

**MINUTES OF THE ROSEAU RIVER WATERSHED DISTRICT BOARD
OF MANAGERS MEETING HELD DECEMBER 12, 2024**

ORDER: Chairman Diesen called the meeting to order at 12:00 p.m. and led the Pledge of Allegiance.

MANAGERS PRESENT: Carter Diesen, James Johnson, Jason Braaten, Cody Schmalz
Laverne Voll not present.

STAFF PRESENT: Administrator Halstensgard, Technician Broten, and Assistant Wensloff

OTHERS PRESENT: Tom Enright; DNR, Evangalin Von Boeckman; DNR

CONSULTING STAFF PRESENT: Michelle Moren, Attorney; Erik Jones, HEI;
Nate Dalager, HDR; Tony Nordby, HEI; Torin McCormack, HDR.

CLOSED MEETING TO DISCUSS LITIGATION: Manager Braaten made a **motion** to adopt a resolution to close the meeting to discuss litigation. Manager Johnson seconded it. Motion carried unanimously. Manager Schmalz made a **motion** to reopen the public meeting with Manager Johnson seconding that motion. Motion carried unanimously.

AGENDA: A **motion** was made by Manager Braaten to approve the agenda. Motion seconded by Manager Johnson. Motion carried unanimously.

CONSENT AGENDA: Administrator Halstensgard stated that the Treasurer's Report in the printed packet is updated with additional deposits of Kittson Co. share of taxes \$3,178.74, Roseau Co. share of taxes \$129,678.02, and a bill to Smith Partners for \$430.40. Adoption of the Consent Agenda included approval of the November 7, 2024, regular meeting minutes with changes as presented, permit #24-31, 24-32, & 24-34, a change to Moren Law Office bill \$3,200.00, November Bills & Receipts, and manager and employee expense vouchers as read by Manager Braaten. A **motion** to approve the Consent Agenda as revised, was made by Manager Johnson and seconded by Manager Braaten. The motion was carried unanimously.

PERMITS

Manager Schmalz recused himself from the room. Manager Braaten made a **motion** to approve the permit #24-33(Schmalz.) Manager Johnson seconded the motion. Motion carried unanimously.

Manager Schmalz rejoined the board table.

DELEGATE: There were no delegates for this meeting.

NEW BUSINESS: Manger Johnson noted that Mark Weirske reached out to him about a culvert on WD3. It was mentioned that the topic would be revisited next year.

OLD BUSINESS: There was no old business to report.

PROJECT UPDATES:

Hay Creek: Administrator Halstensgard stated that there was a Project Team meeting held and summarized what they worked on, including a statement of goals, funding, and outreach strategies. HEI Engineer Erik Jones gave a report on plan development and Project Team process. Manager Braaten made a **motion** to approve Houston Engineering to start working on the proposal for the scope of work and changes recommended by Attorney Moren. Manager Johnson seconded the motion. Motion carried unanimously.

PCA 319 grant agreement for \$291,835.00 needed authorization. Manager Schmalz made a **motion** to approve, with Manager Johnson seconding the motion. Motion carried unanimously.

Oak Crest Coulee: Engineer Tony Nordby gave an update on the completed project. He also noted that partial payment for approximately \$3,600.00, other than the 5% retainage, is due. Manager Braaten made a **motion** to pay the partial payment. Manager Johnson seconded it. Motion carried unanimously. Manager Braaten also made a **motion** to pay the R&Q bill. That motion was seconded by Manager Johnson. Motion carried unanimously.

River Restoration: Administrator Halstensgard led a discussion on the River Restoration and the LSOHC funding that is left. The construction bidding process was discussed by Administrator Halstensgard. In the past the board has used the standard low bid process for projects requiring a bidding. Best Value Bidding is a process that evaluates contractors on a specific set of criteria and specifications. This method would require a panel or committee to review and rank the bids based on the criteria set forth in the bid documents. Administrator Halstensgard will do some more research on the process and the Board will be revisited at the January meeting.

Juneberry & Big Swamp North (SD 69): Engineer Jones gave an update on repair work and EAW process. He also task so went over four tasks pertaining to that process. Manager Johnson made a **motion** to approve the EAW scope of work with edits. Manager Braaten seconded the motion. Motion carried unanimously. *

WD 3 Lat 2: Engineer Dalager gave a brief update on the outlet extension plan to include the sloughing. He also mentioned the reestablishment of the ditch record and redetermination of benefits in the future. Manager Johnson made a **motion** to move forward with the board as the petitioner. Manager Schmalz seconded the motion. Motion carried unanimously. Manager Braaten made a **motion** to proceed with slough repair. Manager Schmalz seconded the motion. Motion carried unanimously.

The board revisited the River Restoration topic. Engineer Jones noted that he attended the Two Rivers meeting to talk about the River Restoration. He stated that he reexplained the restoration project with no new questions asked.

Roseau Lake: Administrator Halstensgard led the Roseau Lake discussion with two Payment Applications to Spruce Valley. Manager Braaten made a **motion** to pay the first payout #01-10 of \$355,071.73. Manager Johnson seconded the motion. Motion carried unanimously.

Manager Braaten made a **motion** to pay the second payout #01-11 of \$328,410.04 Manager Johnson seconded the motion. Motion carried unanimously.

In the bidding discussion for the next phase of construction, Manger Braaten gave a report on RRRWMB funding. Manager Johnson made a **motion** to allow HDR to prepare the East Inlet Channel and East Inlet Structure bid for advertisement. Manager Braaten seconded that motion. Motion carried unanimously.

REPORTS:

RRWMB: Manager Braaten gave updates on the RRWMB, including funding and the legislative meeting.

Technician: Technician Broten noted that landowner Troy Weiland reached out and expressed concern for sloughing of the riverbank on his property. There was discussion following.

Administrator: Administrator Halstensgard reviewed the following items:

- Red River Basin Commission Conference – Jan 14-16; requested to be notified of any managers wishing to attend so they can be registered.
- MN Watersheds Legislative Event – Feb 19
- MN Watersheds Annual Conference – WD of the Year award
- Hay Creek Sub-watershed Project Team – Water Quality Program application; the board was supportive of submitting an application
- Mark Beito beaver bounty – Manager Braaten abstained. Chairman Diesen made a **motion** to pay Mark Beito for beaver trapping outside of normal scope of area. Manager Schmalz seconded the motion. Motion carried unanimously.
- Office closed dates – Dec 24 & 25, 2024 and Jan 1, 2025
- BWSR Manger training – Training date preference

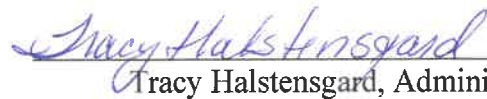
OTHER BUSINESS:

After a **motion** by Manager Braaten, seconded by Manager Schmalz, the meeting was adjourned at 2:50 p.m. The next meeting will be held January 2, 2025, at 12:00 p.m.

Respectfully submitted,



Laverne Voll, Secretary



Tracy Halstensgard, Administrator

December 2024 Bills & Receipts

Checkbook Balance as of December 23, 2024	\$106,636.39
Receipts:	
Citizens State Bank -- interest 11-18-24	\$ 88.94
Roseau County -- Share of taxes	\$ 250,392.00
State of MN -- DNR RIM Funding -- Roseau Lake project	\$ 132,392.00
Lake of the Woods County -- share of taxes	\$ 284.96
Marshall County -- share of taxes	\$ 122.98
Beltrami County -- share of taxes	\$ 73.72
Marshall County -- share of taxes	\$ 1,117.64
Kittson County -- Share of taxes	\$ 3,178.74
Roseau County -- Share of taxes	\$ 129,678.02
Transfer of Certificate of Deposit	\$ 510,374.66
Roseau SWCD -- Oak Crest Funding	\$ 21,050.00
Total:	\$ 1,048,753.66
Bills:	
Tracy Halstensgard -- Salary, Ins stipend & cell reimbursement	\$ 5,796.23
Blaine Broten -- Salary, Ins stipend & cell reimbursement	\$ 3,087.92
Tawni Wensloff -- wages	\$ 2,598.19
Jason Braaten -- Per Diem & mileage	\$ 487.23
Carter Diesen -- Per Diem & mileage	\$ 549.16
James Johnson -- Per Diem & mileage	\$ 905.28
Cody Schmalz -- Per Diem & mileage	\$ 179.08
Tracy Halstensgard - reimbursement & mileage	\$ 712.38
Elan Financial Services -- credit card	\$ 809.56
City Of Roseau -- utilities	\$ 175.64
Marco -- copier maintenance contract	\$ 173.63
Marco Technologies -- contract invoice	\$ 91.00
Patrick Moren Law Office -- Legal Fees	\$ 3,200.00
Roseau Times Region -- Meeting Notice	\$ 30.60
Roseau Electric Co-op -- Int/phone --	\$ 126.85
Minnesota Energy Resources -- natural gas	\$ 83.78
Northern Resources Cooperative -- gas for vehicle	\$ 51.12
Coast True Value -- supplies	\$ 24.73
Verizon Wireless -- Trimble	\$ 40.01
Sjoberg Cable TV -- email service	\$ 6.00
Smith Partners -- Roseau River easement acquisition	\$ 430.40
Roseau - Lake of the Woods Title & Abstract -- Baumann purchase	\$ 161,034.45
WSB -- Lost River Peatland Restoration Report	\$ 3,208.50
Mark Beito -- beaver trapping in Palmville structures	\$ 675.00
Houston Engineering -- River map invoice #73870	\$ 440.50
Houston Engineering -- Oak Crest Coulee invoice #72954 & #74036	\$ 30,311.81
HDR -- Inv #1200668441, 1200668442, & 1200668448	\$ 15,053.23
HDR -- Inv #1200668444, 1200668443, & 1200668456	\$ 47,017.97
Total:	\$277,300.25

RESOLUTION CLOSING BOARD MEETING

WHEREAS, the Minnesota Open Meeting Law, Minn. Stat. § 13D.05, subd. 3(b) states that “meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege;” and

WHEREAS, Terry Kveen, as Trustee of the Terry G. and Carol L. Kveen Revocable Trust, and Norman Kveen, as Trustee of the Kveen Joint Revocable Trust) have commenced litigation regarding construction matters on the Roseau Lake project; and

WHEREAS, the RRWD seeks to meet with its attorney, to discuss the pending litigation and potential settlement proposals; and


WHEREAS, it would be detrimental to the interests of the Board of Managers of the RRWD to hold a public discussion with its attorney regarding the strengths and weaknesses of its legal position(s), strategy, and potential settlement position where an opposing party or opposing attorney could listen to or be made aware of the RRWD’s positions; and

WHEREAS, there is an absolute need for the RRWD Board of Managers to obtain confidential legal advice regarding the pending litigation and potential settlement in order to maintain the attorney-client privilege.

BE IT RESOLVED by the Board of Managers of the Roseau River Watershed District as follows:

1. The Roseau River Watershed District Board of Managers hereby closes this meeting based upon the attorney-client privilege pursuant to Minn. Stat. § 13D.05, subd. 3(b);
2. The specific subjects to be discussed, pursuant to Minn. Stat. § 13D.01, subd. 3, are the legal strategy in responding to the pending litigation (Roseau Lake construction matters) against the RRWD and potential settlement position.

Dated this 12th day of December 2024.


Chairman


Secretary

