

**MINUTES OF THE ROSEAU RIVER WATERSHED DISTRICT BOARD
OF MANAGERS MEETING HELD OCTOBER 3, 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, Cody Schmalz

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

OTHERS PRESENT: Tom Enright; DNR, Daryl Wicklund; County Commissioner, Richard Larson, landowner, and others, (see attached list.)

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

OATH OF OFFICE: Manager Braaten took the oath of office.

AGENDA: A **motion** was made by Manager Voll to approve the agenda with addition of permit 24-20. It was seconded by Manager Braaten. Motion carried unanimously.

CONSENT AGENDA: Administrator Halstengard stated that the Treasurer's Report in the printed packet is updated with additional bills to Elan Financial Services for \$1,692.11, Moren Law Office for \$2,450.00. A **motion** to approve the Consent Agenda was made by Manager Schmalz and seconded by Manager Voll. The motion was carried unanimously. Adoption of the Consent Agenda included approving the September 5th, 2024, regular meeting minutes, October Treasurer's Report, and manager and employee expense vouchers as read by Manager Braaten. Four permits were approved with the Consent Agenda; they were permits #24-21 (Haugen), permit #24-22 (Lee), permit #24-23 (Miller), and permit #24-24 (Peckman).

PERMITS: After discussing permit #24-19 (Tviet), Manager Johnson made a **motion** to table the permit due to the lack of information. Manager Braaten seconded the motion. Motion carried unanimously. Technician Blaine Broten will provide written notice to the permit applicant outlining what additional information is needed. (later approved – see Delegate minutes below).

After discussing permit #24-20 (Tviet), Manger Braaten made a **motion** to table the permit due to lack of information. Manager Johnson seconded the motion. Motion carried unanimously. Technician Blaine Broten will provide written notice to the permit applicant outlining what additional information is needed. (later approved – see Delegate minutes below).

NEW BUSINESS: There was no new business to report.

OLD BUSINESS: There was no old business to report.

PROJECT UPDATES:

Oak Crest Coulee: Progress on the Coulee project is going as planned. Manager Voll made a **motion** to approve Pay Request #4 for \$183,561.05 to R & Q Trucking, Inc. Manager Braaten seconded the motion. Motion carried unanimously.

Roseau Lake: Manager Voll made a **motion** to approve Payment Application #8 for \$132,392.00 to Spruce Valley Corporation contingent upon getting the required signatures on the Payment Application. Manager Johnson seconded the motion. Motion carried unanimously. A written project update was provided to the Board.

Tom Enright with DNR reported on an amendment to the Pine Creek Joint Powers Agreement (JPA) that allows for remaining funds to be applied to future phases of the project. Manager Braaten made a **motion** to approve the JPA amendment, Manager Johnson seconded that motion. Motion carried unanimously.

DELEGATE: Richard Larson, landowner, expressed concern about a township road ditch that needed to be cleaned out. Administrator Halstensgard recommended that he go through the necessary precautions regarding erosion control measures. It was noted that a Watershed permit is not needed to clean a ditch.

REPORTS:

RRWMB: Manager Braaten gave updates on the RRWMB.

Technician: Technician Broten gave updates on the following items:

- Cutoff #1 washouts – access issues
- Norland Turnaround – project completion
- Plugged culverts – culverts cleaned after turnaround project completion
- Duxby Levee – all traps opening properly except one
- Winterized gates – all gates in Norland and Palmville are winterized

PUBLIC HEARING: At 8:30 a.m., Manager Braaten made a **motion** to open the public hearing on the petition to impound, reroute, and divert State Ditch 51. The motion was seconded by Manager Johnson. Motion carried unanimously. Attorney Moren asked, for the record, if the hearing had been properly noticed in the newspaper and mailed to landowners. Administrator Halstensgard stated that it had been noticed and affidavits of publication and mailing are on file. The affidavits of publication and service were made part of the record. Attorney Moren drafted the petition by request of the Watershed District and was deemed sufficient. An Engineer's Oath and Engineer's Bond were also made part of the record. HEI Engineer Erik Jones , provided a preliminary engineer's report, which was also made part of the record. Engineer Jones presented on the rerouting of State Ditch 51 and the Roseau River Restoration Project. The DNR Advisory Report was made part of the hearing record. Attorney Moren asked Engineer Jones about the required land acquisitions for the project. Engineer Jones stated there is a Joint Powers Agreement with the DNR for the WMA lands and the District is working with the Michealsohn family for temporary and flowage easements through their property. Attorney Moren asked

Engineer Jones if there would be either private or public benefits of the project. Engineer Jones stated there would be both private and public benefits. Attorney Moren asked if the party responsible for construction was the Watershed District and Engineer Jones stated that was correct. Attorney Moren asked Engineer Jones if there was a maintenance plan with the DNR for this project. Engineer Jones stated that there was. The maintenance plan will be a part of the hearing record as well as the engineer's report. Questions from the Board and attendees were addressed by Engineer Jones (see attached). There were comments from some of those in attendance. (See attached list.) After discussion, a **motion** was made by Manager Voll, seconded by Manager Schmalz, to close the public hearing. Motion carried unanimously.

Administrator Halstensgard suggested that, with the help of Engineer Jones and Tom Enright with the DNR; questions, comments, and written replies be drafted for the next meeting for approval. Manager Voll made **motion** to table the establishment of the project and have staff work with consultants and MN DNR to draft responses to the questions and comments raised at the hearing. Manager Johnson seconded the motion. Motion carried unanimously.

REPORTS (cont'd):

Administrator: Administrator Halstensgard briefly discussed the Hay Creek Sub-watershed Project Team meeting.

DELEGATE: Landowner Josh Grahn addressed the board to discuss his permit application. After discussion, a **motion** was made by Manager Voll, seconded by Manager Braaten to rescind the previous motion to table Permit #24-19 (Brian Tveit). Motion carried unanimously. A **motion** was made by Manager Braaten, seconded by Manager Johnson to approve Permit #24-19 with the condition that if the work causes negative impacts to other landowners, the embankment will be removed. Motion carried. There was additional discussion on permit #24-20 (Mike Grahn). A **motion** was made by Manager Braaten, seconded by Manager Johnson to rescind the previous motion to table Permit #24-19 (Brian Tveit). Motion carried unanimously. A **motion** was made by Manager Voll, seconded by Manager Braaten to approve Permit #24-20 with the condition that if the work causes negative impacts to other landowners, the embankment will be removed. Motion carried unanimously.

Administrator Halstensgard left the meeting to join another meeting regarding LSOHC funding for the Big Swamp North (SD 69) project.

CLOSED MEETING:

Manager Braaten made a **motion** to adopt the closed public meeting resolution to discuss litigation. Manager Johnson seconded it. Motion carried unanimously.

A **motion** was made by Manager Johnson, seconded by Manager Voll, to reopen the regular meeting. Motion carried unanimously.

OTHER BUSINESS:

After a **motion** by Manager Schmalz seconded by Manager Voll, the meeting was adjourned at 10:38 a.m. The next meeting will be held November 7th, 2024, at 8:00 a.m.

Respectfully submitted,



Laverne Voll, Secretary



Tracy Halstensgard, Administrator

October 2024 Bills & Receipts

| | |
|-----------------------------------------------------------------------------|---------------|
| Checkbook Balance as of September 30, 2024 | \$450,765.25 |
| Receipts: | |
| Citizens State Bank -- interest 9-16-24 | \$ 109.61 |
| State of Minnesota -- Roseau Lake FHM grant | \$ 85,156.19 |
| Oakcrest Golf Course -- project cost-share | \$ 50,000.00 |
| Red River Watershed Management Board -- Juneberry PT funding | \$ 2,578.79 |
| Red River Watershed Management Board -- WQ funding; Oak Crest & WD 115 SWIs | \$ 108,984.19 |
| Roseau County -- Volstad lands | \$ 42.08 |
| Roseau River Joint Powers Board --- Oak Crest Coulee | \$ 70,821.44 |
| Total: | \$ 317,692.30 |
| Bills: | |
| Tracy Halstengard -- Salary, Ins stipend & cell reimbursement | \$ 5,796.24 |
| Blaine Broten -- Salary, Ins stipend & cell reimbursement | \$ 3,087.91 |
| Tawni Wensloff -- wages | \$ 2,626.53 |
| Jason Braaten -- Per Diem & mileage | \$ 260.36 |
| Carter Diesen -- Per Diem & mileage | \$ 273.76 |
| James Johnson -- Per Diem & mileage | \$ 293.14 |
| LaVerne Voll -- Per Diem & mileage | \$ 418.67 |
| Cody Schmalz -- Per Diem & mileage | \$ 179.09 |
| Tracy Halstengard -- mileage | \$ 179.56 |
| Elan Financial Services -- credit card | \$ 1,592.11 |
| City Of Roseau -- utilities | \$ 205.08 |
| Marco -- copier maintenance contract | \$ 173.63 |
| Marco Technologies -- service | \$ 91.00 |
| Patrick Moren Law Office -- Legal Fees | \$ 2,450.00 |
| Roseau Times Region -- Meeting Notice | \$ 283.05 |
| Roseau Electric Co-op -- Int/phone -- | \$ 126.97 |
| Minnesota Energy Resources -- natural gas | \$ 10.20 |
| Northern Resources Cooperative -- gas for vehicle | \$ 67.65 |
| Coast True Value -- supplies | \$ 45.87 |
| Verizon Wireless -- Trimble | \$ 40.01 |
| Sjoberg Cable TV -- email service | \$ 6.00 |
| Halverson Sand & Gravel -- Norland turnaround | \$ 15,462.41 |
| TrueNorth Steel -- WD 3 culverts | \$ 7,901.33 |
| League of MN Cities Insurance Trust -- Dues | \$ 786.00 |
| BWSR -- Academy registration | \$ 450.00 |
| AB's Lawn Care -- mowing | \$ 386.55 |
| R & Q Trucking -- Oak Crest payment #4 | \$ 183,561.05 |
| Larson Helicopter -- spraying cattails | \$ 1,571.25 |
| Houston Engineering -- invoices #72270 & #72664 | \$ 25,703.75 |
| Spruce Valley Corporation -- Pay Application 01-08 Roseau Lake | \$ 132,392.00 |
| HDR -- Inv #1200649586, 1200649585 & 1200649584 | \$ 11,663.60 |
| HDR -- Inv #1200649636 & 1200649102 | \$ 22,082.53 |
| Roseau County Recorder -- recording fees for bond funding declarations | \$ 184.00 |
| Total: | \$420,351.30 |

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 3rd day of October 2024.



Chairman



Secretary

