

**MINUTES OF THE ROSEAU RIVER WATERSHED DISTRICT BOARD OF  
MANAGERS MEETING HELD NOVEMBER 2, 2022**

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

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

**STAFF PRESENT:** Administrator Halstensgard, and Watershed Specialist McCormack.

**OTHERS PRESENT:** Rob Sip, RRWMB Executive Director; Daryl Wicklund, Roseau County Commissioner; Stephen Slick, Roseau County Engineer and Daryl Dahl, Roseau County Assistant Engineer. Landowners: Matt Magnusson, Douglas Erickson, Isaac Erickson, Jordan Erickson, John Johnson, Karolyn Eastman.

**CONSULTING STAFF PRESENT:** Nate Dalager and Dillon Nelson, HDR Engineering; Erik Jones, HEI; and Michelle Moren, Attorney.

**AGENDA:** A **motion** was made by Manager Wensloff, seconded by Manager Voll to approve the agenda. 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 October 5, 2022 regular meeting minutes, the Treasurer's Report, Permits 22-17 and 22-19, and manager and employee expense vouchers.

**PERMITS:**

Specialist McCormack discussed permit application #22-18 (Warroad Forestry). After discussion, Manager Braaten made a **motion**, seconded by Manager Wensloff to approve the permit. Motion carried.

Specialist McCormack discussed permit application #22-20 (Kvien Farms). After discussion, Manager Wensloff made a **motion**, seconded by Manager Braaten to approve the permit. Motion carried.

Specialist McCormack discussed permit application #22-21 (Kvien Farms). After discussion, Manager Wensloff made a **motion**, seconded by Manager Braaten to approve the permit. Motion carried.

Specialist McCormack discussed permit application #22-22 (Nathan Ward on behalf of Version Wireless). After discussion, Manager Braaten made a **motion**, seconded by Manager Voll to approve the permit. Motion carried.

**DELEGATES:**

Rob Sip, RRWMB Executive Director, updated the Board on Red River Watershed Management Board activities on the following topics: legislative priorities; Minnesota Drainage Work Group update; December RRWMB meeting with legislators; 2021 annual report; Flood Damage Reduction Work Group (FDRWG) 2023 conference scheduled for February 21 & 22 in

Moorhead; MAWD Legislative Days event; Governing Documents update; Environmental Quality Board (EQB) notice on rules; compilation of satellite imagery of flooding.

**PROJECT UPDATES:**

Roseau Lake: Administrator Halstensgard stated that Pat Lynch has contacted her about potential funding that has become available from previous bonding. To access the funds, an amendment to our current grant agreement will have to be completed. There are certain requirements to executing an amendment, including the board adopting the resolution before them today. Manager Braaten made a **motion** to adopt the resolution, seconded by Manager Wensloff. Motion carried. Administrator Halstensgard stated that the funds need to be incumbered by December 31, 2022 and she will be working the Mr. Lynch to complete the additional processes to do so. An update will be provided at the December Board meeting.

WD #115: Administrator Halstensgard reviewed the comments from the hearing and the written replies. The information is currently for information purposes, but they will be included in the minutes for the hearing and/or the Findings and Order. Engineer Nelson reviewed the comments and responses to the BWSR and DNR Advisory Letters. That information will be included in the minutes for the hearing and/or the Findings and Order. Engineer Nelson will also continue to work with the DNR through the permitting process for the project.

Matt Magnusson requested to speak and reiterate his claims made during the final public hearing, which was held on October 25, 2022, concerning the improvement of drainage to his property as a result of the proposed project.

As the Board had deferred a decision on the dismissal or establishment of the proposed Establishment of WD #115, the Board was advised that a decision would need to be made.

Administrator Halstensgard discussed the next steps the Board would take to either establish or dismiss the project. Attorney Moren asked Manager Wensloff since he was not present at the hearing, if he felt he had sufficient information to make a decision on the establishment of the project. Manager Wensloff stated he absolutely felt he had enough information to make decisions. He stated he has reviewed the Viewers' Report, Detailed Survey Report, hearing comments, and advisory letters.

Upon Chairman Diesen's direction, Attorney Moren proceeded with each of the required Finding and related motions.

A **motion** was made by Manager Braaten, seconded by Manager Voll that, based on the evidence, the Board finds that the Detailed Survey Report and Viewers' Report have been made and other proceedings have been completed under Minnesota Statutes, Chapter 103E. Motion carried.

A **motion** was made by Manager Braaten, seconded by Manager Wensloff that, based on the evidence, the Board finds that the reports made or amended are complete and correct. Motion carried.

A **motion** was made by Manager Voll, seconded by Manager Braaten that, based on the evidence, the Board finds that the damages and benefits have been properly determined. Motion carried.

A **motion** was made by Manager Braaten, seconded by Manager Voll that, based on the evidence, the Board finds that the estimated benefits are greater than the total estimated costs, including damages. Motion carried.

A **motion** was made by Manager Wensloff, seconded by Manager Braaten that, based on the evidence, the Board finds that the proposed drainage project will be of public utility and benefit, and will promote the public health. Motion carried.

A **motion** was made by Manager Voll, seconded by Manager Braaten that, based on the evidence, the Board finds that the proposed drainage project is practicable. Motion carried.

Based on these Findings, Manager Voll made the following **motion** to issue its order;

- Containing the drainage authority's findings;
- Adopting and confirming the Viewers' Report as made or amended; and
- Adopting and confirming the engineer's Detailed Survey Report as made or amended; and
- Establishing the proposed drainage project as reported and amended;
- Directing the engineer to prepare the detailed plans and specifications and other necessary documents for bidding on the project;
- Directing that the secretary, with assistance of staff take all necessary actions for the construction of the new WD Ditch #115 (formerly WD #4) project.
- Directing that the viewers, engineer, and attorney are all allowed payment of their accounts of work;
- The upon completion of the project, the drainage system record shall be updated with the as built alignment.

Seconded by Manager Braaten. Motion carried.

A **motion** was made by Manager Braaten, seconded by Manager Wensloff that the Roseau County Auditory be contacted by petitioners or their attorney to confirm the length of time and number of annual statements in which the assessments for the project shall be paid and the interest rate to be borne by the drainage lien, and whether drainage bonds are to be issued to finance the construction, including the rate of interest for such bonds; and that this information be included in the final resolution and order. Motion carried.

A **motion** was made by Manager Wensloff, seconded by Manager Voll that Attorney Moren draft the resolution and order establishing the drainage project and the resolution and order will be considered and adopted at the December 2022 meeting of the board of managers, and duly issued forthwith. Motion carried.

Juneberry flood resiliency committee: Administrator Halstensgard updated the board on the committee meeting held October 26<sup>th</sup>. It was the consensus of the committee to move forward with defining the problem, or purpose and need statement so that potential alternatives will be considered that work to address those specific issues. There was discussion on utilizing the Project Team process. The committee consists of representatives from Roseau County, Two Rivers and Roseau River watershed districts, Kittson County, and Randy Prachar as the DNR representative. Erik Jones from Houston Engineering attended the meeting to present the River Restoration project and answered some questions from the group concerning the SD 69 system.

**NEW BUSINESS:** Matt Magnusson asked for an update on the SD 51 Cutoff 1 side water inlet project. Planning and development is ongoing for the proposed sites.

**OLD BUSINESS:** There was no old business for this meeting.

**REPORTS:**

**WATERSHED SPECIALIST:** Along with his written report Specialist McCormack discussed the following:

- Roseau Lake -- TEP meeting; meeting with Minnesota Power
- Norland drawdown and winterization
- Palmville access maintenance
- Duxby trap repair
- Andol site – landowners do not want trees removed and they have been directed to contact the Roseau County Emergency Management.
- Additional SD 51 slope failures. There was discussion on the possible actions available to the District and how they intersect with the functionality of SD 51. It was the consensus of the board to limit additional work to monitoring the sites. If, in the future, there are issues with capacity or conveyance the board will address it at that time.
- CD 16 mitigation site has been completed
- Lost River survey is complete. WSB will be working on the report this winter.

**ADMINISTRATOR:** Along with her written report, Administrator Halstensgard discussed the following:

- Snow removal proposals
- 1WIP Policy Committee meeting scheduled for November 10 at 8:00 a.m.
- MAWD Conference – if no managers go, we will not have any voting delegates for the resolutions being considered.

Manager Wensloff made a **motion** to adopt the resolution to close the meeting to discuss land acquisition, seconded by Manager Voll. Motion carried and the meeting was closed to the public.

A **motion** was made by Manager Voll seconded by Manager Braaten to reopen the public meeting. Motion carried.

Manager Wensloff made a **motion** to adopt the resolution in support of the sale of lands purchased with Minnesota State General Obligation Bonds, seconded by Manager Voll. Motion carried

**OTHER BUSINESS:**

The next meeting will be December 7, 2022 at 8:00 a.m. After a **motion** by Manager Braaten and seconded by Manager Diesen, the meeting was adjourned at 10:15 a.m.

Respectfully submitted,



LaVerne Voll, Secretary



Tracy Halstensgard, Administrator

November 2022 Treasurer's Report

Checkbook Balance as of Oct 26, 2022	\$329,649.99
<b>Receipts:</b>	
State of Minnesota -- River Restoration reimbursement	\$ 47,826.50
Citizens State Bank -- interest	\$ 57.17
Total:	\$ 47,883.67
<b>Bills:</b>	
Tracy Halstensgard -- Salary and Insurance	\$ 5,627.60
Torin McCormack -- Salary and Insurance	\$ 5,695.60
Jason Braaten -- per diem and reimbursement	\$ 387.56
Carter Diesen -- per diem and reimbursement	\$ 406.32
Torin McCormack -- reimbursement	\$ 400.00
LaVerne Voll -- per diem and reimbursement	\$ 321.26
Tony Wensloff -- per diem and reimbursement	\$ 230.87
Cardmember Services -- web service fees, meeting expenses, supplies	\$ 1,178.80
City Of Roseau -- utilities	\$ 197.92
Marco -- Copier agreement & service	\$ 166.15
Patrick Moren Law Office -- Legal Fees	\$ 3,750.00
Roseau Electric Co-op -- Int/phone --	\$ 156.99
Northern Resources Cooperative -- gas for vehicle	\$ 331.88
At your Service LawnCare - July and August mowing	\$ 251.26
Verizon Wireless -- Trimble	\$ 40.01
Pahlen Realty -- appraisal for Roseau Lake project	\$ 500.00
Roseau County Hwy Dept. -- mowing Palmville	\$ 150.00
Minnesota Energy Resources -- natural gas utility	\$ 60.59
Houston Engineering -- Inv #62047 & 61801	\$ 33,594.63
Conn Trucking -- gravel for Palmville access	\$ 5,355.00
Blooming Valley -- CD 16 straw removal, duxby & Lins culvert replacement	\$ 35,268.00
Darin L Heller Trust -- Roseau Lake easement acquisition	\$ 27,659.72
Roseau - LOW Title & Abstract -- Roseau Lake title search	\$ 250.00
WSB -- Lost River / Arpin project Invoice #18	\$ 162.00
HDR -- Inv #s 1200460496, 1200460498, & 1200460495	\$ 64,227.16
HDR -- Inv #s 1200460504, 1200460503, & 1200460502	\$ 8,532.89
HDR -- Inv #s 1200467372, 1200467374, & 1200467373	\$ 10,690.14
HDR -- Inv #s 1200467493 & 1200467371	\$ 62,881.05
Total:	\$ 268,473.40

**Resolution No. 11-02-2022-01 For Flood Hazard Mitigation Grant Funding Assistance to Roseau River Watershed District for the Roseau River Lake Bottom Rehabilitation Project**

BE IT RESOLVED that the Roseau River Watershed District, hereinafter referred to as the "Grantee" acting as legal sponsor for the flood risk reduction project or phase described in the State of Minnesota Flood Hazard Mitigation Grant #131709/3000122306, dated September 18, 2017 is hereby authorized to apply to the Department of Natural Resources for additional funding to complete this project or phase.

BE IT FURTHER RESOLVED that the Grantee has the legal authority and the institutional, administrative, and managerial capability to ensure adequate acquisition, construction, maintenance and protection of the proposed project or phase.

BE IT FURTHER RESOLVED that the Grantee has the financial capability to provide the required matching funds in the amount of \$101,182.00 and that the source of Grantee's matching funds shall be Roseau River Watershed District Funds and will not include other State funding sources.


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

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


NOW, THEREFORE BE IT RESOLVED that Chairman Carter Diesen is hereby authorized to execute such agreements as are necessary to implement the project or phase on behalf of the Grantee.

I CERTIFY THAT the above resolution was adopted by the Roseau River Watershed District Board of Managers on November 2, 2022.

**SIGNED:**

  
\_\_\_\_\_  
(Signature)  
*Chairman*  
\_\_\_\_\_  
(Title)  
*11-2-22*  
\_\_\_\_\_  
(Date)

**WITNESSED:**

  
\_\_\_\_\_  
(Signature)  
*Administrator*  
\_\_\_\_\_  
(Title)  
*11-2-22*  
\_\_\_\_\_  
(Date)

The following resolution was adopted by the board of manager at the November 2, 2022 meeting on a motion made by Manager Wensloff, seconded by Manager Voll. The motion carried with 4 managers in favor and 0 opposed.

**RESOLUTION IN SUPPORT OF THE SALE OF LAND ACQUIRED WITH MINNESOTA STATE GENERAL OBLIGATION BONDS**

**Whereas;** the Roseau River Watershed District board of managers developed and constructed the Roseau West Interceptor and Wetland Restoration Project; and

**Whereas;** the Roseau River Watershed District has operated and maintained the project area since 2006; and

**Whereas;** as part of the project, the Roseau River Watershed District obtained certain parcels of real property, which at the time were deemed necessary for the project; and

**Whereas;** the project was funded in part by the State of Minnesota; and

**Whereas;** the subject real property considered for sale have limited natural resource values due to the proximity to local roadways, ditches and agricultural lands and said property does not have resource values comparable to other parcels to meet the overall habitat goals of the site; and

**Whereas;** there is demonstrable evidence showing the acres being considered for sale are no longer required for the project to function as needed; and

**Whereas;** said property is described as follows;


That part of the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter, Section 33, Township 163 North, Range 40 West of the 5<sup>th</sup> Principal Meridian, Roseau County, Minnesota, described as follows;

Commencing at the Southeast corner of said Southeast Quarter of the Southwest Quarter, said point being the point of beginning, thence South 89 degrees 52 minutes 18 seconds West, along the south line of said Southeast Quarter of the Southwest Quarter, a distance of 1316.72 feet, thence North 00 degrees 38 minutes 57 seconds West, along the west line of said Southeast Quarter of the Southwest Quarter, a distance of 1325.82 feet, thence North 89 degrees 37 minutes 00 seconds East, along the north line of said Southeast Quarter of the Southwest Quarter, a distance of 1127.95 feet, thence South 49 degrees 22 minutes 06 seconds East a distance of 946.76 feet, thence South 03 degrees 50 minutes 37 seconds East a distance of 714.05 feet to the south line of said Southwest Quarter of the Southeast Quarter, thence South 89 degrees 51 minutes 41 seconds West, along the south line of said Southwest Quarter of the Southeast Quarter, a distance of 562.56 feet to the point of beginning and there terminating.

Said parcel contains 51.41 acres, more or less.

**Therefore, be it resolved that;** the Roseau River Watershed District board of managers finds the sale of the described property practical and in keeping with the need of the project;

ROSEAU RIVER WATERSHED DISTRICT

  
Carter Diesen, Chair

ATTEST:



LaVerne Voll  
Secretary

Dated: November 2<sup>nd</sup>, 2022



## 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:

S1/2 NE, SE NW, LOT 3; SECTION 4 TOWNSHIP 163 RANGE 40; and, portions of the NW NW; SECTION 28 TOWNSHIP 163 RANGE 40

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

Portions of Section 33 Township 163 Range 40 and portions of the SW SW; SECTION 21 TOWNSHIP 163 RANGE 40

On November 2, 2022 during the regular board meeting commencing at 8:00 a.m., at the Roseau River Watershed District Board office located at 714 6<sup>th</sup> 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 2<sup>nd</sup> day of November, 2022.



Chairman



Secretary