

Shell Rock River Watershed District
Regular Meeting Minutes
December 13, 2022

Managers present: Mick Delger, Joe Pacovsky, Gary Pectorious, Brad Kramer, Al Bakken

Managers absent: Mike Hanson and Dan DeBoer

Chairman Delger called the meeting to order at 8:30 a.m. on December 13, 2022 at the Shell Rock River Watershed District, 305 S. 1st Ave., Albert Lea, MN 56007

Chairman Delger opened the public hearings to change the principal place of business for the Shell Rock River Watershed District and to review the Belshan Restoration Project. Chairman Delger called for comments three times. No one from the public wished to speak. Chairman Delger closed the public hearings.

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

Manager Kramer offered the following motion:

Move to approve the consent agenda as follows:

- a. Minutes of the November 8, 2022 SRRWD Monthly Board Meeting
- b. Minutes of the November 29, 2022 Personnel Committee Meeting
- c. November 2022 Treasurer's Report Subject to Audit
- d. November 2022 Project Fund Treasurer's Report Subject to Audit
- e. Authorize Payment of Claims
- f. Authorize Payment of Project Fund Disbursements
- g. Quarterly Transfer

Manager Pectorious seconded the motion.

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

Manager Pectorious offered the following motion:

Move to approve the agenda with corrections: Change agenda item 7h to pay with cash instead of financing and add a Lessard Sams Outdoor Heritage Council (LSOHC) update as agenda item 8h.

Manager Pacovsky 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 Kramer offered the following motion:

Move to introduce Resolution 2022-13

Resolution 2022-13
Shell Rock River Watershed District
Approval of 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") by Resolution 2022-12, dated November 8, 2022, initiated a change of the principal place of business for the District to 305 1st Avenue South, Albert Lea, Freeborn County, Minnesota 56007;

WHEREAS, the District is located entirely in Freeborn County, Minnesota.

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

WHEREAS, the District provided notice of the public hearing on the intended updated principal place of business as noted in the publication on November 8, 2022, at least 10 days prior to the public hearing;

WHEREAS, the District provided notice by direct mail to the Freeborn County Auditor's Office via U.S. Mail and electronic mail on November 8, 2022, at least 10 days prior to the hearing of the intent to update the principal place of business;

WHEREAS, the District conducted a public hearing on the proposed change to the principal place of business on December 13, 2022;

WHEREAS, the District has considered comments on the proposed change of principal place of business;

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 changes its principal place of business to 305 1st Avenue South, Albert Lea, Freeborn County, Minnesota 56007 effective today's date.

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, including notification to Minnesota Secretary of State, the Minnesota Board of Water and Soil Resource ("BWSR"), and Freeborn County Auditor.

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

Administrator Henschel discussed the Personnel Committee meeting. The meeting took place on November 29, 2022 and the Committee reviewed past Cost-of- Living Adjustment (COLA) for Freeborn County, City of Albert Lea, and the Shell Rock River Watershed District. Administrator Henschel and the Personnel Committee recommend a 3.5% increase.

Manager Bakken offered the following motion:

Move to approve Personnel Committee Recommendation of 3.5% COLA Effective January 1, 2023.

Manager Pacovsky seconded the motion.

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

The total proposed Administrative budget for 2023 is \$267,550.00 and the proposed Project Fund budget is \$7,106,925.00. The proposed Administrative levy is \$250,000.00, Liability Insurance Fund levy \$17,550.00 and the Debt Service levy is \$178,625.00.

Manager Pestorious offered the following motion:

Move to approve the 2023 Administrative Levy and Certify the Administrative Levy to the Freeborn County Auditor-Treasurer.

Manager Pacovsky 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 2023 Debt Service Levy and Certify the Debt Service Levy to the Freeborn County Auditor-Treasurer.

Manager Pestorious seconded the motion.

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

Manager Pacovsky offered the following motion:

Move to approve the 2023 Liability Insurance Levy and Certify the Liability Insurance Levy to the Freeborn County Auditor-Treasurer.

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 2023 Administrative Budget.

Manager Pacovsky seconded the motion.

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

Manager Bakken offered the following motion:

Move to approve the 2023 Project Budget.

Manager Pestorious seconded the motion.

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

Administrative Henschel discussed paying cash versus financing for the purchase of the building at 305 S 1st Avenue. This option is fiscally responsible, avoids paying interest fees, and loans processing fees.

Manager Kramer offered the following motion:

Move to approve paying cash for the purchase of the building at 305 S 1st Ave.

Manager Pacovsky seconded the motion.

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

Administrator Henschel provided an update on the Minnesota Association of Watershed Districts (MAWD) Annual Conference and Trade Show. The event was held on December 1-3, 2022. Administrator Henschel, Carmen Christensen, Courtney Phillips, Manager Al Bakken, and Manager Brad Kramer were in attendance. Manager Brad Kramer was elected to the MAWD

Board and will sit on several committees as well. The conference included discussions on drainage issues, water quality, and staff development.

Administrator Henschel discussed the upcoming legislative session. The SRRWD will continue to work with Representative Peggy Bennett to draft a bill for bonding to complete the third and final phase of the Fountain Lake Restoration Project.

Administrator Henschel concluded his portion of the agenda with an announcement to host the MAWD Summer Tour in Albert Lea this June, 2023. The tour will coincide with the District's 20th anniversary. More information will be shared when it becomes available.

Project and Program Manager, Courtney Phillips, discussed the Belshan Restoration Project. Funded by the LSOHC, the Belshan Restoration Project is located on Lincoln Avenue and Country Road 17 east of Pickerel Lake. Goals of the project include native planting and wetland creation.

Manager Pacovsky offered the following motion:

Move to introduce Resolution 2022-14

Resolution 2022-14
Belshan Restoration Project
INITIATE PROJECT
2022-01

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 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
- Preserve existing rural and urban wetlands and encourage restoration and enhancement

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, stream bank and ditch restoration projects and the installation of rain gardens.

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

Sec. 1: Initiates “Project No. 2022-01 Belshan Restoration Project”

Sec. 2: Authorizes District Staff to negotiate appropriate professional services agreements to promote and complete Belshan Restoration Project efforts.

Sec. 3: Authorizes District Staff to conduct work as needed to present this project to the Board for review and public hearing as required by law.

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

Courtney continued by explaining the project plans. The plans were drafted by Jones Haugh & Smith Inc and are 90-95% complete. If the budget allows, the wetland areas will be increased. The project is expected to be completed by June to comply with funding requirements.

Manager Kramer offered the following motion:

Move to introduce Resolution 2022-15

**Resolution 2022-15
Plan Approval
Belshan Restoration Project**

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 to District lakes
- Improve and enhance waterfowl habitat
- Maintain efficient systems 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
- Preserve existing rural and urban wetlands and encourage restoration and enhancement

WHEREAS, the Belshan Restoration, project 2022-01, was initiated on December 13, 2022 by Resolution 2022-14;

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 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, stream bank 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 Belshan Restoration Project Plan as presented by Jones, Haugh & Smith; 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. Manager Bakken questioned the tile running through the property. Courtney addressed the question and stated that non-perforated tile will run through the property. A roll call vote was taken and the resolution was unanimously approved.

Manager Kramer offered the following motion:

Move to introduce Resolution 2022-16

**Resolution 2022-16
Establish Project 2022-01
Belshan Restoration Project**

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 Belshan Restoration, project 2022-01, was initiated on December 13, 2022 by Resolution 2022-14;

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 BWSR comments were received by letter dated _____ and DNR comments were received on 11-21-22;

WHEREAS, On December 13, 2022, by Resolution 2022-15, the Board of Managers approved the specifications for the Project (the “Final Project Plan”);

WHEREAS, a public hearing was held on December 13, 2022 to review the project plan;

THEREFORE, the Board of Managers hereby finds that the proposed Belshan Restoration Project 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.2022-01 Belshan Restoration Project;

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 quotes; request for approvals and enter into any other agreements or contracts necessary to complete the project.

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

Courtney continued by explaining the need to rescind a motion from the November 8, 2022 board meeting. The motion awarded contractors for the Miller Tract Wetland Restoration, IC&E Wetland Enhancement, and Orr Wetland Restoration. Upon award however, the contractors favored doing the opposite's work and would honor each other's price. The contractors are on-site and will start working today.

Manager Bakken offered the following motion:

Move to rescind motion from 11-8-22: Move to award contractors for the Miller Tract Wetland Restoration, IC&E Wetland Enhancement, and Orr Wetland Restoration as presented. Manager Kramer seconded the motion.

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

Manager Pacovsky offered the following motion:

Motion to Award Contractors for the Miller Tract Wetland Restoration, IC&E Wetland Enhancement, and Orr Wetland Restoration to Leland Drainage and Excavation for Quote Package 1 and Krueger Excavation for Quote Package 2&3.

Manager Kramer seconded the motion.

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

Regarding the same project, Courtney discussed the proposal from ISG Inc. for \$28,200 for construction oversight and design of package 4 with U.S. Fish and Wildlife Service.

Manager Kramer offered the following motion:

Move to approve engineering services with ISG Inc.

Manager Pacovsky seconded the motion.

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

Courtney provided an update on the Board of Water and Soil Resources (BWSR) and One Watershed One Plan (1W1P). The Shell Rock River Watershed District is looking to receive \$322,128 as a result of the Comprehensive Watershed Management Plan funding. As the fiscal agent, the SRRWD submitted an application to BWSR for the funding. The funds will be used for numerous activities including cover crop cost share/incentives and street sweeping equipment.

Courtney continued with a LSOHC update. The SRRWD was allocated \$1,933,000 for Phase 12 of the Habitat Restoration Program. Due to a budget increase, the SRRWD is expected to receive 10% more bringing the total allocation amount to \$2,139,000.

During Manager's Item, Manager Bakken reported that sought more information about storm water at the MAWD Conference regarding the community tile project he discussed at the November board meeting. He learned that new highway construction includes storm water ponds but not existing highways. He will continue to work on the project.

The next SRRWD board meeting has been scheduled for January 10, 2023.

Manager Kramer 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.