

**MINUTES OF THE ROSEAU RIVER WATERSHED DISTRICT BOARD OF
MANAGERS MEETING HELD DECEMBER 1, 2021**

The meeting was held at the Roseau River Watershed District office located at 714 6th Street SW, Roseau, MN 56751.

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

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

STAFF PRESENT: Watershed Specialist McCormack and Administrator Halstensgard.

OTHERS PRESENT: Mitch Magnusson, landowners; Daryle Wicklund, County Commissioner; Rob Wagner, Mike Baumgartner, and Roger Beiswenger, viewers; Jim Johnson, landowner.

CONSULTING STAFF PRESENT: Dillon Nelson and Jake Huwe, HDR Engineering; and Michelle Moren, Attorney.

Manager Schmalz took the Oath of Office.

AGENDA: A **motion** was made by Manager Wensloff, seconded by Manager Braaten to approve the agenda as amended with the addition of a presentation on the River Restoration Project at 9:00 a.m. Motion carried unanimously.

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 approving the November 3, 2021 regular meeting minutes as handed out, the Treasurer's Report, Permits #21-28, and manager expense vouchers.

PERMITS:

Specialist McCormack updated the board on his conversation with Mr. Erickson. Based on that conversation, Mr. Erickson is going to delay the work being proposed in permit application #21-26 (Isaac Erickson), Manager Wensloff made a **motion** to deny the application and invite Mr. Erickson to apply in the future if necessary, seconded by Manager Voll. Motion carried unanimously.

DELEGATES: There were no delegates for this meeting.

REPORTS:

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

- The meeting of watershed district administrators and SWCD managers that was held in Baxter. The 1W1P process has been bringing the two organizations together for the last several years but there was a lack of basic knowledge on how the other entity functioned. The purpose of this meeting was to gain a better understanding of how each organization functions.

- Red River Basin Commission (RRBC) Conference: The conference is scheduled for Jan 11 – 13, 2022 in Grand Forks. Administrator Halstensgard will be presenting on the WMA project and possibly the River Restoration project. There was discussion on which managers would likely attend.

WATERSHED SPECIALIST: Specialist McCormack provided the following update to the Board:

- Roseau Lake rare plan survey submitted.
- CD 16 construction oversite
- Mitigation site is ready for construction in the spring
- Oak Crest Coulee survey work
- Lost River project scope of work changes – A **motion** was made by Manager Braaten, seconded by Manager Wensloff to approve the WSB contract for the amended scope of work. Motion carried unanimously.

RRWMB: Manager Braaten updated the board on LIDAR flight completion. The Roseau has asked to be a pilot area for the data transfer. Specialist McCormack has been working with Grit May at the International Water Institute on mapping this area. Manager Braaten stated that one of the RRWMB lobbyist has resigned so they will be looking for a replacement.

NEW BUSINESS:

BWSR is offering training sessions for managers on February 4th in Warren and February 11 in Barnsville.

There was discussion on the Citizens Advisory Committee (CAC meeting) scheduled for December 16th.

OLD BUSINESS: There was no Old Business for this meeting.

PROJECTS:

Manager Braaten recused himself from the Board for the CD 16 Improvement discussion. **CD #16:** Administrator Halstensgard stated that after some discussion with County Commissioners and staff, and attending the County Board meeting on November 23, there was some clarification on the process of funding MN Statute 103E projects. The County has requested a joint meeting with a suggested date of January 11th.

Engineer Huwe reviewed Zavoral's payment requests for work completed. Manager Voll made a **motion** to pay Contractor's Payment Application Number 2-1 and Contractor's Payment Application Number 1-1, motion seconded by Manager Wensloff. Motion carried with Manager Braaten abstaining.

Manager Braaten rejoined the Board.

Roseau Lake: -- Administrator Halstensgard discussed utilizing SD 51 funds for a portion of the construction costs of the project. At the November meeting the board opted to proceed with Option #2 basing the amount on the SD #51 fund balance. After discussion, Manager Voll made a **motion** to allocate 3.5% of the annual SD #51 fund balance to the project and include that spreadsheet in the resolution. The motion was seconded by manager Schmalz. Motion carried unanimously. A **motion** was made by Manager Wensloff, seconded by Manager Voll, to adopt the resolution to Utilize State Ditch #51 funds for the Roseau Lake Rehabilitation Project. Motion carried unanimously.

Whitney Lake: Engineer Huwe discussed the findings of the survey of the outlet of Site A, State Ditch 20. It is apparent that the historical records are incomplete and with the recent survey, it may be beneficial for the County as the jurisdictional authority for that system to reestablish the record. In the joint meeting with the County, the issues in this area could be an additional agenda item. A Project Team meeting will be scheduled in January or February.

River Restoration: Engineer LeClair gave a presentation on the results of the modeling work that's been completed and described changes to the original project concept. This presentation will also be given at the CAC meeting.

WD#4: Viewer Rob Wagner gave a presentation on their findings based on the drainage area of the proposed project. With the current evaluation, the benefits do not outweigh the cost. A meeting with the petitioners will be scheduled to review options. There was extensive discussion on the benefitted area and establishment of the system.

Administrator Halstensgard read aloud the resolution (see attached). A **motion** was made by Manager Wensloff, seconded by Manager Braaten to adopt the amended resolution to close the meeting to discuss land acquisition. Motion carried unanimously.


A **motion** was made by Manager Voll, seconded by Manager Wensloff, to open the public meeting. Motion carried unanimously. A **motion** was made by Braaten, seconded by Manager Wensloff to adopt the *RESOLUTION IN SUPPORT OF THE SALE OF LAND ACQUIRED WITH MINNESOTA STATE GENERAL OBLIGATION BONDS*. Motion carried with Manager Voll opposed.

A **motion** was made by Manager Wensloff, seconded by Manager Voll to accept the letter of intent from JBC Commercial Real Estate to purchase a portion of the Watershed's lot with the condition that the purchaser pay for a legal survey and all closing costs. Motion carried unanimously.

Based on employee evaluations and review by the Personnel Committee, a **motion** was made by anager Wensloff, seconded by Manager Schmalz to increase the Administrator and Watershed Specialist salaries by 3.5% and increase the cell phone stipend from \$50 to \$100 per month.

After a **motion** by Manager Voll and second by Manager Wensloff, the meeting was adjourned at 11:00 a.m. Motion carried unanimously.

Respectfully submitted,


Cody Schmalz, Secretary


Tracy Halstensgard, Administrator

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:

Roseau Lake - Lands under consideration include portions of Sections 12-14, 23, 24, and 26, Dieter Township (T163N, R41W), Roseau County and Sections 7, 21-22, and 28-30, Unorganized Township (T163N, R40W), Roseau County (see attached map), and;
Site C - Lands under consideration include portions of Section 11, Ross Township (T162N, R41W), Roseau County (see attached map), and;
Site A – lands under consideration include portions of Sections 20 – 23, 27, and 28, Moose Township (T162N, R42W), Roseau County (see attached map).

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

SE1/4 SE1/4 of Sect. 33 Unorganized Township (T163N, R40W).

On December 1, 2021, during the regular board meeting commencing at 8:00 a.m., at the Roseau River Watershed District Board office located at 714 6th 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.

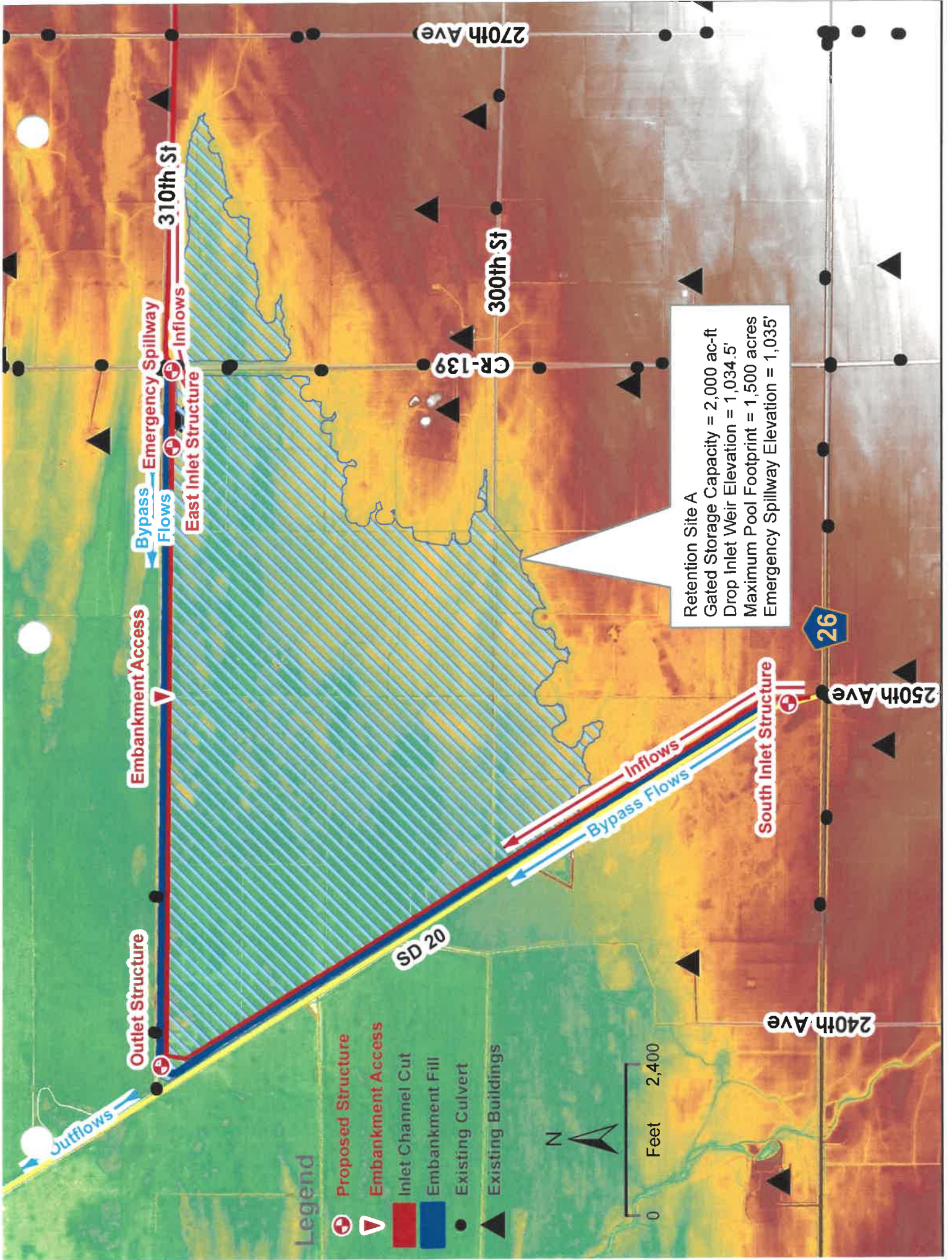
Dated this 1st day of December, 2021.



Chairman

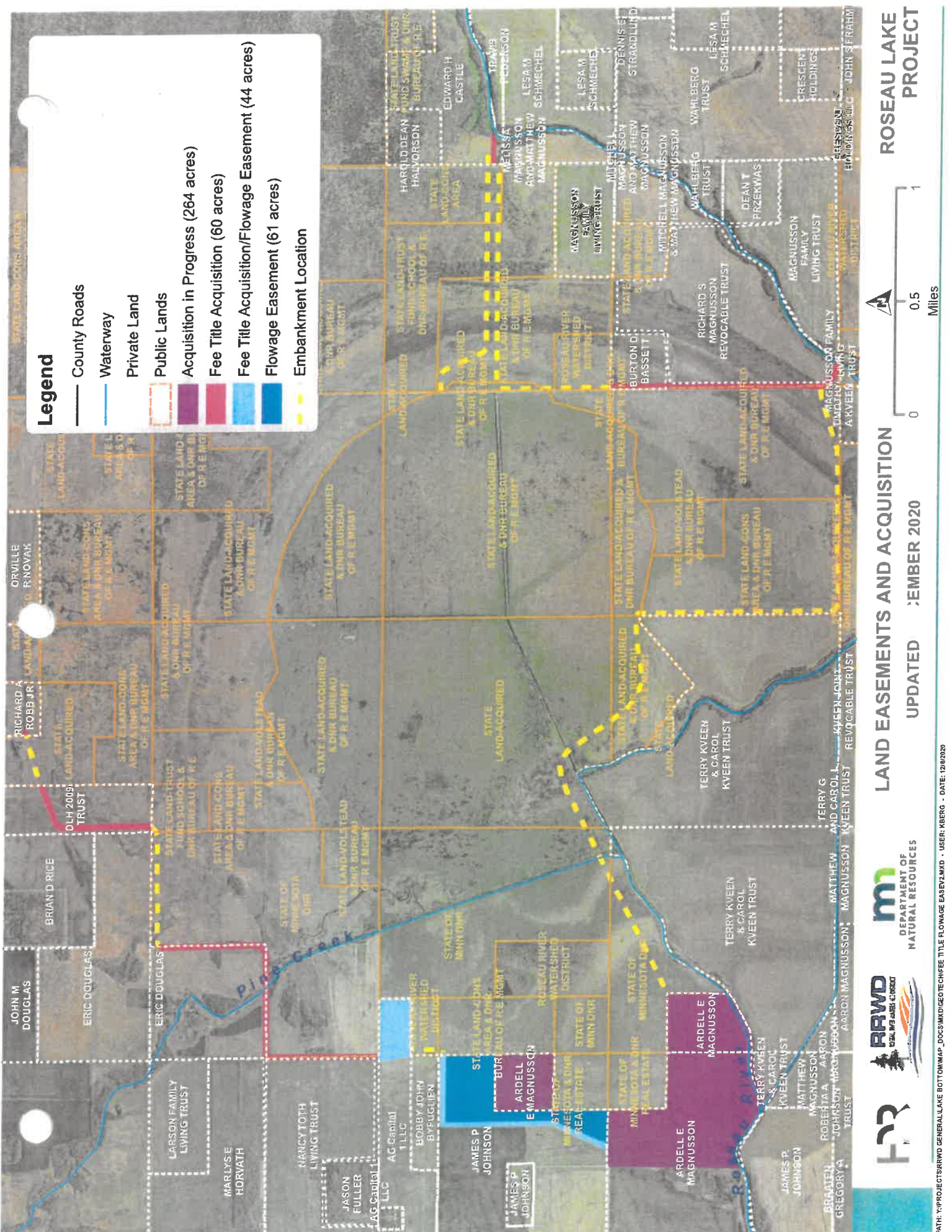


Secretary



**Watershed Property
SE1/4 of SE1/4 Section 33
T163N-R40W**





Legend

- County Roads
- Waterway
- Private Land
- Public Lands
- Acquisition in Progress (264 acres)
- Fee Title Acquisition (60 acres)
- Fee Title Acquisition/Flowage Easement (44 acres)
- Flowage Easement (61 acres)
- Embankment Location



ROSEAU LAKE PROJECT

LAND EASEMENTS AND ACQUISITION

UPDATED :EMBER 2020



EXHIBIT A
SUBJECT PROPERTY



Lot 1 Block 2
Klemas First Addition

The following resolution was adopted by the board of manager at the December 1, 2021 meeting on a motion made by Manager Wensloff, seconded by Manager Voll. The motion carried with five managers in favor and none opposed.

**Resolution to Utilize State Ditch #51 funds for the
Roseau Lake Rehabilitation Project**

Whereas; the Roseau River Watershed District board of managers developed the Roseau Lake Rehabilitation Project (Project) under MN Statute 103D, held a public hearing on November 29, 2016, and passed a resolution establishing the project under said Statute on December 6, 2016; and

Whereas; the Roseau River Watershed District board of managers held a public hearing on August 4, 2015 on utilizing State Ditch #51 (SD#51) funds for the Project; and

Whereas; there is demonstrable benefit from the project to SD#51 repair and maintenance; and


Whereas; the SD#51 levy is currently in place causing no increase in property taxes; and

Whereas; the Roseau River Watershed District board of managers authorized use of SD#51 funds as outlined in scenario 2 of the project engineer's memo (see attached) at their November 3, 2021 board meeting;

Therefore, be it resolved that; the Roseau River Watershed District board of managers at the December, 1, 2021 meeting passed a motion to set the rate for this allocation at 3.5% of the SD #51 fund balance per year as outlined in the funding worksheet (see attached):

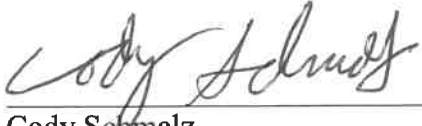
Be it further resolved that; Roseau River Watershed District authorizes staff to make such transfers, as allowed by law, between project funds as to carry out the order of this resolution.

ROSEAU RIVER WATERSHED DISTRICT



Carter Diesen, Chair

ATTEST:



Cody Schmalz
Secretary-Treasurer

Dated: February 7, 2022

Re: Lake Bottom Project - Justification for applying State Ditch #51 (SD 51) ditch funds towards engineering, permitting, administration, legal, and construction expenses

The 100 year flood event conceptual modeled hydrographs measured at Ross, MN estimate the potential peak flow reduction from the Lake Bottom Project is up to 10% or greater for a 100 year flood event. Given that these peak flows and associated flood depths and flood duration reductions are effective and “beneficial” downstream of the Lake Bottom Project, it follows that a portion of the SD 51 funds could be used to help fund the development of the Lake Bottom Flood Damage Reduction (FDR) Project. The following scenarios are presented for Board consideration.

Scenario 1

Assess the ditch fund based upon a percentage of FDR peak flow reduction equal to the same percentage of overall project cost. For example, if the project reduces flood flows 10% and the Project costs \$15M, the ditch fund would contribute 10% x \$15M = \$1.5M.

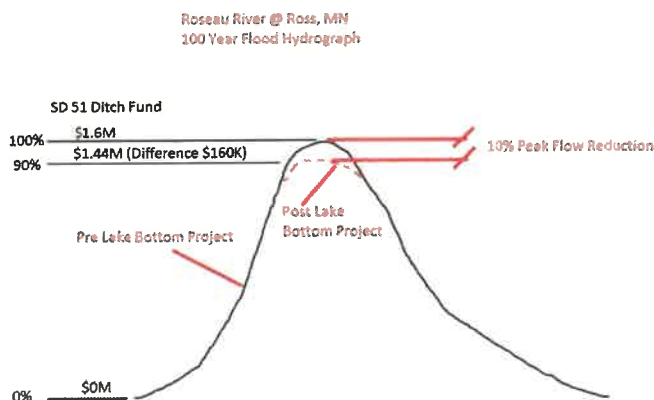
Scenario 2

The existing SD 51 fund balance is approximately \$1.6M with annual receipts totaling about \$92,000. In the Figure below, the ditch fund balance is compared to the flood hydrographs on a zero to 100 percent basis. In this scenario, the ditch fund balance would be charged the percentage of FDR peak flow reduction per year for the duration of the Project. If the FDR reduction is 10%, the charge per year would be 10% x \$1.6M = \$160,000 per year. A 5 year Project life span would result in a total charge of \$800,000.

Recommendation

Either Scenario is reasonable in my opinion, but there are also numerous variations and cost-share considerations where the Board could consider adjusting the contribution upwards or downwards. Scenario 1 is potentially arbitrary because it is not based upon

or tied to the actual cost-benefit to SD #51. Conversely, Scenario 2 expenditures can be correlated with % FDR impact in relation to the available fund balance.



Nate Dalager, PE, CFM
Associate Vice President

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Year	SD #51 Balance (as of Dec. 31)		Allocation
2014	\$ 1,602,929.00	3.5%	\$ 56,102.52
2015	\$ 1,635,623.00	3.5%	\$ 57,246.81
2016	\$ 1,741,522.00	3.5%	\$ 60,953.27
2017	\$ 1,730,890.00	3.5%	\$ 60,581.15
2018	\$ 1,700,135.00	3.5%	\$ 59,504.73
2019	\$ 1,731,421.00	3.5%	\$ 60,599.74
2020	\$ 1,803,378.00	3.5%	\$ 63,118.23
2021	\$ 1,833,865.15	3.5%	\$ 64,185.28
			\$ 482,291.71