

**PROCEEDINGS OF THE JULY 7, 2009 PUBLIC HEARING  
ON THE ROSEAU RIVER WATERSHED DISTRICT HAY CREEK SET BACK LEVEES,  
CONNECTION CHANNEL, AND NORLAND IMPOUNDMENT PROJECT PETITION**

**July 7, 2009**

A motion to open the public hearing was made by Commissioner Rasmussen, seconded by Commissioner Walker, and carried unanimously.

The Public Hearing was called to order at 9:00 a.m. by Roseau County Board Chair Jack Swanson. The hearing was held pursuant to Minnesota Statutes 103E.401 to hear public comment on a petition presented by the Roseau River Watershed District requesting authorization to proceed with the Hay Creek Set Back Levees, Connection Channel, and Norland Impoundment Project.

Citizens present: Rob Sando, Roseau River Watershed, Steve Lee, Roseau River Watershed, Janice McAlpine, Warroad Pioneer, Brian Ketring, Roseau County Engineer, Laverne Voll, Roseau River Watershed, Todd Miller, Roseau River Watershed, LeRoy Carrier, Roseau River Watershed, and Nate Dalager, HDR Engineering.

Chair Swanson turned the meeting over to Roseau River Watershed Director (RRWD) Rob Sando. Mr. Sando introduced RRWD project engineer Nate Dalager of HDR Engineering and invited him to provide an overview of the Hay Creek Setback Levees and Norland Impoundment Final Engineer's Report.

Mr. Dalager gave a PowerPoint presentation overview of the project. A copy of the PowerPoint presentation, construction drawings and the engineer's report may be viewed at the Roseau River Watershed District Office or in the Roseau County Coordinator's Office.

Mr. Dalager noted that the overall intent of the project is to provide flood damage reduction with respect to flows from the Hay Creek and Norland drainage areas in order to help reduce flood flows on the Roseau River, affecting the City of Roseau and areas downstream.

Mr. Dalager stated that the project that has been in the planning for over a decade. Dalager noted that the key component of the project is the ability to divert and store flood water in a gated fashion.

Mr. Dalager noted that this is a three phase project that includes construction of Hay Creek setback levees (Phase I); construction of the Norland Impoundment (Phase II); and construction of Hay Creek Connection Channel (phase III). This project involves ditch cleaning on the section line between sections 20 and 21; an impoundment that will provide relief on the entire JD61 system during flood events; ditch clearing and creation of embankments on a portion of CD 18; culvert sizing changes with the impact being that 60% of the flow goes down JD 61 and 40% flows into CD 18 and CD 7, culvert sizing changes in section 32 and a diversion from CD 7 to CD 18. .

Mr. Dalager stated that there is an existing Roseau County FEMA project going on. He noted that the original plan was that once the county was done with its repair to put the set back levees way out on the fringe of the watershed right-of-way. However, as Roseau County proceeded with the FEMA project it was determined, with FEMA concurrence that the ditch was unstable and a decision was made to go to 4-1 side slopes. As a result of this decision, the ditch was essentially so large and amount of spill off the top of the ditch so large, that the original RRWD project became infeasible. Mr. Dalager noted that it just made sense to take the county project and enhance it by giving the spoil a consistent 5 to 1 on inside and 4 to 1 on the outside. Using the spoil created by the county's project, on the north side where there was existing road, a 10 to 1 slope will be used to make an extremely well constructed road to replace what was a muddy unimproved road. Mr. Dalager stated that the plan is basically just to enhance the county's project. The only other thing that is in addition is that they intend to put in side inlet pipes and gated culverts everywhere there is in an open ditch coming in from the north and south. That includes private drainage as well. Everything will be gated a flat gate. R. Dalager summarized that these are the enhancements or improvement beyond the county FEMA project.

Mr. Dalager reviewed the drainage area that will be affected includes County Ditch 18, Judicial Ditch 61 and a portion of Hay Creek, also known as County Ditch 7. The Hay Creek set back levees will serve to reduce flooding on the land in the vicinity of CD 7.

Mr. Dalager stated that the total project cost is estimated at 10 million with a 75% state and 25% local cost share. The local share will be split between the Roseau River Watershed District (12.5%) and the Red River Watershed Management Board (12.5%). Mr. Dalager stated that the intent is to pursue phases 1 & 3, noting that funding for Phase II is not 100% secured, but is anticipated to come through.

Commissioner Swanson asked how many miles the improved road will be.

Dalager answered, that it will be about 4 miles of improved road and identified its location on the map. Dalager noted that this road is referred to by locals as the Mattson Island Road. Engineer Ketrang noted that it ends at Mike Dahl's.

Commissioner Rasmussen asked about the ditch on the south side of the project that takes care of water for local farmers?"

Dalager answered that the ditch will still be there, that exterior ditch remains kind of at the watershed boundaries lines to collect any adjacent water and bring it east or west and then the collector ditch's will bring it into the main ditch.

Commissioner Rasmussen asked how it will affect the local landowners.

Dalager answered that it should actually improve their drainage. Dalager added that they have had local landowner meetings and they were all appraised. Dalager noted that the local landowners understand the changes to the project and have been for the most part in favor.

Commissioner Swanson asked about the construction schedule.

Dalager responded that the bids will be opened on August 8 on Phases 1 & 3. Dalager noted that a caveat to the bid opening is that it says right in the bid document that there are several permits that are required; including the county ditch authority and that the contract is contingent upon all approvals. Dalager stated that with the short construction season, if they had waited to go out for bids they would not have been able to begin construction until 2010.”

Commissioner Swanson asked if he expected any of the other permitters to be opposed to the project.

Dalager responded that he did not expect opposition, but just that some may take time. Adding that Phases 1 & 3 are the least problematic.”

Commissioner Swanson asked if Phases 1 & 3 are funded.

Rob Sando answered that funding is due this week.

Dalager stated that the idea is to do the project in the next two years. Dalager added that the overall cost for all three phases is roughly 10 million which includes land acquisition, engineering, constructions permitting, and contingencies. Dalager noted that the cost for Phases 1 & 3 is less than 2 million.

Dalager referred to a slide in the power point presentation and to a map of the project area that he had provided and provided a summary of phases 1 and 3 impacts to ditch systems in the area. Dalager noted that there is a whole mosaic of county systems that this project is involved with. Dalager highlighted the various triggers that involve the county systems and why this project requires approval from the county ditch authority. Dalager noted that there is work along County Ditch 7 otherwise known as Hay Creek. He pointed out the planned connection channel that will divert high water. Dalager noted that at points, when the water is really high, there will be a structure that will divert water north into the impoundment. Dalager noted that when when the impoundment is full, the gates are closed and then drainage is restored to the county ditch.

Dalager continued describing the impoundment itself, and noted that there will be a number of other smaller projects going on including ditch cleaning in the laterals adding that it will be to clean and not to deepen or widen. Dalager stated that there is existing spoil along either side of CD 18 that will be massaged to create consistent elevation and consistent side slopes in order to serve as an embankment rather than random spoil with no integrity. Dalager stated that when the impoundment is full, the water will essentially sit right on top of county JD 61 lateral 3 for a period of weeks. Dalager stated that when it is full, in order to keep and maintain drainage on JD 61 lateral 3, the high water will have to go around the impoundment and actually go into County Ditch 18 temporarily.

Commissioner Swanson asked what Engineer Ketring thought of the project.

Ketring answered that he thought the intent today was to look at Phases 1 and 3 and that as the Board has discussed previously, the County will want to hire a consulting engineer to provide an outside set of eyes on the impoundment part. Ketring stated that there is essentially

no impact to the landowners on the ditch system on the hay creek portion or on the connection channel.

Commissioner Swanson asked what impacts there will be on ditches themselves.

Ketring responded that there will be no impact on the ditches. He added that as Dalager has stated they will just be massaging the spoils. Ketring stated that it will actually have a positive benefit to those landowners along the corridor in that there will not be flows going out in high waters. Ketring stated that there is the possibility that you might be backing water up if the impoundment is not in there. But he added that there are ways to mitigate that after construction. Ketring stated that there is not a lot of liability to landowners on CD 7 if the impoundment does not come. Ketring stated that he is in support of Phases of 1 & 3 and added that the county is actively seeking quotes to review the impoundment portion of project. “

Dalager referred back to the map and stated that right now there is a junction where CD 18 turns and goes south back to CD 7 and then lateral 9 of JD 61 comes from north and turns and goes west. He noted that there is a mix of culverts that send most water down CD 18 and it tends to break out and wants to go north or North West and leaving the system and cuts across. Dalager stated that what is proposed as part of the project is to flip flop the sizing of these culverts at intersection so that 40% of water goes down CD 18 and 60 % goes down JD 61 lateral 9. This would mean that that this ditch would have more capacity to hold flows, especially with an impoundment in place that will be metering out only when downstream conditions allow.

Dalager stated that that there is an old beat up culvert at this intersection just east of county bridge WHERE IS THIS SPECIFICALLY. Dalager noted that right now it is a 60 inch culvert but the plan is to replace it with a 72 inch round pipe culvert. Dalager added that the new culvert will also be longer. He noted that the sides are collapsing on the existing one and that it is a safety concern.

RRWD Manager Lavern Voll asked if Dalager would back up to the previous slide prior where he had described how the water flows. Voll stated that the water does not go south, but rather it goes straight to the river.

Dalager responded that at some point JD 61 lateral 9 takes the water.

Voll stated that it takes very little, adding that it stays in the system and goes to river.

Commissioner Rasmussen asked about the impact to the seed cleaning business; specifically whether this project will have a negative impact on them.”

Dalager responded that there will not be a negative impact and if the impoundment is built it will be absolutely zero. Dalager added that the outlet should reduce flow to a manageable level for all events.

Commissioner Rasmussen stated that he knew they did have a problem.

Commissioner Walker stated that he thought they recently build a ring dike?

RRWD Manager Todd Miller stated that they had half of a ring dike and that the RRWD added on to it and put culverts in.

Dalager concluded his presentation summarizing that he had provided an overview of some of the impacts to the system, and comments from the public.

Commissioner Swanson asked if the County had received any written comments.

County Coordinator Trish Klein stated that the County had not received any written or oral comments.

Commissioner Swanson asked RRWD Administrator Sando if they had received any written comments or verbal comments.

Sando stated that no written comments had been received but that he had gotten a positive verbal comment from Mike Dahl.

Commissioner Swanson asked if there were any further comments or questions.

Commissioner Rasmussen asked if there had been any negative concerns from the landowners.

RRWD Manager Miller restated that the Watershed had met with landowners a couple of different times so all their concerns were ironed out or at least answered.

Commissioner Walker asked if the culvert sizing change will increase water downstream.

Dalager responded that typically the Roseau River is the problem for these landowners.

Ketring added that by pulling water off Hay reek into the impoundment the overall impact on the river itself is positive so increasing culvert size will not put more water in the system.

Commissioner Rasmussen asked about the impact on farmsteads immediately north and west.

Ketring responded that this concern is what makes the Norland Impoundment such an important project.

Dalager stated that the culvert is a replacement for a worn out culvert. He noted that adding that it is opportunity for some of the concerns along here and that it is a feel good thing that will have no negative impact.

Ketring asked the Board how they wanted to proceed. He stated that he assumed the Board would want to proceed in phases. He added that he also assumed that the County would want to have another public hearing or at least another meeting to go over the outside engineer's report.

Commissioner Swanson asked what the timeline is for getting started.

Dalager stated that they hoped to have a contractor working by mid July.

Commissioner Swanson asked if the Board approval was necessary prior to starting.

Dalager answered that he believed it was needed.

Commissioner Swanson asked if the Board approved the project if there would be an opportunity to make changes so that comments and suggestions from the outside engineer's report could be incorporated.

Ketring stated that he thought the Board could approve Phases 1 and 3 and Phase 2, the Norland Impoundment, could be contingent upon the engineers report. Ketring added that if Phases 1 and 3 are approved and the Norland Impoundment was not done that they could easily mitigate potential problems by removing traps. Ketring stated that this project keeps the water off the land and meters it through the river system. He added that if there are potential upstream problems there is the possibility of re-opening culverts. Ketring added that the positive that will come out of the project is that high water that normally breaks out into this area and flows the back way to the river will be eliminated.

Commissioner Swanson asked about oversight, noting that with the recent Two River Watershed District project that oversight continued throughout the project.

Ketring answered that that the Board could approve Phases 1 and 3 and you could do it contingent upon an outside engineers report.

Swanson asked Ketring if he was less concerned about phases 1 & 3 and more concerned about the impoundment.

Ketring stated Phases 1 and 3 have limited impact to the system. He stated that the collector ditch will have no bearing on anything and will essentially not do anything but wait to be utilized when the impoundment is finished.

Commissioner Swanson asked if Ketring would recommend approving Phases 1 and 3 and then having another public hearing on Phase 2 when we get to that point.

Ketring stated that he did not know if we needed a public hearing or not but that the Board definitely wants to hear the engineers report before approving the impoundment project.

Coordinator Klein stated that if this public hearing was closed and only two phases were approved that another hearing would be required before the Board could formally take action on that portion of the petition.

Commissioner Rasmussen asked if the Board could approve all three phases contingent upon the engineer's report.

Coordinator Klein stated that it would be possible given the parameters of the petition provided the contingencies were clarified.

Dalager stated that an outside party is not legally part of the project. He stated that Ketring is the County Engineer and represents the County and that he is the appointed engineer for the Roseau River Watershed District and he represents their interest but that he did not think that their presence at a public hearing would not be the proper protocol.

Coordinator Klein clarified that the discussion point is not about whether or not the consulting engineer makes a presentation to the County Board but rather it is about the County Engineer getting the information, making a recommendation to the County Board, and the flexibility existing to make changes in the project based on the consulting engineer's input and the county engineer's recommendation.

Dalager stated that he agreed with that process.

Ketring concurred.

Commissioner Walker asked for clarification on the replacement culvert.

Dalager stated that it is not necessary to increase sizing as it will not make any difference in drainage.

Commissioner Swanson stated that the sizing increase made the upstream people happy.

Ketring stated that it would not have any effect on the people downstream at all because that culvert does not stage any water. Ketring added that it is a flat enough area and that it is close enough to the outlet, that even if you had an 18 inch culvert there it would not have a positive or negative impact on those people to the west.

Voll asked if there are three spots where the outlet flows into the impoundment.

Dalager stated that yes, there are three outlets; noting that water will be flowing out to where it is suppose to.

Voll asked if the impoundment is going to be wet or dry.

Dalager answered that it will be dry, adding that it will drain down to the bottom of those ditches.

Ketring addressed Commissioner Walker's concern regarding the increased culvert sizing. Ketring stated that a bigger culvert actually pushes water back into the system so it flows as designed.

Commissioner Rasmussen asked if the project would help the issues with the Roseau River itself. Rasmussen stated that he had driven in this area in the spring and it was a solid water mass to the north because of the river backing out. Rasmussen asked what effect this project will have when the river is actually flowing out into this private land and floods this whole area and remains flooded for 2-3 weeks.

Dalager answered that when a project like this is designed there is an operating plan based on downstream stages. Gates are closed when certain flood conditions are persisting down stream and that water is held until water drops below those stages. So in theory, when there is flooding to the west downstream, you hold that water until those conditions subside or until you don't add to those problems.

Ketring asked if it will completely alleviate those problems.

Dalager answered, no, this project can take the peak off the Roseau River but once it has done that, then its job is done.

Sando stated that there are trigger points downstream and then water can start being released out of the impoundment. He noted there are trigger points at Ross and when the gauges drop there will be a certain point where water will be released Sando stated there will be an Operating and Maintenance plan associated with the project.

Voll stated that when the impoundment is full, there will be a ditch around it so there will still be opportunities to drain.

Dalager concurred stating the system will either be flowing into the impoundment or around the impoundment when it is full and that drainage should be better in all circumstances.

Ketring asked Sando about the O & M Plan and asked if the O & M could be finalized for the Board to review prior to approval.

Sando said the O & M is essentially already in the engineers report.

Ketring stated that the O & M Plan, how the project will function, is an important part of the Board's decision.

Voll asked Dalager how much the project will take off the peak in Roseau.

Dalager answered that the Army Corps of Engineers estimates that it will take about 1/10<sup>th</sup>. Dalager clarified that the discharge is downstream of Roseau so it will not directly reduce flow through town.

Voll asked if is there a provision to pay damages if the project doesn't work and water backs up.

Dalager answered not at this time.

Commissioner Swanson called for a motion to close the public hearing. A motion was made by Commissioner Rasmussen, seconded by Commissioner Walker, and carried unanimously to close the public hearing.

A motion to close the Public Hearing was made by Commissioner Rasmussen, seconded by Commissioner Walker and carried unanimously.

Chair Swanson reconvened the regularly scheduled Board meeting at 9:45 a.m.

A motion was made by Commissioner Johnston, seconded by Commissioner Rasmussen and carried unanimously to approve all three phases of the project contingent upon the consulting engineer's report and the creation of a mutually acceptable operating and maintenance agreement for the project.