmalz to approve the permit with controls. Motion carried with Manager Diesen abstaining.

Technician McCormack discussed permit #16-30 (Erik Magnusson). A **motion** was made by Manager Carriere, seconded by Manager Schmalz to approve the permit as submitted. Motion carried unanimously.

PROJECTS:

RRWMA: Randy Knott, HDR Engineering gave an update on the following items: Pool 2 structure construction; road construction & ditching spoil disposal. Randy Prachar, MN DNR spoke about the work progress and the conditions. With current construction there is no access from the west to the pools for hunting. One of the contract items with R. J. Zavoral was to have the road completed by September 15 and they are no longer expected to meet that deadline. Engineer Knott and Mr. Prachar have both spoke to the contractor about adding additional resources to get the road completed while the weather was cooperating. The Board will be discussing with the Contractor at the next meeting the options for accountability due to late completion. There was discussion on the understanding that we had with the management from Zavoral's from the last construction meeting. Manager Schmalz asked about the current operation of the existing structures. Mr. Prachar stated that they are currently holding water. Engineer Knott spoke about the contractor understanding that the water levels in the pools would be high during construction. Engineer Knott spoke about change orders for the project. There was discussion on the Noracres Mitigation site.

There was discussion on the changes to the road maintenance agreement with the County. It was the direction of the board to add the RRWD Engineer along with the County Engineer in determining future repair needs, clarify the length of time to be considered and delete the paragraph on dispute resolution. Engineer Dalager, Attorney Moren and Administrator Halstengard will make the edits and submit to the County. Manager Schmalz spoke about the wet conditions for construction. Randy Prachar spoke about the missed opportunity when conditions were dryer.

At 9:00 a.m. **motion** was made by Manager Schmalz to close the regular meeting and open the public hearing on the 2017 proposed budget and levies, seconded by Manager Braaten. Motion carried unanimously. Administrator Halstensgard spoke about the budget and levies. There were no comments from the public. A **motion** was made by Manager Carriere, seconded by Manager Diesen to close the public hearing and open the regular meeting. Motion carried unanimously.

Following discussion on the proposed budget, a **motion** was made by Manager Carriere seconded by Manager Braaten to approve the proposed 2017 budget. Motion carried unanimously.

Administrative Budget:

1.	Salaries and benefits	\$140,000.00
2.	Manager's per diem and expenses	\$ 10,000.00
3.	Dues & conference registrations	\$ 2,500.00
4.	Engineering	\$ 5,000.00
5.	Legal & professional services	\$ 15,000.00
6.	Real estate taxes	\$ 10,000.00
7.	Rent and Utilities	\$ 6,000.00
8.	Insurance	\$ 10,000.00
9.	Telephone and internet	\$ 2,250.00
10.	Office supplies, postage & printing	\$ 6,000.00
11.	Capital Outlay	\$ 10,000.00
12.	Stream gaging	\$ 12,000.00
13.	RRWD projects / maintenance	\$ 15,250.00
	Total	\$250,000.00

A **motion** was made by Manager Diesen, seconded by Manager Carriere that the Roseau River Watershed District does hereby levy the below stated amounts to each ditch system as listed for the year 2016 and shall be collectible with the taxes recovered in the year 2017 as follows:

- \$ 8,000.00** levy be made on Ditch System WD-3.
- \$10,000.00** levy be made on Ditch System 8.
- \$ 1,500.00** levy be made on Ditch System 16.
- \$ 2,500.00** levy be made on West Interceptor

A one percent assessment on redetermined benefits be made on State Ditch 51.

Approximate figures are:	Roseau County	\$88,177.69
	Kittson County	\$ 1,155.02
	Marshall County	\$ 641.92
	Beltrami County	\$ 899.65
	Lake of the Woods County	\$ 648.60

The Board discussed the Administrative levy. A **motion** was made by Manager Braaten, seconded by Manager Carriere to levy an ad valorem tax of .00048 (not to exceed \$250,000.00) pursuant to M.S.A. Section 112.61 Subdivision 3, of real estate and personal property in the RRWD for the general fund expenses and for the construction and maintenance of projects of common benefit to the RRWD. Motion carried unanimously.

The Board discussed the RRWMB / Construction levy. A **motion** was made by Manager Carriere and seconded by Manager Braaten to levy an ad valor em tax in accordance with the provisions of Chapter 162, 1976 Session Laws and the provisions of the Joint Powers Agreement with the RRWMB. Motion carried unanimously.

PROJECTS:

Roseau Lake Project: Engineer Dalager stated Randy Prachar is drafting the Joint Powers agreement and work is moving forward on the environmental assessment work. Technician McCormack stated Concurrence Point 1 is being reviewed by the COE and he provided information to the archeologist on high ground and low ground. Administrator Halstensgard discussed the public outreach/communication plan and the current discussion with landowners. Norman, Terry and Tim Kveen as well as Mitch and Matt Magnusson have provided feedback to the Project Team and the Board that they are not in support of any of the alternatives at this point.

John Zavoral, RJ Zavoral & Sons, joined the meeting via conference call to discuss the plan for ditch excavation and road construction. There was discussion on waiting to apply gravel until the base has compacted and dried out enough.

Continued Roseau Lake Discussion: The project continues to move forward. A Project team meeting will be scheduled for October.

Whitney Lake: The landowner input meeting was well attended. There was good discussion on the issues of drainage and retention. The landowners seemed to be supportive of coming up with a plan to address the issues. A site tour with the NRCS has been scheduled for Sept. 8th.

At 9:30 a.m. **motion** was made by Manager Diesen to close the regular meeting and open the public hearing on the Richard Larson non-compliance issue, seconded by Manager Braaten. Motion carried unanimously. Technician McCormack discussed the Richard Larson non-compliance issue. Documentary evidence prepared by Technician McCormack regarding alleged non-compliance with permit requirements was entered as part of the record. Mr. Larson spoke to the board and discussed the options moving forward. There was discussion on the work to be completed and whether or not fabric underlay was necessary. Attorney Moren asked if there were any other individuals that wanted to address the board during this hearing. A **motion** was made by Manager Diesen, seconded by Manager Braaten to close the public hearing and open the regular meeting. Motion carried unanimously. Attorney Moren outlined the various options available to the board and the steps for proceeding. A **motion** was made by Manager Carriere, finding that Mr. Larson was not compliant with the rules of the District, and that Technician McCormack's documentation should be incorporated into written findings of fact, seconded by Manager Braaten. Motion carried unanimously. The board discussed the various options and work that needs to be completed. A **motion** was made by Manager Diesen, seconded by Manager Carriere to issue a compliance order to restore the shoulder of the road by freeze-up, the compliance order will be in place for 2 years, Mr. Larson will apply for an after the fact permit, and reimburse the District for the cost District review. Motion carried unanimously.

Kyle Verbout joined the meeting via conference call.

At 10:00 a.m. **motion** was made by Manager Carriere to close the regular meeting and open the public hearing on the Kyle Verbout non-compliance issue, seconded by Manager Braaten. Motion carried unanimously. Technician McCormack presented documentary evidence of non-compliance for the record. Mr. Verbout spoke about the timeline of work completed and the corrective plan. Curtis Amundson, Township board member, spoke about the road issue. A **motion** was made by Manager Braaten, seconded by Manager Schmalz to close the public hearing and open the regular meeting. Motion carried unanimously. Attorney Moren discussed the steps the board can take in the matter of this non-compliance. Manager Carriere made a **motion** seconded by Manager Braaten stating that the work previously completed by Kyle Verbout required a permit, one was not obtained from the district, and adopting the documentary evidence presented by Technician McCormack as finding of facts for the record. Motion carried unanimously. The Board discussed the corrective action needed. A **motion** was made by Manager Braaten, seconded by Manager Carriere to issue a compliance order to complete the restoration work according to plans by freeze-up, the compliance order will be in place for 2 years, Mr. Verbout will apply for an after the fact permit, and reimburse the District for the cost District review. Motion carried unanimously.

Beltrami: The board was provided a written update by Houston Engineering.

Ditch 8: Technician McCormack updated the board on the work being completed on the side-inlets and drop structures.

DELEGATIONS: Gerry Sjerven, Minnesota Power gave an update to the board on the Great Northern Transmission Line project. The line will cross a portion of the Norland Impoundment. At this time the board sees no issue with the proposed crossing. The representatives were made aware of the need to maintain the integrity of the project area.

REPORTS:

RRWMB: Manager Carriere discussed the following items:

- RCPP cost share
- Legislative update
- Red River Basin Commission meeting

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

- 2015 audit
- BWSR Academy staff attendance

Technician: Technician McCormack updated the board on the following items:

- Tony Brateng requested cleaning in Ditch 8. The board will schedule a landowner meeting for December and look at the systems as a whole.
- WD 3 culvert replacement issue.
- County permit application – board meeting attendance
- Ditch 16 repair
- SD 51 repair
- Schmalz complaint

- Joint drainage meeting with Two Rivers, Roseau & Kittson Counties
- Buffer law

OLD BUSINESS: No Old Business at this meeting.

NEW BUSINESS: The Board discussed land Kelly Christianson owns in Sect. 8 of Stafford Township in the CD 8 system. Managers Diesen and Carriere will work with staff and the landowner on options.

OTHER BUSINESS:

Manager Diesen read the vouchers aloud and a **motion** was made by Manager Carriere, seconded by Manager Schmalz to approve the Managers' and staff expense vouchers. Motion carried unanimously.

There being no further action items on the agenda, a **motion** was made by Manager Braaten and second by Manager Schmalz, the meeting was adjourned at 12:15 p.m.

Respectfully submitted,

Cody Schmalz, Secretary

Tracy Halstensgard, Administrator