

**MINUTES OF THE ROSEAU RIVER WATERSHED DISTRICT BOARD OF
MANAGERS MEETING HELD SEPTEMBER 5th, 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, (not present Cody Schmalz)

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

OTHERS PRESENT: Rob Sip RRWMB; Nick Robertson, mowing contractor.

CONSULTING STAFF PRESENT: Nate Dalager HDR Engineering; Erik Jones and Tyler Olson, 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 unanimously.

CONSENT AGENDA: Administrator Halstensgard stated that the Treasurer's Report in the printed packet is updated with additional bills to Elan Financial Services for \$499.57, MN DNR for \$12,000.00, Nor-West for \$2,359.69, Moren Law for \$2,850.00, and Lakeside Fire & Safety Inc. For \$50.00. A **motion** to approve the Consent Agenda was made by Manager Braaten and seconded by Manager Johnson. The motion carried unanimously. Adoption of the Consent Agenda included approving the August 1, 2024, regular meeting minutes, August Treasurer's Report, permits 24-14, 24-16, and 24-18, and manager and employee expense vouchers as read by Manager Braaten.

PERMITS: After discussing permit #24-15 (Grahn), Manager Voll made a **motion** to deny the permit due to lack of information about the proposed dike and possible impact on other landowners. Manager Johnson seconded the motion. Motion carried unanimously. After discussing permit #24-17 (Brateng), Manager Braaten made a **motion** to approve the permit with the conditions that Mr. Brateng comply with NRCS and MN DNR regulations, Manager Voll seconding the motion. Motion carried unanimously.

DELEGATES: Nick Robertson gave an update on the mowing that he's completed on the West Intercept Ditch with respect to landowner complaints. Manager Voll made a **motion** to re-establish property lines on all Watershed ditch systems, and send letters to landowners to remind them of boundaries, Manager Braaten seconded the motion. Motion carried unanimously. Notification of re-establishment letters will be sent out to all landowners that are affected and to remind them of their property boundaries.

Rob Sip, Executive Director of the Red River Watershed Management Board (RRWMB) met with the board and presented the RRWMB's 2025 Budget, levy and other financial information.

BUDGET HEARING: At 8:30 a.m. Manager Braaten made a **motion** to open the public hearing, seconded by Manager Johnson. Motion carried. Administrator Halstengard stated that the hearing notice had been properly published and no comments on the 2025 budget were received in the office. There were no comments from those in attendance. A **motion** was made by Manager Voll, seconded by Manager Johnson, to close the public hearing. Motion carried. A **motion** was made by Manager Voll, seconded by Manager Braaten, to adopt the 2025 Budget as presented. Motion carried.

2025 Administrative Budget:

Salaries & Benefits	\$ 147,000.00
Manager's per diem and expenses	\$ 14,000.00
Dues & registrations	\$ 5,000.00
Engineering	\$ 7,600.00
Legal & other professional services	\$ 20,000.00
Real estate taxes	\$ 9,000.00
Rent & utilities	\$ 4,650.00
Insurance	\$ 6,000.00
Telephone & internet	\$ 2,750.00
Office supplies & misc.	\$ 20,000.00
Cap. Outlay & building maintenance	\$ 2,000.00
Stream gaging	\$ 12,000.00
RRWD projects / maintenance	\$ -
Programs & planning	\$ -
	<hr/>
	\$ 250,000.00

A **motion** was made by Manager Braaten, seconded by Manager Diesen to adopt the 2025 General Administrative Levy resolution (attached). Motion carried.

The Board reviewed fund balance information for each of the ditch systems and discussed future maintenance needs for each system. After discussion, the board set the levies as follows.

Watershed Ditch #3	25%
County Ditch #8	20%
County Ditch #16	0.5%
Watershed Ditch #115	0.5%
West Intercept (City of Roseau)	\$2,500 (set amount)
State Ditch #51	1% on redetermined benefits

Manager Voll made a **motion** to adopt the 2025 Ditch Levy resolution as revised. Manager Johnson seconded that motion. Motion carried unanimously.

A **motion** was made by Manager Braaten to adopt the RRWMB levy. The motion was seconded by Manager Diesen. Motion carried unanimously.

DELEGATES (con't.): Mr. Sip discussed the funding the RRWD receives from the RRWMB for flood reduction and water quality projects. Mr. Sip also discussed the upcoming legislation session and the RRWMB's lobbying efforts. There was discussion on the RRWD's request for funding to finalize the culvert inventory. A **motion** was made by Manager Voll to continue with the culvert inventory and work to secure cost share funds from the RRWMB and Roseau County, seconded by Manager Johnson. Motion carried. Mr. Sip discussed the RRWMB's decision to offer a loan in response to the RRWD request for an additional \$2 million in construction funds for the Roseau Lake project. There was discussion about the inconsistency of State Flood Hazard Mitigation Program funding.

NEW BUSINESS:

The December meeting date is set for December 12, 2024, at 8:00 a.m.

OLD BUSINESS: There was no old business to report.

PROJECT UPDATES:

Oak Crest Coulee: After review, Manager Braaten made a **motion** to approve Pay Estimate #3 in the amount of \$263,734.25, seconded by Manager Voll. Motion carried. Administrator Halstengard discussed Change Order #1. A **motion** to approve Change Order #1 was made by Manager Voll, seconded by Manger Johnson. Motion carried. Tyler Olson, Houston Engineering reviewed the progress of the project. Feedback on the project has been very positive so far.

River Restoration: After discussion on the hearing process, Manager Braaten made a **motion** to schedule the public hearing set for October 3 at 9:00 a.m., seconded by Manager Diesen. Motion carried.

Roseau Lake: Administrator Halstengard discussed the DNR's RIM funding available for the project. The steering committee recommends utilizing a portion of this funding for the Pine Creek Reclamation portion of the project as a change order to Phase 1 construction. Change Order #1 was presented to the Board. Manager Voll made a **motion** to approve Change Order #1. Manager Braaten seconded the motion. Motion carried unanimously.

REPORTS:

RRWMB: Mr. Sip had provided the report earlier in the meeting.

Technician: Technician Broten reported that landowner Jan Farris has expressed concerns about ruts in the levee, trespassers on her land on the Duxby Levee and that she would like gates installed.

He also noted that Ron Huston submitted a quote for about \$700 to fill the washouts on SD 51 Cutoff 1 and should be completing the work soon.

Administrator: Administrator Halstengard reviewed the following items:

- WD 3 Lat 2 – Engineer Dalager gave the update on WD 3 Lat 2. Landowners have expressed concerns on the existing outlet to the ditch. There was discussion about options to remedy the sloughing on the ditch bank. Manager Johnson will contact the landowners affected with the possible options and will report back to the board.
- Hay Creek Sub-watershed Project Team –there is a meeting scheduled for September 19 at 11:00 a.m. Meeting topics will include repair discussions, CD 18 Crossover flows, DNR and Bemis Hill, Purpose & Needs Statement, and landowner outreach. She presented a task order for the board’s recommendation to approve services. Manager Voll made a **motion** to move forward and approve services. Manager Braaten seconded the motion. Motion carried unanimously.

CLOSED MEETING:

Manager Braaten made a **motion** to adopt the resolution to close the public meeting to discuss the Kveen litigation. Manager Voll seconded it. Motion carried.

A **motion** was made by Manager Braaten, seconded by Manager Voll to open the public meeting. Motion carried. The settlement conference designated members will be Managers Diesen and Johnson.

OTHER BUSINESS:

After a **motion** by Manager Voll seconded by Manager Braaten, the meeting was adjourned at 10:51 a.m. The next meeting will be held October 3rd, 2024, at 8:00 a.m.

Respectfully submitted,



Laverne Voll, Secretary



Tracy Halstengard, Administrator

September 2024 Bills & Receipts

Checkbook Balance as of August 21, 2024		\$585,838.36
Receipts:		
Citizens State Bank -- interest 7-15-24	\$	212.10
Citizens State Bank -- interest 8-19-24	\$	177.60
Red River Watershed Management Board -- Juneberry PT funding	\$	20,000.00
Roseau River Joint Powers Board --- WD 115 SWIs	\$	21,023.85
	Total: \$	41,413.55
Bills:		
Tracy Halstensgard -- Salary, Ins stipend & cell reimbursement	\$	5,796.23
Blaine Broten -- Salary, Ins stipend & cell reimbursement	\$	3,087.92
Tawni Wensloff -- wages	\$	2,283.45
Jason Braaten -- Per Diem & mileage	\$	130.18
Carter Diesen -- Per Diem & mileage	\$	136.87
James Johnson -- Per Diem & mileage	\$	121.46
LaVerne Voll -- Per Diem & mileage	\$	283.14
Tracy Halstensgard -- mileage	\$	730.08
Elan Financial Services -- credit card	\$	499.57
City Of Roseau -- utilities	\$	226.08
Marco -- copier maintenance contract	\$	91.00
Patrick Moren Law Office -- Legal Fees	\$	2,850.00
Roseau Times Region -- Meeting Notice	\$	459.00
Roseau Electric Co-op -- Int/phone --	\$	128.73
Northern Resources Cooperative -- gas for vehicle	\$	153.64
Coast True Value -- supplies	\$	97.35
Verizon Wireless -- Trimble	\$	40.01
Sjoberg Cable TV -- email service	\$	6.00
Roseau County Auditor -- Juneberry PT payment	\$	22,578.79
Quality Printing -- envelopes	\$	136.37
Nor-West Builders -- window installation	\$	2,359.69
Lakeside Fire & Safety Inc -- fire extinguisher inspection and charge	\$	50.00
Roseau County HWY Dept. -- Mowing Palmville access	\$	150.00
R & Q Trucking -- Oak Crest payment #3	\$	263,734.25
League of MN Cities Insurance Trust -- insurance	\$	6,336.00
Beito Repair -- WD 3 culvert replacement	\$	3,250.00
Pete Kvien -- Norland mowing	\$	7,723.75
Houston Engineering -- Oak Crest Coulee Inv. #72441	\$	37,424.12
HDR -- Inv #1200642974 & #1200642975	\$	8,780.00
HDR -- Inv #1200642977 & #1200641066	\$	6,763.75
Eric & Alicia Bauman -- earnest money	\$	500.00
	Total:	\$376,907.43

ROSEAU RIVER WATERSHED DISTRICT
ROSEAU, MINNESOTA 56751

Resolution passed at the September 5, 2024 meeting of the Roseau River Watershed District Board of Managers:

Upon motion by Manager Voll, seconded by Manager Johnson, the following resolution was passed with four in favor, one absent and none opposed.

BE IT RESOLVED BY THE BOARD OF MANAGERS OF THE ROSEAU RIVER WATERSHED DISTRICT:

That the Roseau River Watershed District does hereby levy the below stated amounts to each ditch system as listed for the year 2024 and shall be collectible with the taxes recovered in the year 2025.

25% levy be made on Watershed Ditch System #3

20% levy be made on County Ditch System #8.

.5% levy be made on Ditch System #16.

.5% levy be made on Watershed Ditch System #115.

\$ 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

Dated this 5th day of September 2024.

ROSEAU RIVER WATERSHED DISTRICT

By  , it's Chairman
Carter Diesen

**ROSEAU RIVER WATERSHED DISTRICT
ROSEAU, MINNESOTA 56751**

Resolution passed at the September 5, 2024 meeting of the Roseau River Watershed District Board of Managers, upon motion by Manager Braaten seconded by Manager Diesen the following resolution passed with four in favor, one absent and none opposed.

“BE IT RESOLVED BY THE BOARD OF MANAGERS OF THE ROSEAU RIVER WATERSHED DISTRICT:

WHEREAS, the Roseau River Watershed District is a member of the Red River Watershed Management Board and pursuant to a resolution duly adopted, the Board of Managers executed a Joint Powers Agreement, and

WHEREAS, the resolution adopted by the Red River Watershed Management Board under the date of July 16, 2024, said Management Board, pursuant to the provision of Chapter 162, Section 1, 1976 Session Laws, and in accordance with the provisions of the Joint Powers Agreement, did direct this Watershed District to levy an ad valorem tax in the amount of .0003627 percent of the estimated market value. This levy to be made on all taxable property within their district in accordance with the provisions of Minnesota 1976 Sessions Law, Chapter 162, Section 1; as amended by laws of 1982, Chapter 474, Section 1; Laws 1983, Chapter 338; and laws of 1989 First Special Session, Chapter 1, Article 5, Section 45 and

WHEREAS: the Board of Managers of the Roseau River Watershed District are desirous of cooperation and fulfilling this obligation,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF MANAGERS OF THE ROSEAU RIVER WATERSHED DISTRICT:

That the Roseau River Watershed District does hereby levy and ad valorem tax in the amount of .0003627 percent of the estimated market value of all taxable property within this district and within the counties set forth in Chapter 162, 1976 Session Laws.

That said levy shall be for the year 2024 and shall be collectible with the taxes recovered in the year 2025.

That the County Auditor of the County of Roseau, Kittson, Marshall, Beltrami, and Lake of the Woods shall make said levy in accordance with the provisions of the Minnesota Watershed Act, Chapter 112, chapter 162 (1976) the Joint Powers Agreement and Legislative direction.

That all proceeds of said levy shall be forwarded by the County Auditor of the County of Roseau, Kittson, Marshall, Beltrami, and Lake of the Woods to the Treasurer of the Roseau River Watershed District.

That the Treasurer of the Roseau River Watershed District shall retain one half of the proceeds of said levy, and the proceeds from the remaining on half shall be transmitted to Robert L Sip, Executive Director, Red River Watershed Management Board, 11 5th Avenue East, Suite B, Ada, MN 56510 and shall be credited to the general fund of the Red River Watershed Management Board.”

Dated this 5th day of September 2024.

ROSEAU RIVER WATERSHED DISTRICT

By  it's Chairman
Carter Diesen

ROSEAU RIVER WATERSHED DISTRICT
ROSEAU, MINNESOTA 56751

Resolution passed at the September 5, 2024 meeting of the Roseau River Watershed District Board of Managers:

Upon motion by Manager Braaten seconded by Manager Diesen the following resolution passed with four in favor, one absent and none opposed.


WHEREAS: Pursuant to M.S.A. § 103D.905 Subd. 3, the Roseau River Watershed District has the authority to levy an ad valorem tax of 0.096 percent of the total market value of real estate and personal property (not to exceed \$500,000) of all taxable property within the district in the counties of Roseau, Kittson, Marshall, Beltrami, and Lake of the Woods, as set forth in the above-mentioned Chapter.

AND WHEREAS: Such funds are to be used for general administration expenses and for the construction and maintenance of projects of common benefit to the District.

NOW, THEREFORE, BE IT RESOLVED: The Roseau River Watershed District Board of Managers wishes to levy fifty percent (50%) of maximum allowable amount totaling \$250,000 collectable in tax year 2025.

Dated this 5th day of September 2024.

ROSEAU RIVER WATERSHED DISTRICT

By  , it's Chairman
Carter Diesen

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.