

Shell Rock River Watershed District
Regular Meeting Minutes
August 10, 2021

Managers present: Mick Delger, Joe Pacovsky, Gary Pestorious and Dan DeBoer

Managers absent: Brad Kramer, Mike Hanson, and Al Bakken

Chairman Pestorious called the meeting to order at 8:30 a.m. on August 10, 2021 at the Shell Rock River Watershed District, 214 W. Main St., Albert Lea, MN 56007

Chairman Pestorious opened the public hearing to review the Headwaters Streambank Habitat Restoration (AMA) and Shell Rock River Streambank Restoration. Chairman Pestorious called for proponents three time. No one from the public wished to speak. Chairman Pestorious closed the public hearing.

Manager DeBoer offered the following motion:

Move to approve the consent agenda as follows:

- a. Minutes of the July 13, 2021 SRRWD Regular Board Meeting
- b. Minutes of the July 22, 2021 SRRWD Workshop
- c. July 2021 Treasurer's Report Subject to Audit
- d. July 2021 Project Fund Treasurer's Report Subject to Audit
- e. Authorize Payment of Claims
- f. Authorize Payment of Project Fund Disbursements

Manager Pacovsky seconded the motion.

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

Manager Delger offered the following motion:

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

Manager DeBoer seconded the motion.

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

Chairman Pestorious opened the public forum. Norman Bangert 70678 154th St. Albert Lea, MN and Virgil Schewe 15243 700th Ave. Albert Lea, MN spoke in opposition to the water that is backing up on their fields west of Lower Twin Lake. They discussed the beaver dams and aquatic vegetation that are plugging up the culvert and carp that are jumping over the fish barrier. Administrator Henschel reported that the District has contacted the Department of Natural

Resources (DNR) multiple times about the issues. Trapping and permitting was discussed. Courtney Phillips provided the men with the contact information for the DNR South Region Manager.

Administrator Henschel provided a legislative update on behalf of lobbyist, Judy Erickson. The Legislature did not pass a bonding bill during the regular or special session. However, there is still a desire among members to pass a bonding bill during the special session in September.

Administrator Henschel provided an update on the Fountain Lake Restoration Project. The District requested and was approved for a \$250,000 amendment to the Minnesota Pollution Control Agency (MPCA) Clean Water Partnership loan for Phase 2 of the project. Using a progress map, Administrator Henschel discussed the depths, volumes, and lake-bottom contours in the Main Bay and Dane's Bay. In some areas, the dredging contractor is not meeting the design depths because they are reaching the natural bottom of the lake. Per permitting, the contractor will stop dredging and make up the volume in different areas of the lake. The District is working with the contractor to determine where those areas will be and therefore, dredging on the Main Bay is expected to take a few weeks longer than expected. Dredging on Dane's Bay is complete and the Fox River was demobilized. The District has been working with the engineer regarding the design of Phase 3 including the eastern portion of the Main Bay and portions of Bancroft Bay. Following design, the permit process will commence.

Administrator Henschel provided a Confined Disposal Facility (CDF) update. He discussed how to achieve additional storage in Cells 1, 2, and 3 to accommodate future dredged material from Phase 3. Initial borings determined it was not feasible to excavate material from Cell 1 and stack it. Administrator Henschel will continue to research how to use existing infrastructure instead of purchasing additional land and constructing another Cell. Stephanie Haedt, Albert Lea Law, briefly discussed the CDF Cells 2 and 3 litigation. The District is doing its due diligence and being fiscally responsible as it does not feel it's responsible for the extra costs to remedy the fixes for Cells 2 and 3 after failures were discovered in 2020. Outside counsel is preparing for the next steps of the litigation including mediation.

Administrator Henschel discussed the sale of Country Club property. The District is working with Jones, Haugh & Smith to determine the infrastructure on site. There has been some discussion about splitting the property into individual quarters.

Administrator Henschel reviewed the District's insurance including property and equipment. He discussed the changes including increasing the deductible, bond limit, and excess liability limit.

Administrator Henschel discussed changing the venue for future board meetings. Before the pandemic, the District held their monthly board meetings at the Albert Lea City Council Chambers. Since then, the District has updated their technology to include live video, recorded video, Facebook, YouTube, and the District's website. These means of transparency allow the District to host future board meetings at the office.

Manager Delger offered the following motion:

Move to approve District office as venue for future board meetings.

Manager DeBoer seconded the motion.

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

Project/Program Manager, Courtney Phillips, discussed the plans for the Headwaters Streambank Habitat Restoration (AMA) and Shell Rock River Streambank Restoration (WPA). This project is funded by Lessard Sams Outdoor Heritage Council Phase 6 and 7 and is a partnership with the DNR.

Manager Delger offered the following motion:

Move to introduce Resolution 2021-16 as follows:

Resolution 2021-16
Plan Approval
Headwaters Streambank Habitat Restoration (AMA) and Shell Rock River Streambank Restoration (WPA)

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, project goals and objectives set forth in the Plan include:

- Improve water quality and clarity in the Shell Rock River
- Improve and enhance waterfowl habitat
- Increases fisheries habitat
- Conserve the topsoil and hold the soil on the land
 - Reduce soil loss due to concentrated flow during storm events
 - Reduce sediment delivery to surface waters

- Control and prevent erosions along shore lands and restore severely damaged shoreline areas
- Minimize flood damage to property and preserve the function of the floodplain

WHEREAS, the District has two projects with parcels located in close proximity to each other and the overall scope of work encompasses engineering and construction over the two projects for a better cumulative result to accomplish streambank restoration;

WHEREAS, the two projects were initiated on January 14, 2020, by Resolution 2020-01 Initiating Headwaters Streambank Restoration (AMA) and Shell Rock River Restoration (WPA);

WHEREAS, the Project Plan encompasses integrated design plans for improving the water channel and shoreline management for the two projects: Headwaters Streambank Habitat Restoration (AMA) and Shell Rock River Streambank Restoration (WPA);

WHEREAS, the Board of Managers having reviewed the Project Plan has determined that approval of the Project Plan will further the objectives of the Plan;

WHEREAS, the District has pursued a comprehensive watershed approach to reduce sedimentation and improve water quality including filter strips, rock inlets, nutrient management systems, water and sediment basin installations, rough fish management practices, installation of fish barriers, septic system inspections, streambank and ditch restoration projects and the installation of rain gardens.

THEREFORE, the Board of Managers hereby finds that the Project has the potential to promote the public interest and welfare, is practicable, and conforms to the watershed management plan as set forth above.

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

- Sec. 1: Approves the Project Plan dated August 3, 2021 as presented by Barr Engineering; and
- Sec. 2: Authorizes District staff to conduct work as needed to present this project to the Board for final review and public hearing as required by law.

Manager Pacovsky seconded the motion.

On a roll call vote, the following managers voted in favor of said resolution: Pectorious, Pacovsky, DeBoer, and Delger. Chairman Pectorious declared the resolution passed.

Courtney continued with the establishment portion of the project. Upon approval, the project will be advertised via the Albert Lea Tribune and Quest Construction Date Network to solicit bids. A contractor will be awarded at the next board meeting.

Manager DeBoer offered the following motion:

Move to introduce Resolution 2021-17 as follows:

Resolution 2021-17
Establish Project
Project 2020-01
Headwaters Streambank Habitat Restoration (AMA) and Shell Rock River Streambank
Restoration (WPA)

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 District has two projects with parcels located in close proximity to each other and the overall scope of work encompasses engineering and construction over the two projects for a better cumulative result to accomplish the streambank restoration;

WHEREAS, the two projects were initiated on January 14, 2020, by Resolution 2020-01 Initiating Headwaters Streambank Restoration (AMA) and Shell Rock River Restoration (WPA);

WHEREAS, the Project Plan encompasses integrated design plans for improving the water channel and shoreline management for both projects Headwaters Streambank Habitat Restoration (AMA) and Shell Rock River Streambank Restoration (WPA);

WHEREAS, the Board of Managers having reviewed the Project Plan, and has determined that approval of the Project Plan will further the objectives of the plan;

WHEREAS, The Project Plan was forwarded to the Board of Water and Soil Resources and Department of Natural Resources for their review and comment. DNR comments were received by letter dated February 23, 2021 and BWSR comments were received on March 22, 2021;

WHEREAS, on August 10, 2021, by Resolution 2021-16, the Board of Managers approved the specifications for the Project (the “Final Project Plan”);

WHEREAS, a public hearing was held on August 10, 2021 to review the project plan;

THEREFORE, the Board of Managers hereby finds that the proposed Headwaters Streambank Habitat Restoration and Shell Rock River Streambank Restoration has the ability to promote the public interest and welfare in conformity with the watershed management plan as set forth above.

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

Sec. 1: Establishes "Project No 2020-01 Headwaters Streambank Habitat Restoration (AMA) and Shell Rock River Streambank Restoration (WPA);

Sec. 2: Authorizes District Staff to complete the Project as set forth in the Final Project Plan; and

Sec. 3: Authorizes the District Staff to obtain bids; request for approvals and enter into any other agreements or contracts necessary to complete the project.

Manager Pacovsky seconded the motion.

On a roll call vote, the following managers voted in favor of said resolution: Pestorious, Pacovsky, DeBoer, and Delger. Chairman Pestorious declared the resolution passed.

Courtney provided an update on the Freeborn County Ditch J9 Outlet project located southwest of Pickerel Lake. Using before and after pictures, she showed how the repair will be beneficial for nutrient reduction, water management, erosion control, and will otherwise protect and improve water quality. Funding for the project was made possible through the Board of Water and Soil Resources (BWSR) Targeted Watershed grant.

Administrator Henschel reminded the Board of Managers of the upcoming Board of Water and Soil Resources (BWSR) Conservation Tour on August 25, 2021.

Manager DeBoer offered the following motion:

Move to adjourn the meeting.

Manager Pacovsky seconded the motion.

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