

**Shell Rock River Watershed District
Regular Meeting Minutes
November 14, 2023**

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

Manager Delger called the meeting to order at 8:30 a.m. on November 14, 2023 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 Hanson offered the following motion:

Move to approve the agenda without additions, corrections, or deletions.

Manager Pacovsky seconded the motion.

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

Manager Lee offered the following motion:

Move to approve the consent agenda as presented.

- a. Minutes of the October 10, 2023 SRRWD Regular Board Meeting
- b. Minutes of the October 10, 2023 SRRWD Annual Meeting
- c. October 2023 Treasurer's Report Subject to Audit
- d. October 2023 Project Fund Treasurer's Report Subject to Audit
- e. Authorize Payment of Claims
- f. 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.

Administrator Henschel explained the master agreement for all projects with ISG.

Manager DeBoer offered the following motion:

Move to approve Professional Services Agreement with ISG Inc.

Manager Kramer seconded the motion.

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

Administrator Henschel provided insight on the following agreement as it relates to the Fountain Lake Restoration Project Phase 3 including responsibilities, insurance, engineering, and permitting process.

Manager Kramer offered the following motion:

Move to approve Engineering Services for Fountain Lake Restoration Phase 3.

Manager Pacovsky seconded the motion.

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

Administrator Henschel explained the utility line running through the Bancroft Targeted Habitat Acquisition and the easement confinement necessary for property transfer.

Manager Lee offered the following motion:

Move to approve Targeted Habitat Acquisition Bancroft Easement Confinement.

Manager Hanson seconded the motion.

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

Administrator Henschel reminded the Board of Managers of the upcoming MN Watersheds Annual Conference on November 28th to December 1st. Henschel explained the six resolution that will be voted on at the conference and the workshops offered. Two delegates are needed to represent the Shell Rock River Watershed District and vote at the conference.

Manager Hanson offered the following motion:

Motion to appoint Brad Kramer and Mike Lee to represent the SRRWD at the MN Watersheds Annual Conference. Mike Delger is appointed as the alternate representative. Manger Pacovsky seconded the motion.

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

Administrator Henschel requested the authority to research per diem costs of other watershed districts across the state. Since establishment, the SRRWD's per diem has been set at \$55 per meeting. The state allows up to \$125 per diem. He will present his finding at the following board meeting. Manager Bakken requested more information regarding mileage reimbursement.

Manager Bakken offered the following motion:

Move to authorize Administrator Henschel to research manager per diems.

Manager DeBoer seconded the motion.

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

Administrator Henschel discussed a previous spill on the railroad tracks in the South Industrial Park. The MN Duty Officer in charge of the spill did not notify the SRRWD of the incident. Administrator Henschel informed the Board of Managers of a letter he wrote to the MN Duty Officer Program requesting future notification as the SRRWD is knowledgeable and able to offer guidance and informed decisions regarding the cleanup of local spills.

Manager Lee offered the following motion:

Move to approve MN Duty Officer correspondence.

Manager Kramer seconded the motion.

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

Administrator Henschel shared the recognition offered from Representative Finstad for the SRRWD's 20-year anniversary.

Project and Program Manager, Courtney Phillips, discussed entering into an option agreement for the 150-acre Hein Property located northeast of Twin Lakes and south of Country Road 13. Funding was made possible from the Lessard Sams Outdoor Heritage Council. Future plans include restoration, native planting, and wetland creation. Manager Bakken questioned the tax base for townships and Payment in Lieu of Taxes (PILT) for this property and others that the District purchases or donates. Manager Lee questions how many acres are tillable. Courtney will know more as FSA maps become available. Manager Bakken also questioned if the property pays their share of the taxes for repairs of the drainage system.

Manager Kramer offered the following motion:

Move to enter into option agreement for the Hein Property.

Manager DeBoer seconded the motion.

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

Courtney continued by discussing the process to donate restored, well-established SRRWD properties to the DNR or USFWS for management and maintenance. Walk-in access is another option besides donation to satisfy public hunting. The Mud Lake property is located on the north side of Mud Lake downstream of Pickerel Lake and the Orr Property is located on the east of Alden next to the IC&E tract.

Manager Hanson offered the following motion:

Move to introduce Resolution 2023-10

Resolution 2023-10
Mud Lake
Property Donation to Minnesota Department of Natural Resources

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

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

WHEREAS, the SRRWD purchased the Mud Lake Property (PID 090120133 and 090110160) in 2019 (the “Property”);

WHEREAS, the Mud Lake Project goals and objectives set forth in the Plan included:

- Improve water quality and clarity to District lakes;
- Improve and enhance waterfowl habitat;
- Maintain efficient system and reduce transport of sediment, nutrients and pesticides into surface waters through the drainage systems;
- Minimize flood damage to property and preserve the function of the floodplain;
- Restore and retain water upstream throughout the watershed; and
- Preserve existing rural and urban wetlands and encourage restoration and enhancement.

WHEREAS, the District has completed Project and the property is excess property;

WHEREAS, the District desires to donate the Property to DNR for long-term preservation;

WHEREAS, the Board of Managers, having reviewed the Project, has determined that donation of the Property to DNR is in the best interests of the District and the public;

WHEREAS, donating this Property will be in the interest of public ownership for use and enjoyment.

WHEREAS, the DNR is subject to their taxing process for the Property.

THEREFORE, the Board of Managers hereby finds that the donation will promote the public interest and welfare, is practicable, and conforms to the LSOHC requirements for public hunting.

NOW THEREFORE, be it hereby Resolved that the Shell Rock River Watershed District:

- Sec. 1: Authorizes District Staff to negotiate appropriate MOU/JPA/Management Plan for future management of the Property;

- Sec. 2: Approves the donation of the Property to DNR for long-term preservation; and
Sec. 3: Authorizes District staff executed any necessary documents to complete the donation.

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

Manager Hanson offered the motion:
Move to introduce Resolution 2023-11

Resolution 2023-11
Orr Property
Donation to U.S. Fish and Wildlife Service

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

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

WHEREAS, the SRRWD purchased the Orr Property (PID 090060013) in 2020 (the “Property”);

WHEREAS, thereafter, the SRRWD initiated IC&E Project Number 2020-05 for restoration and the Project was completed in June of 2022;

WHEREAS, the Orr Project goals and objectives set forth in the Plan included:

- Improve water quality and clarity to District lakes;
- Improve and enhance waterfowl habitat;
- Maintain efficient system and reduce transport of sediment, nutrients and pesticides into surface waters through the drainage systems;
- Minimize flood damage to property and preserve the function of the floodplain;
- Restore and retain water upstream throughout the watershed; and
- Preserve existing rural and urban wetlands and encourage restoration and enhancement.

WHEREAS, the District staff and United States Fish and Wildlife Services (“USFWS”) have negotiated a Memorandum of Understanding (“MOU”) for the Property dated May 25, 2022;

WHEREAS, the District has completed the restoration work on the Property and the Property is excess property;

WHEREAS, the District desires to donate the Property to USFWS for long-term preservation;

WHEREAS, the Board of Managers, having reviewed the Project and the MOU, has determined that donation of the Property to USFWS is in the best interests of the District and the public;

WHEREAS, Donating this Property will be in the interest of public ownership for use and enjoyment.

WHEREAS, the USFWS is subject to their taxing process for the Property.

THEREFORE, the Board of Managers hereby finds that the donation will promote the public interest and welfare, is practicable, and conforms to the LSOHC requirements for public hunting.

NOW THEREFORE, be it hereby Resolved that the Shell Rock River Watershed District:

- Sec. 1: Approves the donation of the Property to USFWS for long-term preservation; and
- Sec. 2: Authorizes District staff executed any necessary documents to complete the donation.

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Manager Lee seconded the motion.

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

Courtney concluded with an update on the Eberhart Property located on the east side of Eberhart Lake and northeast of the Church Lake parcel. This property will be donated to the DNR in the future and combine parcels. Closing will take place later today and then the property will get seeded. The drainage agreement was described. Manager Lee questioned whether or not the property will be open for hunting. Using Lessard Sams Outdoor Heritage Council funds the land is will be open for public use. Landowners and the Township were notified of the purchase.

During Managers Items, Manager Lee updated the Board of Managers of recent agenda items at the County Board meeting. Manager Kramer recognized Administrator Henschel for joining Minnesota Homeland Security Emergency Management Regional Review Committee. The group reviews all the emergency response plans in southern Minnesota. Manager Delger thanked Administrator Henschel for providing an update at last night’s City Council meeting.

Administrator Henschel requested a Personnel Committee before the December board meeting to discuss per diems and the Cost of Living Adjustment (COLA).

Administrator Henschel reminded the Board of Managers of the upcoming MN Watersheds Annual Conference. He also informed everyone of the County Drainage conference in St. Cloud on February 7-8, 2023.

Manager Hanson offered the following motion:

Move to adjourn the meeting.

Manager Kramer seconded the motion.

After discussion, a roll call vote was taken. The vote was unanimous except for Manager Bakken.