

**MINUTES OF THE ROSEAU RIVER WATERSHED DISTRICT BOARD OF  
MANAGERS MEETING HELD AUGUST 1, 2024**

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

**MANAGERS PRESENT:** Carter Diesen, James Johnson, Laverne Voll, Jason Braaten, and Cody Schmalz

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

**OTHERS PRESENT:** Tom Enright, DNR; Matt Magnusson, landowner

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

**AGENDA:** A **motion** was made by Manager Voll to approve the agenda with additions, seconded by Manager Braaten. Motion carried.

**CONSENT AGENDA:** After a request for changes to the minutes was made by Mr. Magnusson, approval of the July 11, 2024 minutes was removed from the Consent Agenda. A **motion** to approve the Consent Agenda was made by Manager Braaten and seconded by Manager Schmalz. The motion carried unanimously. Adoption of the Consent Agenda included the July Treasurer's Report, manager and employee expense vouchers as read by Manager Braaten, and three permit applications for extensions (24 - 010, 24 - 011, & 24 - 012 Dunham Ag.).

The Board discussed Mr. Magnusson's request to amend the July minutes. The change requested was to include the comments by Manager Braaten about the benefits WD 115 provided to property on the west side of CR 115 as well as the property on to the east of the new ditch. Mr. Magnusson pointed out that the Viewer's determined the value of that improvement to be less for the lands to the west of the road while the lands to the east pay a higher portion of the cost of the ditch, which he doesn't feel is fair. The Board noted that they would not change the July 11, 2024 minutes but would note Mr. Magnusson's request in the minutes for this meeting, to which Mr. Magnusson stated that he just wanted it recorded for the record. A **motion** was made by Manager Voll, seconded by Manager Johnson to approve the July 11, 2024 regular meeting minutes as presented. Motion carried.

**PERMITS:** After discussion about the permit applicant's request install tile on land adjacent to the Duxby Levee, and said installation potentially impacting the Duxby Levee, a **motion** was made to table permit 24 – 013 (Ekman) by Manager Voll and seconded by Manager Schmalz. Motion carried. COE approval is needed along with additional required information. A letter will be sent with course of action needed for the permit to be approved.

**DELEGATE:** Mr. Magnusson discussed some erosion issues on the SD 51 Cutoff 1 Side Water Inlets (SWIs). Technician Broten will look at the issue and contact Mr. Magnusson.

**OLD BUSINESS:** HDR Engineer Dalager gave a recap on the culvert inventory including the next steps. At Board direction, Administrator Halstengard will bring this information to the Red River Watershed Management Board and request the additional funding to complete the inventory.

After a brief discussion on the Roseau River Trail Memorandum of Agreement (MOA), Manager Braaten made the **motion** to approve the MOA and authorize Chairman Diesen as signatory, seconded by Chairman Diesen. The motion carried.

**NEW BUSINESS:** Administrator Halstengard discussed the City of Roseau stormwater project. The Board was in support of requesting funds from the RRWMB. Manager Braaten stated they have funded similar projects for the Red Lake River Watershed and the City of Thief River Falls. Engineer Jones will follow up with his counterparts at Houston Eng. who are working on the project to see if the benefits align with the RRWMB's policies.

Administrator Halstengard reviewed the draft budget and levy processes with the Board. Manager Voll made a **motion** to approve the draft budget and to set the public hearing for September 5, 2024 at 8:30 a.m. Manager Schmalz seconded the motion. Motion carried.. There was discussion on the proposed ditch levies. Notice of the public hearing will be published in the newspaper.

### **PROJECT UPDATES:**

**WD 3 Lat 2:** Administrator Halstengard and Technician Broten discussed the outlet repair and maintenance. Technician Broten has completed a survey of Lateral 2 north of CR 10 and will review the WD 3 plans to determine the original outlet for Lat. 2.

**Oak Crest Coulee (9:15 a.m.):** Engineer Tony Nordby with Houston Engineering joined the meeting via Teams and reviewed the progress of the boring being completed by Olson Underground as well as payment request #2. A **motion** was made by Manager Johnson, seconded by Manager Braaten to approve the second payment request. Motion carried.

**WD 3 Lat 2 continued:** The board discussed options for the outlet and stabilization. There was discussion on utilizing Watershed Based Implementation Funds (WBIF), SD #51 funds, or other funding sources to complete the work. Staff and consultants will do some homework and define options to bring to the landowners. A landowner meeting will be scheduled for later this fall.

**River Restoration:** Administrator Halstengard provided the board with a draft petition authorized at the July meeting. Engineer Jones reviewed the petition with the board. After discussion, Manager Braaten made a **motion** to approve the petition and authorize Chairman Diesen to sign, seconded by Manager Johnson. There was additional discussion on the project and design review by Engineer Jones. Motion carried with Manager Schmalz opposed.

Attorney Moren discussed the process to appoint an engineering firm. Upon approval of the petition, a **motion** was made by Manager Braaten, seconded by Manager Voll, to appoint Erik Jones, Houston Engineering (HEI), as the project engineer. Motion carried with Manager Schmalz opposed.

Roseau Lake: Administrator Halstensgard discussed additional funding through DNR Reinvest In Minnesota (RIM) program. Engineer Dalager gave a brief presentation on options to utilize the funding. There was extensive discussion on the function of the project components. The direction from the Board was to move forward with the work as a change order to the existing contract. The change orders would be for a portion of the Pine Creek Restoration and continuation of North River Embankment east from the end point of Phase 1.

After a presentation by Administrator Halstensgard on the available funding as it relates to bidding the next phase. It was the direction of the board to request the additional \$2M from the RRWMB. The Board discussed the current LSOHC grant agreement. A **motion** was made by Manager Braaten, seconded by Manager Johnson, to approve the grant agreement and for Administrator Halstensgard to be the signatory. Motion carried.

Administrator Halstensgard gave a brief update on the SD 69 (Big Swamp North) LSOHC grant application and the Juneberry Project Team.

#### **REPORTS:**

RRWMB: Manager Braaten gave a short update on the joint RRRRA / RRWMB 2024 Summit held yesterday in East Grand Forks.

Technician: Technician Broten reviewed the following items:

- Technician Broten gave a quick update on the Norland turnaround.
- Pool three outlet brush management.
- WD 33 culvert replacement was completed.

Administrator: Administrator Halstensgard reviewed the following items:

- Employee evaluation & recommendations. Manager Voll made a **motion**, seconded by Manager Braaten, to give Assistant Wensloff an insurance stipend of \$300 per month, and \$100 cell phone stipend per month. Motion carried.
- Energy audit of the building.

**CLOSED MEETING:** A **motion** to adopt the resolution to close the meeting to discuss ongoing litigation was made by Manager Voll, seconded by Manager Braaten. Motion carried. Manager Braaten made a **motion** to reopen the public meeting, seconded Manager Johnson. Motion carried.

**OTHER BUSINESS:**

The next meeting will be held September 5th at 8:00 a.m. After a **motion** by Manager Voll seconded by Manager Braaten, the meeting was adjourned at 11:12 a.m.

Respectfully submitted,



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Laverne Voll, Secretary



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Tracy Halstengard, Administrator

August 2024 Bills & Receipts

Checkbook Balance as of July 29, 2024	\$737,157.95
<b>Receipts:</b>	
Citizens State Bank -- interest 6-18-24	\$ 152.16
State of Minnesota -- Roseau Lake project reimbursement (LSOHC)	\$ 77,200.00
Total:	\$ 77,352.16
<b>Bills:</b>	
Tracy Halstensgard -- Salary, Ins stipend & cell reimbursement	\$ 5,796.24
Blaine Broten -- Salary, Ins stipend & cell reimbursement	\$ 3,087.91
Tawni Wensloff -- wages	\$ 2,495.86
Jason Braaten -- Per Diem & mileage	\$ 260.35
Carter Diesen -- Per Diem & mileage	\$ 136.88
James Johnson -- Per Diem & mileage	\$ 399.77
Cody Schmalz -- Per Diem & mileage	\$ 179.09
LaVerne Voll -- Per Diem & mileage	\$ 265.71
Tracy Halstensgard -- mileage	\$ 726.28
Tawni Wensloff -- reimbursement	\$ 26.09
Elan Financial Services -- credit card	\$ 1,680.78
City Of Roseau -- utilities	\$ 224.65
Marco Technologies-- technical services contracts; final	\$ 11,908.34
Marco -- copier maintenance contract	\$ 91.00
Patrick Moren Law Office -- Legal Fees	\$ 3,150.00
Roseau Times Region -- Meeting Notice	\$ 30.60
Roseau Electric Co-op -- Int/phone --	\$ 126.73
Northern Resources Cooperative -- gas for vehicle	\$ 204.07
Coast True Value -- cleaning supplies	\$ 57.17
Verizon Wireless -- Trimble	\$ 40.01
Minnesota Energy Resources -- natural gas bill	\$ 9.18
Sjoberg Cable TV -- email service	\$ 6.00
Marco -- copier maintenance contract	\$ 373.26
Universal Screen Printing -- logo signs	\$ 83.36
dot.com connection -- website maintenance	\$ 262.17
Zoro.com -- data loggers	\$ 1,082.31
R & Q Trucking -- Oak Crest payment #2	\$ 117,819.07
LSSP Corporation -- Pinpoint subscription	\$ 275.00
Kofstad Signs -- project signage	\$ 300.66
AB's Lawncare -- mowing	\$ 429.50
Mike Dahl -- Beaver bounty	\$ 375.00
Houston Engineering -- Oak Crest Coulee Inv. 71959	\$ 7,008.56
HDR -- Inv #1200635901, #1200635902, & #1200635903	\$ 12,087.50
HDR -- Inv #1200635911 & #1200635912	\$ 15,841.60
Total:	\$186,840.70

## **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

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 10<sup>th</sup> day of August, 2024.

  
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Chairman

  
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Secretary