

**MINUTES OF THE ROSEAU RIVER WATERSHED DISTRICT  
BOARD OF MANAGERS MEETING HELD JULY 11, 2024**

**ORDER:** Chairman Diesen called the meeting to order at 8:01 a.m. and led the Pledge of Allegiance.

**MANAGERS PRESENT:** Carter Diesen, Laverne Voll, and Jason Braaten

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

**OTHERS PRESENT:** Roseau County Commissioner, Daryl Wicklund; landowners Ardmore Haugen and Matt Magnusson

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

**AGENDA:** A **motion** was made by Manager Braaten to approve the agenda. It was seconded by Manager Voll. The motion carried.

**CONSENT AGENDA:** A **motion** to approve the Consent Agenda was made by Manager Voll and seconded by Manager Braaten. The motion carried unanimously. Adoption of the Consent Agenda included approving the June 6th, 2024 regular meeting minutes, July Treasure's Report, manager and employee expense vouchers as read by Manager Braaten, and permits #24-08 and #24-09. There were two bills added to the Treasure's Report, one for Moren Law Office for \$2,650.00 and one for Leon Mitsatko for Duxby levee mowing in the amount of \$468.75.

**DELEGATE:** There were no delegates for this meeting.

**OLD BUSINESS:** There was no old business for this meeting.

**NEW BUSINESS:** There was no new business for this meeting.

**PROJECT UPDATES:**

**Oak Crest Coulee:** Administrator Halstensgard informed the board that due to wet conditions, construction has been delayed. R&Q Trucking plans to start boring next week. There was discussion on the Pay Request for materials purchased and delivered. Manager Voll made a **motion** to pay 50% of the requested amount due to no construction taking place. Manager Braaten seconded that motion. Motion carried.

**River Restoration:** After discussion, Manager Braaten made a **motion** to approve the Maintenance Plan for the project. Chairman Diesen seconded that motion. Motion carried.

There was discussion on the petition process and timelines for the rerouting of the channel Under MN Statute 103E.227. Manager Braaten made a **motion** to direct Attorney Moren to prepare a

draft petition for the August meeting, Manager Voll seconded, Motion carried. The October board meeting was mentioned as a potential hearing date.

### **REPORTS**

**RRWMB:** Manager Braaten gave an update on the RRWMB budget and levy stating that the Finance Committee is going to recommend keeping the levy the same as previous years, at 75% of the full levy. There was discussion on new Wetland Conservation Act statutes and the rule making process that is being undertaken by BWSR.

**Technician:** Blaine Broten gave a quick update on the Oak Crest Coulee project and construction start date, and the Norland and Palmville water levels. He also gave a short update on the Duxby mowing and brush work that has been done.

**WD 115 CONTINUED PUBLIC HEARING:** At 8:30 a.m. Manager Braaten made a **motion** to open the continued public hearing. Manager Voll seconded it. Motion carried. 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. Attorney Moren asked Engineer Dalager if the project is complete, he stated that it was. Technician Broten included photos taken of the finished project WD115 and the vegetation that is settling in. Landowner Matt Magnusson had some questions that Engineer Dalager addressed. The photographs, all filings and previous proceedings were made part of the record.

Manager Voll made a **motion** to close the public hearing. Manager Braaten seconded the motion. Motion carried.

Proposed Findings of Fact and an Order were presented and reviewed.

Manager Braaten made a **motion** to pay outstanding payments to Gladen Construction and adopt the Finding and Order as presented. Manager Voll seconded that motion. Motion carried.

### **REPORTS continued:**

**Administrator:** Administrator Halstensgard reviewed the following items:

- RRRRA & RRWMB Partner Summit to be held in East Grand Forks July 31<sup>st</sup>.
- Byfluglien Trucking construction project adjacent to the West Interceptor. The board directed Administrator Halstensgard to have a legal survey done for our property and easement lines.
- MN Watersheds resolution packet has been sent out.
- 2023 Annual Report. A **motion** was made by Chairman Diesen, seconded by Manager Voll to approve the report and submit it to the DNR and BWSR as required. Motion carried.
- Hay Creek Project Team appointments. Manager Voll agreed to be on the project team. Two or three landowners will also be asked to participate.

- \$250K CD reinvestment. Manager Voll made a **motion** to reinvest the CD into the 5-month 5.02% option at Citizens State Bank. Chairman Diesen seconded the motion. Motion carried.

**CLOSED MEETING:** Manager Voll made a **motion** to adopt the resolution to close the meeting to discuss land acquisition or sale, seconded by Manager Braaten. Administrator read for the record the legal descriptions as follows:

NE NW, LOT 1 LYING N OF ROSEAU RIVER; SECTION 30 TOWNSHIP 163 RANGE 42  
SE SW, LOT 4; SECTION 19 TOWNSHIP 163 RANGE 42  
LOT 3; SECTION 19 TOWNSHIP 163 RANGE 42  
E1/2 NE; SECTION 21 TOWNSHIP 162 RANGE 42  
SW SW; SECTION 21 TOWNSHIP 163 RANGE 40  
NW NW; SECTION 28 TOWNSHIP 163 RANGE 40

Motion carried.

Manager Braaten made a **motion** to reopen the public meeting with Manager Voll seconding. Motion carried.

A **motion** was made by Manager Voll, seconded by Manager Braaten, to authorize the changes to the purchase agreement with Burt Bassett and the Stasaks to state that no funding will change hands. Motion carried unanimously.

Mr. Haugen rejoined the meeting to ask about some erosion site along WD #115. He was informed that they were being addressed.


Manager Braaten made a **motion** to adopt the resolution to close the meeting to discuss matters of attorney – client privilege, pending litigation with Trustees of Kveen Trust with Manager Voll. Motion carried.

Manager Voll made a **motion** to reopen the regular meeting. Manager Voll seconded the motion. Motion carried.

**OTHER BUSINESS:**

The next meeting will be held August 1st at 8:00 a.m. After a **motion** by Manager Braaten and seconded by Manager Voll, the meeting was adjourned at 9:50 a.m.

Respectfully submitted,

  
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Laverne Voll, Secretary

  
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Tracy Halstensgard, Administrator

July 2024 Bills & Receipts

Checkbook Balance as of July 1, 2024	\$1,019,317.95
<b>Receipts:</b>	
Citizens State Bank -- interest 5-20-24	\$ 187.66
Lake of the Woods County -- share of taxes	\$ 623.42
Roseau County Share of taxes	\$ 529,211.63
Marshall County -- share of taxes	\$ 380.65
Beltrami County -- share of taxes	\$ 1,354.34
Kittson County -- share of taxes	\$ 3,290.96
<b>Total:</b>	<b>\$ 535,048.66</b>
<b>Bills:</b>	
Tracy Halstengard -- Salary, Ins stipend & cell reimbursement	\$ 5,796.23
Blaine Broten -- Salary, Ins stipend & cell reimbursement	\$ 3,087.92
Tawni Wensloff -- wages	\$ 2,210.46
LaVerne Voll -- Per diem & mileage	\$ 271.08
Jason Braaten -- Per diem & mileage	\$ 260.36
Carter Diesen -- Per diem & mileage	\$ 620.07
Tracy Halstengard -- mileage and expenses	\$ 521.70
James Johnson -- Per diem & mileage	\$ 517.36
Elan Financial Services -- credit card	\$ 993.36
City Of Roseau -- utilities	\$ 175.06
Marco Technologies-- O365	\$ 91.00
Marco -- copier maintenance contract	\$ 173.63
Patrick Moren Law Office -- Legal Fees	\$ 2,650.00
Roseau Times Region -- Meeting Notice	\$ 581.40
Roseau Electric Co-op -- Int/phone --	\$ 124.73
Northern Resources Cooperative -- gas for vehicle	\$ 216.49
Coast True Value -- cleaning supplies	\$ 8.50
Verizon Wireless -- Trimble	\$ 40.01
AB's Lawn Care -- mowing	\$ 365.01
Sjoberg Cable TV -- email service	\$ 6.00
BradyMartz -- 2023 audit	\$ 9,800.00
RCHD -- WD 115 smp, bands, and aprons	\$ 6,200.79
Techworks -- google apps	\$ 460.80
Dirt Works Plus -- Duxby brushing	\$ 7,012.50
Red River Watershed Management Board -- share of taxes	\$ 163,972.27
Roseau County -- Juneberry PT cost-share	\$ 18,000.00
Leon Mitsatko -- mowing Duxby Levee	\$ 468.75
R&Q Trucking - Oak Crest Coulee project Pay Request #1	\$ 31,819.07
HDR -- Inv #1200627579 & #1200627580	\$ 11,134.72
HDR -- Inv #1200627583 & 1200619889	\$ 13,065.00
HDR -- Inv #1200627587, #1200625890 & #1200625891	\$ 10,545.00
Gladen Construction - WD 115 Pay Requests 04-01 & 04-02	\$ 52,763.40
Gladen Construction - WD 115 Pay Requests 05-01 & 05-02 - Final	\$ 31,299.40
<b>Total:</b>	<b>\$375,252.07</b>

**STATE OF MINNESOTA**  
*Before the*  
**ROSEAU RIVER WATERSHED DISTRICT**  
**SITTING AS THE DRAINAGE AUTHORITY FOR**  
**ROSEAU RIVER WATERSHED DITCH #115 (formerly referred to as WD #4)**

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**In the Matter of:**

**the Petition for Establishment of Roseau  
River Watershed Ditch #115 (formerly  
referred to as WD #4)**

**FINDINGS AND ORDER**

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The Roseau River Watershed District Board of Managers, sitting as the drainage authority for Roseau River Watershed Ditch #115 (formerly referred to as WD #4) having received the engineer's report and notice that the contract for construction of Establishment of River Watershed Ditch #115 is complete pursuant to Minn. Stat. § 103E.555, having noticed and conducted a hearing on the petition, and based on the record and proceedings, Manager Braaten moved, seconded by Manager Voll to adopt the following Findings and Order:

**Findings:**

1. By order dated October 7, 2022, the Roseau River Watershed District Board of Managers established a project for Establishment of Roseau River Watershed Ditch #115 (formerly referred to as WD #4), located in the Roseau River Watershed District in Roseau County.
2. Upon advertised bids, the drainage authority awarded a contract for construction to Gladen Construction, Inc. (Gladen).
3. Concurrent with the proceedings to establish the drainage project, the drainage authority appointed viewers for the purpose of determining benefits and damages for the Establishment of Roseau River Watershed Ditch #115.
4. In the proceedings, damages were awarded based on the impact construction of the system had on adjacent properties and to account for the future burden and entry for ongoing maintenance and inspection of the system.

5. Upon completion of construction of the Establishment Roseau River Watershed Ditch #115, the project engineer inspected the construction and prepared a report to the drainage authority showing the contract price, the amount paid on certificates, the unpaid balance, and the work that is completed under the contract.
6. The engineer has concluded that the work was performed according to the plans and specifications for the improvement, was performed within the right of way for which damages have been determined and paid for the construction and future maintenance of the system, and was performed by the contractor in a timely and workmanlike manner by the contractor.
7. The engineer has concluded that all amounts under the contract, including change orders and penalties, if any, have been duly paid to the contractor and that any retainage should be released to the contractor as provided in the contract.
8. Upon receipt of the engineer's report, the secretary set a time and location for a hearing on the report, gave notice of the hearing by publication, by mail to affected landowners and by posting at the meeting place at least ten days before the hearing, and included an invitation in the notice that a party objecting to the acceptance of the contract may appear and be heard. Said public hearing was first held on February 29, 2024 and continued to July 11, 2024.
9. During the public hearing portion of the proceedings, Engineers Nate Dalager and Dillon Nelson, HDR Engineering Inc., presented the report and advised the Board that the construction was complete and that all payments could be made if not done so already. The Engineer's Report was made part of the record. No other written or oral comments were received.
10. The contract has been completed in accordance with the plans and specifications as set forth in the Engineer's Report.

**Order:**

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for the Establishment of Roseau River Watershed Ditch #115 hereby orders as follows:

- A. The contract herein is accepted as complete.
- B. Any retainage under the contract shall be released to the contractor upon proof of release of all liens of contractors or materialmen related to the project.
- C. The auditor of Roseau County is ordered to pay their proportionate shares of the balance due on the contract, if any, and the costs of the improvement as provided by Minn. Stat. Chapter 103E.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing findings and order, and there were 3 yeas, 0 nays, 2 absent, and 0 abstention as follows:

	Yea	Nay	Absent	Abstain
Voll	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schmalz	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Diesen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Braaten	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the motion passed and the Findings and Order adopted.

  
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Carter Diesen, Chairperson

Dated: 8-1-24

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I, LaVerne Voll, Roseau River Watershed District Secretary, do hereby certify that I have compared the above motion; findings and order with the original thereof as the same appears of record and on file with the Roseau River Watershed District and find the same to be a true and correct transcript thereof. The above order was filed with me, LaVerne Voll, Secretary, on July 11<sup>th</sup>, 2024

IN TESTIMONY WHEREOF, I hereunto set my hand this  
1<sup>st</sup> day of August, 2024.

  
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LaVerne Voll



## 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:

NE NW, LOT 1 LYING N OF ROSEAU RIVER; SECTION 30 TOWNSHIP  
163 RANGE 42  
SE SW, LOT 4; SECTION 19 TOWNSHIP 163 RANGE 42  
LOT 3; SECTION 19 TOWNSHIP 163 RANGE 42  
E1/2 NE; SECTION 21 TOWNSHIP 162 RANGE 42  
SW SW; SECTION 21 TOWNSHIP 163 RANGE 40  
NW NW; SECTION 28 TOWNSHIP 163 RANGE 40

On July 11, 2024 during a regular board meeting commencing at 8:00 a.m., at the Roseau River Watershed District Board office located at 714 6<sup>th</sup> 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 11<sup>th</sup> day of July, 2024.

  
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Chairman

  
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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, the Roseau River Watershed District, while not yet served, has received a copy of a Summons and Complaint entitled *Terry Kveen, as Trustee of the Terry G. and Carol L. Kveen Revocable Trust, and Norman Kveen, as Trustee of the Kveen, as Trustee of the Kveen Joint Revocable Trust v. Roseau River Watershed District, and Carter Diesen Jim Johnson, Jason Braaten, Cody Schmalze, and LaVerne Voll in their individual capacities and in their official capacities as members of the Board of Manager of Roseau River Watershed District, Defendant.* (“Kveen Lawsuit”) Said Complaint was signed by Plaintiff’s counsel on June 27, 2024 and provided by email to Defendant’s counsel on July 1, 2024. The Complaint alleges inter alia that Defendant violated Plaintiff’s Due Process rights.

WHEREAS, the Roseau River Watershed District Board of Managers seeks to meet with its attorney, to discuss the pending lawsuit; and

WHEREAS, it would be detrimental to the interests of the Roseau River Watershed District Board of Managers to hold a public discussion with its attorney regarding the strengths and weaknesses of its legal position(s), strategy, and potential settlement position regarding the pending lawsuit where an opposing party or opposing attorney could listen to or be made aware of Roseau River Watershed District Board of Managers’ positions; and


WHEREAS, there is an absolute need for the Roseau River Watershed District Board of Managers to obtain confidential legal advice regarding the pending lawsuit in order to maintain the attorney-client privilege.


BE IT RESOLVED by the 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); and

2. The specific subjects to be discussed, pursuant to Minn. Stat. § 13D.01, subd. 3, are allegations contained in the Kveen lawsuit and the legal strategy regarding the pending litigation.

Dated this 11<sup>th</sup> day of July, 2024.

  
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Chairman

  
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Secretary