

**MINUTES OF THE ROSEAU RIVER WATERSHED DISTRICT BOARD
OF MANAGERS MEETING HELD NOVEMBER 7, 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; see attached list

CONSULTING STAFF PRESENT: Erik Jones, HEI Engineering; Michelle Moren, Attorney; Torin McCormack, HDR.

OATH OF OFFICE: Cody Schmalz took the oath of office.

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

CONSENT AGENDA: Administrator Halstengard stated that the Treasurer's Report in the printed packet is updated with additional deposits of the Roseau County share of taxes in the amount of \$250,052.57, interest on the checking account is \$96.77, bills to Elan Financial Services for \$2,243.48, Moren Law Office for \$3,550.00, and a bill to Smith partners for \$2,771.40. Permit 24-26 was pulled from the consent agenda for consideration during the Permits discussion. Adoption of the Consent Agenda included approval of the October 3rd, 2024, regular meeting minutes, permits 24-25, 24-27, 24-28, 24-29, & 24-30, October Treasurer's Report, and manager and employee expense vouchers as read by Manager Braaten. A **motion** to approve the Consent Agenda was made by Manager Voll and seconded by Manager Johnson. The motion was carried unanimously.

PERMITS: After discussing previously tabled permit #24-13 (Ekman), Technician Broten gave an update on the permit, mentioning that he had to get a permit through the USACE. Manager Braaten made a **motion** to approve the permit. Manager Johnson seconded the motion. Motion carried unanimously.

Technician Broten discussed permit #24-26 (Cole) stating they'll need to work with DNR forestry. Manager Voll made a **motion** to approve the permit. Manager Johnson seconded the motion. Motion carried unanimously.

NEW BUSINESS:

Administrator Halstengard mentioned that she needed to know who would be attending the conference to be held December 4-6. Noting that they would need to be appointed as a delegate to vote on the resolutions. A **motion** was made by Manager Voll and seconded by Manager

Schmalz to appoint Manager Diesen and Manager Johnson as delegates. Motion carried unanimously.

Administrator Halstensgard asked if the board wished to change the time of the January meeting to later in the day as they have in the past. After discussion, a **motion** to hold the December 2024 and January & February 2025 meetings at 12:00 p.m. was made by Manger Braaten and seconded by Manager Johnson. The motion was carried unanimously.

OLD BUSINESS: There was no old business to report.

PROJECT UPDATES:

Oak Crest Coulee: Engineer Tony Nordby joined the regular meeting at 8:15 a.m. via zoom. Project construction is complete. Engineer Nordby gave an update on punch-list items and mentioned the 5% retainage in the approximate amount of \$41,000. Manager Johnson made a **motion** to approve Pay Request #5 for \$189,599.83 to R & Q Trucking, Inc. Manager Braaten seconded the motion. Motion carried unanimously. There was a **motion** made by Manager Braaten to pay the Agassiz Asphalt invoice in the amount of \$7,000. Manager Schmalz seconded the motion. Motion carried unanimously.

River Restoration: Engineer Erik Jones gave an informative update answering additional landowner questions. Attorney Moren reviewed the hearing summary and Findings & Order. Landowner Rodney Sikorski delivered a signed petition to the board, opposing the project. Manager Braaten made a **motion** to adopt the Findings & Order. Manager Diesen seconded the motion. A roll call vote was conducted with Managers Diesen, Braaten and Johnson in favor and Manager Voll and Manager Schmalz opposed. The motion carried. Attorney Moren noted that the petition presented by landowners was not a drainage petition and had been received after the public hearing for the River Restoration project. No board action was taken other than making note of the petition.

Juneberry & Big Swamp North (SD 69): Administrator Halstensgard gave a brief update on the Joint Powers Agreement (JPA) with the DNR. Attorney Moren has reviewed the JPA and has no recommendations for edits. Manager Braaten made a **motion** to accept the JPA and authorize Administrator Halstensgard to sign the digital copy. Manager Voll seconded it. Motion carried unanimously.

WD 3 Lat 2: Administrator Halstensgard needed direction from the board on design from HDR. Manager Johnson made a **motion** to direct HDR to move forward with design. Manager Braaten seconded it. Motion carried unanimously.

Malung Dam: Construction is complete. Manager Braaten made a **motion** to approve payment application #3 in the amount of \$95,306.75. Manager Voll seconded the motion. Motion carried unanimously.

Roseau Lake: Manager Braaten made a **motion** to pay Payment Application 01-09 in the amount of \$666,101.47. Manager Johnson seconded that motion. Motion carried unanimously. Torin McCormack gave a quick update on the progress of the structure being put in.

REPORTS:

RRWMB: Manager Braaten gave updates on the RRWMB including legislative initiatives and the IWI Stewardship Program.

Technician: Along with his written update, Technician Broten gave updates on the following items:

- Big Swamp Survey – update on SD 69 laterals survey completion
- BWSR Academy – useful training for Assistant Wensloff and Technician Broten

Administrator: Administrator Halstensgard provided a written update and reviewed the following items:

- River Restoration – We've requested a grant extension from the LSOHC. It will be reviewed at their meeting held on November 19th.
- Requested approval to move funds from a Certificate of Deposit that's due Dec. 1 into the checking account. A **motion** was made by Manager Braaten to move the funds from the CD to the checking account, seconded by Manager Voll. Motion carried.
- Manager Voll provided an update on the RRIW meeting that was held in Vita. The group has a presentation on the expansion of Water Hemp in the Red River Valley.
- BWSR management training dates – Matt Fischer has requested feedback on best dates for interested managers.
- HDR general scope of work. A **motion** was made by Manager Braaten, seconded by Manager Johnson to approve the scope of work. Motion carried.

Matt Magnusson asked the board about the erosion issue near the SD 51 Cutoff 1 work completed in 2023. There was discussion on reimbursing Mr. Magnusson to do the repair as the adjacent landowner.

CLOSED MEETING:

Chairman Diesen announced the closing of the public meeting to discuss land acquisition. Administrator Halstensgard read the property descriptions. Manager Voll made **motion** to adopt the resolution closing the meeting to discuss land acquisition, Manager Braaten seconded. Motion carried unanimously. The meeting was closed.

A **motion** to open the public meeting was made by Manager Braaten and seconded by Manager Voll. Motion carried unanimously. A **motion** was made to add additional acres to Burt Bassett's acquisition by Manager Johnson. It was seconded by Manager Voll. Motion carried unanimously. A **motion** was made to offer Kasey Solberg \$2,000 an acre by Manager Voll. Seconded by Manager Schmalz. Motion carried unanimously.

CLOSED MEETING:

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

A **motion** to open the public meeting was made by Manager Braaten and seconded by Manager Voll. Motion carried unanimously.

After a **motion** by Manager Voll, seconded by Manager Schmalz, the meeting was adjourned at 11:07 a.m. The next meeting will be held December 12th, 2024, at 12:00 p.m.

Respectfully submitted,



Laverne Voll, Secretary



Tracy Halstensgard, Administrator

November 2024 Bills & Receipts

Checkbook Balance as of October 29, 2024		\$345,127.37
Receipts:		
Citizens State Bank -- interest 10-21-24	\$	96.77
City of Roseau -- project cost-share	\$	80,000.00
State of MN -- Market Value Credit	\$	12,056.29
Red River Watershed Management Board -- Oak Crest funding	\$	156,000.00
	Total:	\$ 248,153.06
Bills:		
Tracy Halstensgard -- Salary, Ins stipend & cell reimbursement	\$	5,796.23
Blaine Broten -- Salary, Ins stipend & cell reimbursement	\$	3,087.91
Tawni Wensloff -- wages	\$	2,518.76
Tracy Bergstrom -- wages	\$	394.40
Jason Braaten -- Per Diem & mileage	\$	260.35
Carter Diesen -- Per Diem & mileage	\$	504.61
James Johnson -- Per Diem & mileage	\$	257.58
Cody Schmalz -- Per Diem & mileage	\$	179.09
LaVerne Voll -- Per Diem & mileage	\$	285.82
Elan Financial Services -- credit card	\$	2,243.48
City Of Roseau -- utilities		174.93
Marco -- copier maintenance contract	\$	173.63
Marco Technologies -- contract invoice	\$	91.00
Patrick Moren Law Office -- Legal Fees	\$	3,550.00
Roseau Electric Co-op -- Int/phone --	\$	126.85
Minnesota Energy Resources -- natural gas	\$	22.61
Northern Resources Cooperative -- gas for vehicle	\$	237.52
Verizon Wireless -- Trimble	\$	40.01
Sjoberg Cable TV -- email service	\$	6.00
Halverson Sand & Gravel -- Culvert cleanout	\$	833.75
Dot.Com connection -- website maintenance	\$	150.00
Minnesota Watersheds -- 2025 Dues	\$	2,848.00
Smith Partners -- Roseau River easement acquisition	\$	2,771.40
AB's Lawn Care -- mowing and weed spraying	\$	1,107.26
R & Q Trucking -- Oak Crest payment #5	\$	189,599.83
Agassiz Asphalt -- Oak Crest project street patching	\$	7,000.00
Houston Engineering -- invoice #73282 & #73499	\$	27,446.88
Spruce Valley Corp -- Pay Application #3 Malung Dam	\$	95,308.75
Spruce Valley Corp -- Pay Application #01-09 Roseau Lake	\$	666,101.47
HDR -- Inv #1200660076 & 1200660086	\$	13,093.50
HDR -- Inv #1200660074, 1200660073 & 1200660080	\$	6,632.50
	Total:	\$1,032,669.19

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 or sale of a portion of the following described real property:

NW, NW SW, E1/2 SW, W1/2 SE; SECTION 21 TOWNSHIP 162 RANGE
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SW SW; SECTION 21 TOWNSHIP 163 RANGE 40
NW NW; SECTION 28 TOWNSHIP 163 RANGE 40

On November 7, 2024 during a 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 7th day of November, 2024.


Chairman


Secretary

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 7th day of November 2024.


Chairman


Secretary