

**Shell Rock River Watershed District
Regular Meeting Minutes
October 13, 2020**

Managers present via teleconference: Mick Delger, Al Bakken, Dan DeBoer, Joe Pacovsky, and Mike Hanson

Managers absent: Brad Kramer and Gary Pectorious

Chairman Delger called the regular meeting to order on October 13, 2020 at 8:30 a.m. via teleconference as provided by Minnesota Statute 13D.021 Sub. 1. All SRRWD staff and board members can hear one another, the meeting is recorded and streamed live via www.shellrock.org and Facebook, and all votes are taken by roll call.

Manager DeBoer offered the following motion:

Move to approve the consent agenda as follows:

- a. Minutes of the September 8, 2020 SRRWD Monthly Board Meeting
- b. Minutes of the September 22, 2020 SRRWD Dredge Committee Meeting
- c. September 2020 Treasurer's Report Subject to Audit
- d. September 2020 Project Fund Treasurer's Report Subject to Audit
- e. Authorize Payment of Claims
- f. Authorize Payment of Project Fund Disbursements
- g. Quarterly Transfer

Manager Pacovsky seconded the motion.

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

Manager Hanson offered the following motion:

Move to approve the agenda.

Manager Pacovsky seconded the motion.

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

Administrator Henschel continued by discussing the Fountain Lake Restoration Project. Over 285,000 cubic yards of material have been removed from this phase of the project. The dredging contractor, J.F. Brennan, plans to continue dredging until ice is present on the lake. Additional restoration work, including removing pipe, will take place in the next couple of weeks.

Administrator Henschel discussed the Confined Disposal Facility (CDF) cells. Cell 1 and 2 are operational. J.F. Brennan is pumping to and moving material between the two cells. Cell 3 continues to be reconstructed after the berm failure on the NW corner. Pending weather, Cell 3 should be completed in the next two weeks. Claims for the berm failure repairs on Cell 2 and Cell 3 will be discussed at a later date as the SRRWD investigates the cause for the failures.

Judy Erickson, Lobbyist for the SRRWD, provided a legislative update. Governor Walz extended the Peacetime Emergency thus beginning an additional special session. The legislature is expected to pass a bonding bill but it does not include funding for Phase 3 of the Fountain Lake Restoration Project.

Administrator Henschel continued by discussing the Minnesota Pollution Control Agency (MPCA) draft Shell Rock River Total Maximum Daily Load (TMDL) and Watershed Restoration and Protection Strategy (WRAPS) reports. The City of Albert Lea and the District have identified major deficiencies and uncertainties with the draft reports. They feel that the current reports will unnecessarily limit future economic growth and require the city to spend millions on capital improvements to its wastewater treatment plant without leading to meaningful water quality improvement to the Shell Rock River. The Albert Lea City Council recently authorized the city to file a petition for a contested case hearing with the MPCA to address their questions and concerns.

Project/Program Manager, Courtney Phillips, discussed entering into an option agreement with Nelson and Dempewolf for a nearly 20 acre property located in Glenville along the east side of the Shell Rock River by County Road 13. Funding has been secured from the Lessard Sams Outdoor Heritage Council (LSOHC) Habitat Restoration Program, Phase 9. The property will be permanently protected and turned over to the Department of Natural Resources (DNR).

Manager DeBoer offered the following motion:

Move to introduce Resolution 2020-14 as follows:

Resolution 2020-14
Enter into Glenville Property (Nelson & Dempewolf)
Option Agreement

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, Connie F. Nelson & Clarice M. Dempewolf, the landowners (the “Landowners”), approached the District in regard to their sale of the Glenville Property (the “Property”) to the District. This Property would be permanently protected if purchase by the District;

WHEREAS, the District staff recommends entering into an Option Agreement with the Landowners; and

WHEREAS, funding for the purchase of this Property has been secured in L-SOHC SRRW Habitat Restoration Program, Phase IX Grant allocation. The District will follow all requirements set forth in Appendix E of the grant agreement.

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

1. Authorizes an option agreement with Connie F. Nelson & Clarice M. Dempewolf; and
2. Authorizes District staff to execute all documents and record with Freeborn County Recorder's Office.

Manager Pacovsky seconded the motion.

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

Courtney continued by discussing the shed for sale on the Church Lake property. This property was recently purchased by the District. A 36x50 shed is located on the property and needs to be removed for future restoration efforts. The buyer would not be responsible for removing the concrete foundation. Funds from the sale of the shed will go back into the project.

Manager DeBoer offered the following motion:

Move to introduce Resolution 2020-15 as follows:

Resolution 2020-15
Sale of Shed on Church Lake Property

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 recently completed purchase of the Church Lake Property (the "Property");

WHEREAS, the Property was purchased for habitat and wetland preservation and the District intends to seed the Property with native grasses;

WHEREAS, upon the Property is a machine shed that is unused by the SRRWD nor fits its planned use of the Property;

WHEREAS, the District seeks to sell the machine shed as excess and unused property and convert the asset into funds to be put back into the Project which was funded by LSOHC funds; and

WHEREAS, the SRRWD will pursue sale of the excess property consistent with applicable laws.

NOW THEREFORE, be it hereby resolved by the SRRWD:

- Section 1: The SRRWD finds the machine shed on the Church Lake Property is excess property not used by the SRRWD; and
- Section 2: The staff, the Chairman of the Board of Managers, and the Secretary are authorized to pursue sale of the machine shed consistent with applicable laws.

Manager Hanson seconded the motion.

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

Courtney continued by discussing the Service Agreement for the Miller Tract Wetland Restoration Project. The project is located east of Alden and north of Interstate 90 in the County Ditch 54 system. The project is funded through multiple phases of the LSOHC Habitat Restoration Program and the work will be done in phases as well. Phase one of engineering will include re-routing tile south of the Interstate to remove water from the ditch system and hold it in wetlands on the United States Fish and Wildlife Service (USFWS) property. The service agreement proposal is for \$45,000.

Manager Pacovsky offered the following motion:

Move to approve the Barr Engineering Service Agreement for Miller Tract.

Manager Hanson seconded the motion.

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

Courtney provided a LSOHC update. The District submitted a grant application for Phase 10 of the Habitat Restoration Proposal. The District was selected for a hearing and presented to the council in September. After an allocation meeting, the District was allocated \$1.326 million dollars. The District then submitted a work plan. Pending legislative approval, the District will receive the allocated amount.

Courtney provided a One Watershed, One Plan (1W1P) update. The District has been working on the plan with a new consultant from RESPEC. The Policy Committee approved the goals, issue statements, and desired future conditions. The group is now working on the project implementation table to fit those state goals. The group will meeting weekly to finalize the plan.

Technical Specialist, Scott Christenson, discussed the Pickerel Lake Site 12 Wetland Restoration on the NW side of Pickerel Lake. The District requested quotes and two quotes were submitted.

Manager DeBoer offered the following motion:

Move to introduce Resolution 2020-16 as follows:

**Resolution 2020-16
Pickerel Lake Site 12 Wetland Restoration
Contract Award**

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 Pickerel Lake Site 12 Wetland Restoration Project (the “Project”) was established by Resolution 2018-41 on December 13, 2018;

WHEREAS, a Request for Quotes was sent September 29, 2020; and

WHEREAS, two quotes were submitted to the District ranging from \$46,610.00 to \$52,188.80.

THEREFORE, the Board of Managers hereby finds that the proposed Project has the ability to promote the public interest and welfare in conformity with the Plan as set forth above.

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

Sec. 1: Awards the Contract to Barth Construction, Inc. as the lowest quote and in the best interests of the District for Pickerel Lake Site 12 Wetland Restoration Project; and

Sec. 3: Authorizes the District Administrator to sign all documents to proceed with the Project.

Manager Hanson seconded the motion.

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

Scott continued by discussing the Wedge Creek Reach 1 Wetland Restoration Project. Goals of the project include grass management and the removal invasive buckthorn. The District requested quotes and two were submitted for grass management and three were submitted for buckthorn management.

Manager Hanson offered the following motion:

Move to introduce Resolution 2020-17 as follows:

Resolution 2020-17
Wedge Creek Reach 1 Wetland Restoration
Contract Award

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 Wedge Creek Reach 1 Wetland Restoration Project (the “Project”) was established by Resolution 2011-13 on October 11, 2011;

WHEREAS, a Request for Quotes was sent September 29, 2020 for the Parcel 08-006-0077 Grass Management Area (the “Grass Management”) and for Parcel 13-931-190 Buckthorn Management Area (the “Buckthorn Management”); and

WHEREAS, two quotes were submitted to the District for Grass Management, ranging from \$44,956 to \$50,605.

WHEREAS, District Staff recommends Minnesota Native Landscaping Inc., for the Grass Management Area;

WHEREAS, three quotes were submitted to the District for Buckthorn Management, ranging from \$6,000 to \$65,254.

WHEREAS, District Staff recommends Goat Dispatch, for the Buckthorn Management Area;

THEREFORE, the Board of Managers hereby finds that the proposed Project has the ability to promote the public interest and welfare in conformity with the Plan as set forth above.

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

Sec. 1: Awards the Contract, for Grass Management to Minnesota Native Landscaping Inc., as the lowest quote and in the best interests of the District for Wedge Creek Reach 1 Wetland Restoration Project; and

Sec 2: Awards the Contract, for Buckthorn Management to Goat Dispatch, as the lowest quote and in the best interests of the District for Wedge Creek Reach 1 Wetland Restoration Project; and

Sec. 3: Authorizes the District Administrator to sign all documents to proceed with the Project.

Manager Bakken seconded the motion.

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

Scott continued by discussing an option agreement for the Bancroft Property. The 113-acre parcel will be purchased using funds from the LSOHC Habitat Restoration Program, Phase 9. The property will be permanently protected.

Manager DeBoer offered the following motion:

Move to introduce Resolution 2020-18 as follows:

Resolution 2020-18
Enter into Bancroft Property
Option Agreement

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 approached Landowners, Gregory Mark Ristau and Tammy Jo Liska as Trustees of the Cordelia G. Olson Revocable Trust, (the “Landowners”), in regard to their sale of the Bancroft Property (the “Property”) to the District. This Property would be permanently protected if purchase by the District;

WHEREAS, the District staff recommends entering into an Option Agreement with the Landowners; and

WHEREAS, funding for the purchase of this Property has been secured in L-SOHC SRRW Habitat Restoration Program, Phase IX Grant allocation. The District will follow all requirements set forth in Appendix E of the grant agreement.

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

1. Authorizes an option agreement with Gregory Mark Ristau and Tammy Jo Liska as Trustees of the Cordelia G. Olson Revocable Trust; and
2. Authorizes District staff to execute all documents and record with Freeborn County Recorder’s Office.

Manager Hanson seconded the motion.

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

During Manager's Reports, Chairman Delger sited some concerns on White Lake. Manager Bakken requested a tour of project sites. Administrator Henschel discussed the recent LSOHC allocation and the Council's concerns with unspent grant funds. The next board meeting has been scheduled for November 10, 2020 via Zoom.

Manager DeBoer offered the following motion:

Move to adjourn the meeting.

Manager Pacovsky seconded the motion.

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