

Shell Rock River Watershed District
Regular Meeting Minutes
November 8, 2022

Managers present: Mike Hanson, Joe Pacovsky, Brad Kramer, Al Bakken, Gary Pestorious, Mick Delger and Dan DeBoer

Manager Delger called the meeting to order at 8:30 a.m. on November 8, 2022 at the Shell Rock River Watershed District, 305 S. 1st Ave., Albert Lea, MN 56007.

No one from the public wished to speak during the Public Forum.

Manager Pacovsky offered the following motion:

Move to approve the consent agenda as follows:

- a. Minutes of the October 11, 2022 SRRWD Monthly Board Meeting
- b. October 2022 Treasurer's Report Subject to Audit
- c. October 2022 Project Fund Treasurer's Report Subject to Audit
- d. Authorize Payment of Claims
- e. Authorize Payment of Project Fund Disbursements

Manager Kramer seconded the motion.

After discussion, a roll call vote was taken and the motion was unanimously approved.

Manager Kramer offered the following motion:

Move to approve the agenda with additions:

- 5d. Motion to Authorize District Administrator to Initiate Financing for New Office Location
- 5f. Resolution 2022-12 Sale of Excess Garage Supplies

Manager DeBoer seconded the motion.

After discussion, a roll call vote was taken and the motion was unanimously approved.

Administrator Henschel provided a brief update regarding the Confined Disposal Facility (CDF) Cells 2&3 berm failure litigation. The mediation is complete the settlement includes the District paying \$65,000.00 over what contracted.

Manager Pestorious offered the following motion:

Move to Approve CDF Litigation Settlement.

Manager Kramer seconded the motion.

After discussion, a roll call vote was taken and the motion was unanimously approved.

Administrator Henschel discussed the procedure to change the District's principal place of business after the former office was destroyed by flash flooding.

Manager Hanson offered the following motion:

Move to introduce Resolution 2022-11 as follows:

Resolution 2022-11
Shell Rock River Watershed District
Approval to Initiate Change of Principal Place of Business

WHEREAS, the Shell Rock River Watershed District (the "District") pursues the mission of implementing reasonable and necessary improvements to the water-related and other natural resources within its boundaries;

WHEREAS, the District is charged with implementing the Shell Rock River Watershed District Watershed Management Plan (the "Plan");

WHEREAS, the principal place of business the District was leasing at 214 West Main Street, Albert Lea, Minnesota was destroyed by flash flooding on July 5, 2022;

WHEREAS, the District was displaced and relocated to 305 1st Avenue South, Albert Lea, Freeborn County, Minnesota 56007 on or about July 26, 2022, and have remained in a month-to-month lease for the new office space;

WHEREAS, Minnesota Statute § 103D.321 provides the process for changing a watershed's principal place of business;

WHEREAS, pursuant Minnesota Statute § 103D.321 the District of Board Managers (the "Managers") desire to initiate a change of the principal place of business for the District to 305 1st Avenue South, Albert Lea, Freeborn County, Minnesota 56007;

WHEREAS, the proposed new principal place of business is located within the watershed district boundaries;

WHEREAS, upon approval, the District will provide notice of its intent to formally change the principal place of business to the public and conduct a hearing as required by applicable law at the December 13, 2022 regular Shell Rock River Watershed District monthly meeting;

NOW THEREFORE, consistent with applicable law and in furtherance of the Shell Rock River Watershed District Watershed Management Plan, be it hereby resolved:

Section 1: The District hereby initiates a change of the Shell Rock River Watershed District's principal place of business.

Section 2: District staff, in compliance with applicable laws, shall take all necessary action to change the principal place of business to 305 1st Avenue South, Albert Lea, Freeborn County, Minnesota 56007.

Manager Pacovsky seconded the motion. After discussions, a roll call vote was taken and the resolution was unanimously approved.

Administrator Henschel discussed the upcoming Minnesota Association of Watershed Districts (MAWD) Annual Conference scheduled for December 1-3, 2022. Because the SRRWD is a member of MAWD, it can designate from among its board of managers two delegates to represent it in this corporation.

Manager DeBoer offered the following motion:

Move to Appoint Manager Bakken and Manager Kramer as delegates for the MAWD Annual Conference.

Manager Hanson seconded the motion.

After discussion, a roll call vote was taken and the motion was unanimously approved.

Administrator Henschel discussed the need to initiate financing for the new office location as interest rates continue to rise.

Manager Pacovsky offered the following motion:

Move to Authorize District Administrator to Initiate Financing for New Office Location.

Manager Hanson seconded the motion.

After discussion, a roll call vote was taken and the motion was unanimously approved.

Administrator Henschel discussed the miscellaneous tools and personal property that are excess and not needed nor is there storage room at the new location for all items. He reported that the items will be sold via Facebook and the District's website.

Manager Hanson offered the following motion:

Move to introduce Resolution 2022-12 as follows:

Resolution 2022-12

Disposal or Sale of Unused Property from Garage

WHEREAS, the Shell Rock River Watershed District Board of Managers ("Board of Managers") pursues the mission of improving water quality within its boundaries;

WHEREAS, the Shell Rock River Watershed District (the "SRRWD") is charged with implementing the Shell Rock River Watershed District Watershed Management Plan (the "Management Plan");

WHEREAS, the SRRWD is in the process of moving office locations, including its garage storage space;

WHEREAS, the SRRWD owns miscellaneous tools and personal property that are excess and not needed nor is there storage room at the new location for all items (the "Items");

WHEREAS, some Items may have nominal value to another and the SRRWD desires to sell any Items of value consistent with applicable law rather than dispose of it;

WHEREAS, no Item has a value of \$15,000 or more;

WHEREAS, other Items and debris have no value and need to be removed and disposed of;

WHEREAS, the SRRWD seeks to sell and/or dispose all unused and excess garage Items, as the interests of the SRRWD require and consistent with applicable law,

WHEREAS, and proceeds will be put into the District's general account for future general expenses; and

WHEREAS, the SRRWD will pursue the sale and/or the disposal of the excess garage Items consistent with applicable laws and in the interests of the SRRWD.

NOW THEREFORE, be it hereby resolved by the SRRWD:

- Section 1: The SRRWD finds the Items, miscellaneous tools and personal property in the garage not needing to be moved to the new office location, are excess property not used by the SRRWD; and
- Section 2: The District staff and Board of Managers are authorized to pursue sale or disposal of the property consistent with applicable laws.

Manager Pacovsky seconded the motion.

After discussion, a roll call vote was taken and the resolution was unanimously approved.

Project and Program Manager, Courtney Phillips, discussed the quotes received for Phase 2 of the Miller Tract Wetland, IC&E Wetland Enhancement and Orr Wetland Restoration. This phase includes the County Ditch 54 main tile south of Interstate 90 and the construction of wetlands. Three comparable quotes were received all under the engineer's estimate. Quote Package 1 will be awarded to Krueger Excavation for \$73,392.00 and Quote Package 2 and 3 will be awarded to Leland Drainage and Excavation for \$23,820.00 and \$75,863.00 respectively. This project is funded using Lessard Sams Outdoor Heritage Council dollars and will be completed this fall to align with grant funding deadlines.

Manager Kramer offered the following motion:

Move to Award Contractor/s for the Miller Tract Wetland Restoration, IC&E Wetland Enhancement, and Orr Wetland Restoration as presented.

Manager DeBoer seconded the motion.

After discussion, a roll call vote was taken and the motion was unanimously approved.

Courtney continued with a discussion on the Belshan Property. The District purchased the property located at the intersection of Lincoln Avenue and Country Road 17 to complete a wetland restoration using Lessard Sams Outdoor Heritage Council grant funding. Two quotes were received to purchase seed for the property: Shooting Star Native Seed at \$570.00 price per acre and Minnesota Native Landscapes at \$595.00 price per acre. The District will purchase the seed from the lowest quote, Shooting Star Native Seed for a grand total of \$29,640.00.

Manager Hanson offered the following motion:

Move to Purchase Seed for Belshan Property as presented.

Manager Bakken seconded the motion.

After discussion, a roll call vote was taken and the motion was unanimously approved.

The District solicited bids to seed the Belshan property as discussed. Two bids were received to seed the property: Conservation Landscapes LLC at \$58.00 per acre and Prairie Land Professionals at \$50.00 per acre. The District will award the contract to the lowest bidder, Prairie Land Professionals.

Manager Bakken offered the following motion:

Move to award Contractor to Seed Belshan Property as presented.

Manager DeBoer seconded the motion.

After discussion, a roll call vote was taken and the motion was unanimously approved.

The District also solicited bids to seed an additional 8-acre parcel referred to as the Church Lake property. The seed has already been purchased. Two bids were received to seed the property and the District will award the seeding to the lowest bidder, Prairie Land Professionals.

Manager Kramer offered the following motion:

Move to Award Contractor to Seed Church Lake Property as presented.

Manager Bakken seconded the motion.

After discussion, a roll call vote was taken and the motion was unanimously approved.

Manager Bakken discussed a community tile project that he has initiated with his neighbors. The project includes water from Interstate 35 and County Ditch 16. Manager Delger reminded the Board of Managers of upcoming meetings: MAWD Annual Conference & Trade Show December 1-3, 2022 and the next SRRWD board meeting on December 13, 2022.

Manager Hanson offered the following motion:

Move to adjourn the meeting.

Manager Pacovsky seconded the motion.

After discussion, a roll call vote was taken and the motion was unanimously approved.