

**MINUTES OF THE ROSEAU RIVER WATERSHED DISTRICT BOARD OF
MANAGERS MEETING HELD AT THE ROSEAU CITY CENTER ON OCTOBER 25, 2022**

ORDER: Chairman Carter Diesen called the meeting to order at 6:00 P.M.

STAFF PRESENT: Administrator Halstensgard and Watershed Specialist McCormack

CONSULTING STAFF PRESENT: Nate Dalager and Dillon Nelson, HDR Engineering; Michelle Moren, Attorney

A **motion** was made by Manager Voll, seconded by Manager Braaten to open the public hearing. Motion carried.

Roseau River Watershed Ditch #4 Hearing: Chairman Diesen read the following statement: *This hearing shall come to order. The Board of Managers of the Roseau River Watershed District, acting as a drainage authority under Minnesota Statutes, Chapter 103E, is holding this final hearing on the petition to establishment of Watershed District Ditch #4 and to review the petition, the Engineer's Detailed Survey Report, the Viewers' Report, the DNR Commissioner's Final Advisory Report and take testimony from all interested parties to determine whether to establish the proposed project or dismiss the petition.*

Introductions took place with the following attendees announcing their names: Managers LaVerne Voll, Jason Braaten, and Carter Diesen; Michelle Moren, Attorney; Tracy Halstensgard, Administrator; Torin McCormack, Watershed Specialist; Dillon Nelson, Engineer; Nate Dalager, Engineer; Viewers Rob Wagner, Roger Beiswenger, and Mike Baumgartner. Landowners in attendance: Matt Magnusson, Buddy Erickson, Greg Braaten, Douglas Erickson, Jordan Erickson, John Johnson, Donald Lee, Phil & Roberta Johnson, Karolyn Eastman, Charlie Peckman, Emmit Lee, Eric Magnusson, John Harder. County Commissioners Roger Falk and Daryl Wicklund.

Chairman Diesen asked that during testimony portions of the hearing, those participants that wish to comment should raise their hands and be acknowledged by the Chair. Chairman Diesen then asked if the Petitioners had any comments they would like to make prior to the presentations. Jordan Erickson spoke for the petitioners citing the need for the project and their continued support.

Chairman Diesen asked Administrator to review the history of the project. Administrator Halstensgard read the following for the record:

1. *On May 6, 2020 the RRWD board of managers acknowledged receipt of a petition for Establishment of Roseau River Watershed Ditch #4 and asked legal counsel to review the petition. The Petition was deemed sufficient by counsel. The petition has been made part of the record and has been filed with the RRWD secretary.*
2. *The board determined that an \$80,000 Bond was required and received said bond. The bond has been made part of the record and has been filed with the RRWD secretary.*
3. *At the September 2, 2020 board meeting the petition and bond were deemed sufficient. At that same meeting, HDR Engineering, Inc. was appointed as project engineer and directed to complete a preliminary survey report. The Board adopted the written Findings and Order accepting the Petition and appointing HDR at its regular meeting on November 4, 2022. The Findings and Order have been made part of the record are have been filed with the RRWD Secretary.*
4. *Bond and Oath received from HDR Engineering on September 15, 2020, which have been made part of the record and have been filed with the RRWD secretary*
5. *Preliminary engineer report dated January 1, 2021 was received, filed and sent to DNR for comment. The preliminary engineer's report has been made part of the record and has been filed*

with the RRWD Secretary

- 6. Preliminary hearing notice provided as required by law.*
- 7. Preliminary public hearing was held on February 3, 2021*
- 8. At the prelim hearing, HDR presented the preliminary survey report the details of which are set forth in the minutes of the public hearing.*
- 9. MN DNR commissioner's advisory report on the preliminary plan was publicly read and included in the record of proceedings.*
- 10. MN BWSR advisory report on the prelim plan was publicly read and included in the record of the proceedings.*
- 11. Comments were received at prelim hearing and incorporated in prelim order, which has been made part of the record*
- 12. At the conclusion of prelim hearing, RRWD, as the drainage authority, adopted findings and an order accepting the prelim survey report, ordering the engineer to proceed with the detailed survey, and appointing 3 viewers to determine benefits and damages*
- 13. On September 7, 2022 HDR Engineering filed the detailed survey report with the RRWD. The detailed survey report has been made part of the record and has been filed with the RRWD secretary. It was also made available and accessible on the RRWD website. A copy of the detailed survey report was mailed the engineer to the Commissioner of Natural Resources and BWSR for review.*
- 14. On September 7, 2022 the viewers filed the viewers' report with RRWD. The viewers' report has been made part of the record and has been filed with the RRWD Secretary.*
- 15. Within 30 days after the viewers' report was filed, RRWD made a property owners' report from the information in the viewers' report in accordance with M.S. 103E.323. A copy of the property owner's report was mailed to each owner of property affected by the proposed drainage project and an affidavit of mailing is on file at the RRWD office. A copy of the property owners' report is made part of the record and has been filed with the RRWD secretary*
- 16. A commissioner's final advisory report was filed with the RRWD secretary on October 20, 2022 and has been made part of the record*
- 17. RRWD, as drainage authority, by order set a final hearing for review of the engineer's detailed survey report and the viewers' report for October 25th, 2022 and directed that notice of the final hearing be provided by publication, posting, and mailing to the petitioners, political subdivisions, and owners of property likely to be affected by the proposed improvement project. Notice of the final public hearing was properly provided as required by law. All affidavits of service, publication, and posting are made part of the record and have been filed with the RRWD Secretary*

Chairman Diesen called for a motion for the Board to accept all of the submissions set forth by Administrator Halstensgard and make each submission part of the official record of the proposed Ditch #4 proceedings. **Motion** was made by Manger Braaten, seconded by Manager Voll. Motion carried.

Sufficiency of petition and bond: Chairman Diesen stated that the petition was previously determined to be sufficient and the board has received no new information which would change that determination. The current bond on file with the petition has a balance of \$4,620.73 which is deemed adequate at this time.

Detailed Survey Report: Chairman Diesen stated the next item of business is to receive, review and discuss the engineer's Detailed Survey Report. Dillon Nelson of HDR Engineering is the project engineer, and will present a summary of the final report, and to specifically review (1) the total estimated construction cost for the proposed project; (2) whether the proposed project is practical and necessary, and (3) whether the outlet for the drainage project is adequate.

Engineer Nelson provided a presentation detailing the need, scope, cost, and benefits of the project. Attorney Moren asked Engineer Nelson the following questions:

Does the engineer find the project both practical and necessary? Answer: yes.

Is the outlet for the drainage project adequate? Answer: yes.

Do you feel there is private and public benefits for this project? Answer: yes.

The estimated project cost is \$1.2 million, correct? Answer: yes.

Did you consider alternatives to the proposed project? Answer: we did.

Did the alternatives consider measures included in locally adopted water plans? Answer: they did, yes.

And those were not good alternatives in your opinion? Answer: no, the costs outweighed the benefits.

Did any alternatives look at allocating water for agricultural purposes or stream flow augmentation?
Answer: no

Did you look for reduction in downstream peak flows? Answer: yes. This project will not decrease downstream peak flows, but does have a local flood reduction benefit.

Is there a provision for adequate drainage system capacity? Answer: yes.

Did you look for measures for reduction of erosion and sedimentation? Answer: yes. That will be accomplished with the buffer and side-water inlets.

Did you look for measures for improved water quality? Answer: yes. Again, that will be accomplished with the buffer and side-water inlets.

Is the project compatible with current and future land use? Answer: yes we looked at that. The land in the benefitted area is predominately agricultural and we don't see that changing.

You looked and the current and typical flooding of downstream property for the 5, 10, 25, and 50 year events? Answer: yes. Based on flows from this small discharge it will not increase flows downstream.

Did you consider the impact of the project on wetland? Answer: yes we do have a few impacts from the construction of the ditch but they will be mitigated.

Did you consider the impact of the project on water quality? Answer: yes it will be addressed through the buffered berm and side-water inlets.

Did you consider the impact of the project on fish and wildlife resources? Answer: yes. We found no negative impact on fish or wildlife resources. The DNR addressed these issues in their comments as well.

Did you consider the impact of the project on ground water resources? Answer: yes. There is no negative impact on ground water due to this project.

The overall environmental impact of the above criteria. Answer: There are no negative impacts due to the project as previously discussed. This water is currently going to the Roseau River and utilizing the shallow roadside ditch along CR 115. The roadside ditch will be enlarged and the Roseau River will still be the outlet. Efforts to reduce sediment and stabilize the existing location at the river will be taken.

Are there any other recommendations you have relating to the project? Answer: as we move forward with plans and specification we will continue to work with landowners on side-water inlet and access locations.

Is it your recommendation that the board move forward with this project? Answer : It is, yes.

Chairman Diesen asked if there were questions or comments regarding the engineer's Detailed Survey Report. (The following are summaries of the questions and comments from the hearing as well as responses provided during the hearing and written responses provided to the Board post-hearing.)

Comments on Detailed Survey Report:

- Manager LaVerne Voll asked about the overall engineering costs for the project and what the percent of engineering to total costs is expected to be.
 - Engineer Nelson stated the costs of administration and engineering is expected to be \$200,000. There was discussion about the Clean Water Fund Grant not being figured into the total project costs. The expected percent of engineering to total project costs is about 15%.
- Matt Magnusson asked about the removal of the centerline pipes and what effects that would have on drainage and would water sit on the west side of the road.
 - Engineer Nelson stated that no water would sit in low areas at the intersections where the culverts are removed. Some minor work may have to be done in some of the adjacent road ditches to make sure water will flow as planned.
- Manager Voll asked about the culverts that discovered under the road.
 - Engineer Nelson stated they have not been able to find them on any plans (road or ditch), recent surveys, and they were completely plugged and nonfunctional. There was also discussion on whether they are in the road ROW.
 - The recommendation is to deal with them in the course of regular watershed district business.

Chairman Diesen asked if there were any further comments on the Detailed Survey Report. Hearing none, Chairman Diesen called for a **motion** to close discussion on the Detailed Survey Report. Manager Voll made the motion, seconded by Manager Braaten. Motion carried.

Chairman Diesen stated that the next item of business was to permit the Commissioner of the Department of Natural Resources to give a final advisory report regarding the proposed project. Since the Commissioner is not present, Administrator Halstensgard will read the Commissioner's final advisory report letter into the record. Administrator Halstensgard read the following:

October 20, 2022

Tracy Halstensgard

District Administrator Roseau River Watershed District

714 6th St. SW

Roseau, MN 56751

RE: Commissioner's Final Advisory Report: Establishment of Roseau River Watershed District (RRWD) Watershed Ditch #4, Roseau County

Dear Ms. Halstensgard;

On behalf of the Commissioner of the Department of Natural Resources (MDNR), I offer the following comments on the Detailed Engineering Report for the above cited project, in accordance with Minnesota Statute 103E.301.

- 1. The Detailed Survey Report appears to be complete from a Department of Natural Resources viewpoint.*
- 2. The Department of Natural Resources is unable to find that the proposed drainage project is of public benefit or utility until our specific comments below are addressed.*
- 3. The Department of Natural Resources cannot approve the report as an acceptable drainage project plan until the specific comments below are addressed.*
- 4. A soil survey is not needed.*

Below are our specific comments and some additional considerations:

Specific Comments

- *This project is the fourth component of the Whitney Lake project (CD 16, Impoundments A and C, and WD 4) that MDNR has reviewed. While the proposed ditch improvements for WD 4 may not meet any mandatory environmental review thresholds by itself, the past improvements and impoundment proposals may be interpreted as phased actions for the Whitney Lake project. MN Rule 4410.3100, Subpart 1 prohibits final governmental actions (permit issuance by any government) for any projects exceeding mandatory EAW thresholds until the environmental review process has been completed.*

MNDNR requests a meeting to discuss environmental review and potential responsible governmental units (RGU) for the Whitney Lake project and how it pertains to related ditch improvements. Potential RGU's could be Roseau County, MDNR, or the watershed district. Please contact Area Hydrologist Stephanie Klamm stephanie.klamm@state.mn.us or 651-587-5448 to coordinate further discussion.

- In our initial letter on the preliminary engineer's report, we asked that the final engineer's report describe the outlet capacity of the Roseau River and its effect on drainage in the WD 4 system during 5-, 10-, 25-, and 50-year flood events. This information was not part of the detailed engineers report. Please include current and proposed drainage coefficients for WD 4. Also clarify if enhanced drainage in WD4 will be offset by operation of Whitney Lake impoundments.

- In our initial letter on the preliminary engineer's report, it was noted that the final engineer's report should discuss and consider potential interactions and cumulative effects of the Roseau Lake Bottom Whitney Lake, Pool 3, CD 16, WD 4 and WD 3 and how they will work in tandem to move water through the system. This was not discussed in the final engineer's report. DNR recommends that consideration of how all these projects will work together and not impact downstream landowners as well as potential interactions and cumulative effects of these projects.

- In our initial letter on the preliminary engineer's report, it was noted that the final engineer's report should consider the MNDNR concern about potential cumulative impact of the improved drainage on timing and flows in the Roseau River and concerns about potential impacts to fish and wildlife. There are concerns that the alteration of flow and run-off has the potential to change instream aquatic environments, as well as downstream MNDNR wildlife management areas within the Big Swamp and hydrologic changes within the Roseau River. Cumulative impacts to the Roseau River and downstream environments from the updated ditch systems and proposed impoundments should be figured into outlet capacity and potential downstream effects in the final engineers report, just stating that there is no impacts to the fish and wildlife habitat and the Roseau River is not enough information for DNR to feel comfortable with all the changes happening on the landscape from the numerous ditch improvements in the past 4 years in the Roseau River watershed.

- A portion of the ditch project and side berms lie within the Roseau River floodplain (lower end of project). Side-berms have the potential to cause a restriction in the floodplain capacity and effect the hydrology and geomorphology of the Roseau River. MDNR requests review of the final plans to review where ditch berms will be placed along the floodplain when plans are available. MNDNR also recommends that a no-rise certificate is provided for this project. Side-berms will also entrench the water in the ditch creating faster and deeper flows, head cutting is still a concern on the lower portion of this project, erosion control measures should be implemented as part of the project design to ensure erosion and head cutting will not be an issue.

Additional Considerations

- A public water works permit may be required for the proposed outlet for WD 4. DNR requests review of the designed erosion control and rock drops from Station 0+00 to 30+00 as well as the outlet of the river. Please work closely with DNR Area Hydrologist Stephanie Klamm (stephanie.klamm@state.mn.us) as you move forward with the final designs for the ditch project.

- We recommend consulting with the State Historic Preservation Office for a review of the location before the project begins. Being this close to historic Roseau Lake, unanticipated cultural resources could occur.

- To aid in wildlife and pollinator habitat as well as improve water quality, MDNR recommends planting of BWSR Seed mix 32-241, native construction for the ditch, berm, and buffer areas.

- Due to entanglement issues with small animals, use of erosion control blankets should be limited to 'bio-netting' or 'natural netting' types, and specifically not products containing plastic mesh netting or other plastic components. These are Category 3N or 4N in the 2016 & 2018 MnDOT Standards Specifications for Construction. Also be aware that hydro-mulch products may contain small plastic fibers to aid in its matrix strength. These loose fibers could potentially re-suspend and make their way into Public Waters. As such, please review mulch products and not allow any materials with synthetic fiber additives in areas that drain to Public Waters.

- Black sandshells (*Ligumia recta*) (mussels), a species of special concern has been documented downstream of the project in the Roseau River. This species particularly vulnerable to deterioration in

water quality, especially increased siltation. As such, it is important effective erosion prevention and sediment control practices be implemented and maintained throughout the duration of the project. Containment measures for sediment, debris and other construction material should be in place to prevent adverse material from entering the Roseau River.

- *Marbled Godwit (Limosa fedoa)*, a species of special concern has been documented in the vicinity of the project. This species prefers to feed and nest in short upland grassland areas along the edges of seasonal wetlands but is also known to nest in adjacent cropland stubble if the adequate habitat is limited. If feasible, avoid impacts to nesting habitat between May and August. Please contact the Regional Nongame Specialist, Amy Westmark (amy.westmark@state.mn.us), if any active nests are found within the project area.

Thank you for your consideration of these comments. We look forward to continuing to work with the Roseau River Watershed District on this and other projects. For any questions or further details on our concerns, please contact MDNR Area Hydrologist, Stephanie Klamm (651-587-5448).

Sincerely, Nathan Kestner Eco-Waters Regional Manager

CC. Nate Dalager, HDR Engineering

Dillion Nelson, HDR Engineering

Theresa Ebbenga, MDNR Regional Director

Stephanie Klamm, MDNR Area Hydrologist

Randy Prachar, MDNR Area Wildlife Manager

Chairman Diesen asked if there were any questions or comments regarding the Commissioner's Advisory Report. Hearing none, Chairman Diesen called for a motion to close discussion on the DNR Commissioner's Advisory Report. Manager Braaten made the motion, seconded by Manager Voll. Motion carried.

Chairman Diesen stated the Director of the Board of Water and Soil Resources has provided a final advisory report regarding the proposed project. Since the Director is not present, Administrator Halstengard will read the Director's final advisory report letter into the record. Administrator Halstengard read the following:

October 14, 2022

Board of Managers

Roseau River Watershed District

714 6th Street SW

Roseau, MN 56751

Re: BWSR Advisory Report – Watershed Ditch #4, Detailed Survey Report

Dear Managers,

On behalf of the Minnesota Board of Soil and Water Resources, I offer this advisory report in accordance with Minnesota Statutes, Section 103D.605, Subdivision 2 and 103D.711, Subdivision 5. The comments in this advisory report are based on review of the Detailed Survey Report, Roseau River Watershed District Watershed Ditch #4, dated September 16, 2022. I also reviewed the previously submitted Preliminary Survey Report, dated January 1, 2021, and my associated advisory letter, dated February 3, 2021.

General Comments

For this Detailed Survey Report, additional information was provided and details were refined from the Preliminary Survey Report. I still believe that this project will reduce flooding potential of the agricultural lands near the proposed project during the 10-year storm event. I appreciate that the flooding extents under existing and proposed conditions are included in the updated report, so the watershed district and the landowners can better visualize the benefits of this project.

Specific Comments

I offer the following comments on the Detailed Survey Report for the watershed district to consider.

- *The drainage areas in Table 3 and Table 5 do not match. The RRWD may want their engineers to check which values are used for modeling.*
- *The report states that there will be a backwater condition on WD4 during the 2-year event in the Roseau River watershed. The RRWD may want to consider the effects of this backwater (e.g., how will the ditch*

function during this time), and the probability that a 2-year event on the Roseau River may occur along with a 10-year, 24-hour event within the WD4 system.

- Significantly increasing the discharge from this watershed through the proposed WD4 outlet will exacerbate the erosion issues shown in Figure 14 of the report. The preliminary report stated that further details on outlet stabilization would be included in the detailed survey report. A design for stabilization was not included however, so I am not able to provide further comment at this time. However, as-is, I would not consider this location an adequate outlet for the proposed ditch. Some of my previous comments were not addressed and may still want to be considered by RRWD board.
- An existing to proposed conditions comparison of hydrograph peak(s) in WD4 and WD3 would help evaluate how the proposed project could affect the peak flows in the Roseau River.
- There is no discussion on how flow rates will change at the WD4 outlet for any storm event. I suggest that this be evaluated since it is an important component of determining the adequacy of an outlet.
- I suggest consideration of alternative side inlets or controlled drainage at the side inlet locations if it is feasible for this project.

Please feel free to contact me at 651-539-2591 (email rita.weaver@state.mn.us) if you have questions regarding this advisory report.

Sincerely,

Rita Weaver, PE, CFM

Chief Engineer

CC: John Jaschke, Director

Ryan Hughes, Northern Region Supervisor

Matt Fischer, Board Conservationist

Henry Van Offelen, Clean Water Specialist

Stephanie Klamm, DNR Area Hydrologist

Tracy Halstensgard, RRWD Administrator

Dillon Nelson, HDR Engineering

Chairman Diesen asked if there were any questions or comments regarding the Commissioner's Advisory Report. (The following are summaries of the questions and comments from the hearing as well as responses provided during the hearing and written responses provided to the Board post-hearing.)

Comments on DNR and BWSR Advisory Letters: (letters will be addressed separately)

- Matt Magnusson asked why they seemed to feel that the outlet was insufficient and that there would be bank erosion.
 - Engineer Nelson stated he was not sure why they felt the outlet was inadequate since in the report it's shown that measures will be taken to prevent future erosion and have shown the adequacy of the Roseau River (SD#51) as an outlet. A review of BWSR's response clearly indicates their comment relates to erosion and not the hydraulic adequacy of the Roseau River as an outlet. The erosion comment will be in greater detail during design and permitting.
- Charles Peckman asked why the agencies didn't know what the current outflow is and if Engineer Nelson knew what the current outflow versus the outflow from the new ditch would be.
 - Engineer Nelson state that it's like comparing apples to oranges because the current ditch has a much smaller drainage area that outlets to the river. Currently, the majority of the water from the proposed WD 115 drainage area goes west and uses WD 3 as the main outlet. A small portion near the church and the farm to the north has the ability to go north to the river but it is a very small amount.
- Charles Peckman asked if this was the final hearing since there seems to be a lot of questions still unanswered.
 - Attorney Moren stated that these letters were advisory and through the permitting process the agencies would have additional requirements the project has to meet.

Chairman Diesen asked if there were any additional questions or comments regarding the Commissioner's Advisory Report. Hearing none, Chairman Diesen called for a **motion** to close discussion on the BWSR Director's Advisory Report. Manager Voll made the motion, seconded by Manager Braaten. Motion carried.

Chairman Diesen stated that the next item of business is to receive, review and discuss the Viewers' Report. Chairman Diesen requested Viewer Rob Wagner present a summary of the Viewers' Report and specifically review the method used to calculate benefits, the method used to calculate damages, and the net benefits of the project.

Viewer Wagner presented the Viewers' Report including describing the methods used to calculate damages and benefits, and the net benefits of the project.

Attorney Moren asked what the total amount of the damages for the record was. The total benefit of the project is \$1,406,197.00 and total damages are \$1,237,399.00 reflecting a net benefit of \$168,798.00

Attorney Moren asked about the methods used to calculate the benefits and damages. View Wagner discussed the direct versus indirect benefits and protection benefits. The increase in production for the agricultural property together with an increase in market value for the property with the flood protection benefits was utilized to determine the benefits of the project.

Attorney Moren asked if the Viewers' had any recommendations related to the project. Viewer Wagner stated that they recommend moving forward with the project.

Attorney Moren asked if there were any question or comments on the Viewers' Report. (The following are summaries of the questions and comments from the hearing as well as responses provided during the hearing and written responses provided to the Board post-hearing.)

Comments on Viewers' (Appraisers') Report:

- Matt Magnusson asked what amount the land in the "protection" part of the benefitted area would be paying.
 - Viewer Wagner replied those lands are in the \$100/acre assessment.
- Matt Magnusson asked if the WD #3 system were to be improved, would those lands be assessed into both ditch systems.
 - The reply was that they would be. However, there are no know plans for an improvement petition.
- John Johnson stated he represents farms totaling about 2000 acres, most in the protection area and they are in favor of the project, stating the protection is needed.
- Matt Magnusson stated he was not opposed to the project, but feels some lands in the higher benefitted area already drain adequately.
 - Viewer Wagner stated they utilize LiDAR and break down the parcels by 40 acre tracts. The viewer also do a field assessment.
- Matt Magnusson further stated that the elevation of his land is considerably higher than the land next to the ditch so whether or not the ditch is built, his water will run off.
 - As required by law, the RRWD hired, independent experts in the field to provided the necessary information concerning pre and post project land values. It was the opinion of those experts that determined the areas of benefit and amount of benefit based on statutory guidelines and their experience.
 - This is the definition of benefits from the MN Drainage Manual: "Benefits" refers either to the impact a drainage system has on land in terms of improving the market value of the land or the impact (and costs associated with that impact) that the land has on the drainage system because of land use that accelerates drainage, transports sediment or increases volume demand in a drainage system.
 - In the viewers opinion the SE4 Section 9 of Ross Township would appreciate at the same value as lands surrounding it with the completion of this project. The land will impact the project in terms of accelerated drainage and increased volume in the drainage system. In the viewers opinion lands that are below an elevation of 1060 within the project area would be directly benefitted. The SE4

Sec 9 of Ross TWP according to the LIDAR and elevation maps is 1044 to 1046. Well below the 1060 mark.

- Jordan Erickson stated his support for the project and how he also has land in the benefitted area that doesn't currently flood. the system needs to be looked at as a whole.
- John Johnson stated that it's his understanding that as part of a benefitted area, even if your property doesn't drain directly into the ditch, you're paying for the conveyance the system provides. In all systems there are some lands that flood and some that don't. If only the land that floods were taxed, we wouldn't have any ditch systems. Mr. Johnson cited SD #51 as an example.
- Matt Magnusson stated he understood that his water gets into WD#4 but his issue is that he doesn't see that this ditch will improve his productivity.

Chairman Diesen asked if there were any additional questions or comments regarding the Viewers' Report. Hearing none, Chairman Diesen called for a motion to close discussion on the Viewers' Report. Manager Voll made the motion, seconded by Manager Braaten. During discussion Manager Voll asked if changes could be made to the Viewers' Report and if they made changes to certain parcels, would that spread the costs onto the other parcels? It was stated that the Viewers had provided their recommendation to the Board and the Board could accept that report or make amendments, but the Viewers would not be changing their recommendations. There being no further discussion, motion carried.

Chairman Diesen stated that the next item of business was to receive, review and discuss testimony from any interested person relating to the project which has not been previously covered. (The following are summaries of the questions and comments from the hearing as well as responses provided during the hearing and written responses provided to the Board post-hearing.)

General comments:

- Matt Magnusson requested that the board review the benefit amounts and make adjustments.
- Charles Peckman agreed with Mr. Magnusson and requested that the board review the amounts.
 - The Peckman parcel is on the south boundary of the Susan Anderson Trust property. The Anderson property is depressed and has a series of drainage ditches that extend into the adjacent properties. Under the current conditions Peckman's land is subject to flooding or prolonged saturation due to the low discharge leaving the Anderson property. If the current condition is improved as intended by the ditch 10 year criteria, significant benefit would be experienced on the Peckman Parcel.
- Douglas Erickson stated that they should remember that their water comes down on the other landowners and they are the ones that have to deal with it.
- Matt Magnusson stated that the land that will be improved should be the land that pays the larger share.

Chairman Diesen asked Administrator Halstensgard to read the written comments for the record. Administrator Halstensgard read letters from Matt Magnusson and Burl Peckman as well as an email from Roseau County Auditor Martha Monsrud. These written comments are attached to these minutes as exhibits A, B, and C respectively.

After briefly discussing the reason for the request of name change for the ditch, a **motion** to change the name to Roseau River Watershed Ditch #115 was made by Manager Braaten, seconded by Manager Voll. Motion carried.

Chairman Diesen called for a motion to close the general comments portion of the hearing. **Motion** was made by Manager Voll, seconded by Manager Braaten. Motion carried.

A **motion** was made by Manager Voll, seconded by Manager Braaten, to close the public hearing. Motion carried.

Manager Voll stated that he would like to see the remainder of the findings and establishment be done with the absent board members present. There was discussion on providing a summary of the hearing comments and responses at the November regular board meeting.

A **motion** to defer the decision on the findings to dismiss or establish the project until the November board meeting was made by Manager Voll, seconded by Manager Braaten. Motion carried. Staff and consultants will draft a summary of the hearing comments, the advisory letter comments, and the replies for the November board meeting.

There being no further business before the board, a **motion** by Manager Voll and second by Manager Braaten, to adjourn the meeting at 7:50 p.m. Motion carried, and the meeting was adjourned.

Respectfully submitted,



LaVerne Voll, Secretary



Tracy Halstensgard, Administrator