

**Shell Rock River Watershed District
Regular Meeting Minutes
August 11, 2020**

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

Chairman Delger called the regular meeting to order on August 11, 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 Kramer offered the following motion:

Move to approve the consent agenda as follows:

- a. Minutes of the July 14, 2020 SRRWD Monthly Board Meeting
- b. Minutes of the July 14, 2020 SRRWD Executive Committee Meeting
- c. Minutes of the July 20, 2020 SRRWD Budget Workshop
- d. July 2020 Treasurer's Report Subject to Audit
- e. July 2020 Project Fund Treasurer's Report Subject to Audit
- f. Authorize Payment of Claims
- g. Authorize Payment of Project Fund Disbursements

Manager DeBoer seconded the motion.

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

Manager Pacovsky offered the following motion:

Move to approve the agenda with the addition of a Lessard-Sams Outdoor Heritage Council (LSOHC) update.

Manager Pestorius seconded the motion.

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

Administrator Henschel reminded the board that because the SRRWD is closed to the public, anyone wishing to address the SRRWD Board of Managers during the public comment section of the meeting had to submit their comments in writing no later than 4 p.m. the day prior to the scheduled meeting. He continued by reading two comment letters aloud:

Watershed Board

Fountain Lake is one of the most valuable assets that Albert Lea has. It is enjoyed by many people. We are spending a large amount of money to preserve and improve it and most residents try to respect its importance by trying to improve its shoreline. However

there is a new activity that wrecks docks and plays havoc with the shoreline by crafting big waves that makes boating and fishing very uncomfortable and it is called wake surfing or boat surfing. Fountain boats are designed especially to create large waves. Kayaking and canoeing are nearly impossible and dangerous when this activity is taking place. Fountain Lake is a narrow piece of water and this type of activity should not be permitted. It has already created large waves that seriously damaged a dock on Bay Oaks Drive. Please pass an ordinance or law restricting this type of activity.

Respectively Submitted

Alan B. Arends

President of Bay Oaks Townhome Association

Dear Sheriff Freitag,

We, the home owners, on Bridge Avenue from 117 thru 137, are here by making a formal request for No Wake buoys out from our shores. We are experiencing boats far too close to our shores and at high speeds. These boats as well as surf boats produce unsafe waves and conditions eroding our sea walls.

Our homes combined have more than 37 children and grandchildren who love to enjoy our lake. Our little swimmers are at risk and struggle in these large waves. For our safety and also protection of property we urge you to place several No Wake buoys far enough out to allow the large waves to dissipate and for these fast boats to be at a safer distance from our shores. The Bridge Avenue seawall as well as Katherine Island are also suffering from erosion.

This action will also provide a safe water way for the many slow cruising boats, fisherman, paddle boats, kayakers, and paddle boarders.

Many lakes have such safe zones. We also believe this action will likely save a life from the inexperienced boaters going too fast and too close to our shores. We appreciate your consideration in this matter.

Sincerely,

Mr. and Mrs. Richard Bohler
Mr. and Mrs. Ryan Cafourek
Mr. and Mrs. John Foreman
Ms. Elaine Sonka

Administrator Henschel continued by discussing the Country Club Estates Property sale. The District purchased the property in 2013 as a potential staging area for the Fountain Lake Restoration Project and to use the wetland banks credits to offset the wetlands impacted by the construction of the Confined Disposal Facility (CDF). The Executive Committee recommends the sale of the property as the staging area was ultimately placed at Edgewater Park and the wetland credits are in place. Funds from the sale will be to be put into the SRRWD general fund for future projects.

Manager DeBoer offered the following motion:

Move to introduce Resolution 2020-11 as follows:

Resolution 2020-11
Sale of Country Club Estates 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 purchased the Country Club Estates Property in August 15, 2013(the “Property”);

WHEREAS, the SRRWD completed a wetland restoration project on the Property and used the wetland credits for the SRRWD to complete other projects with the wetland credits, including the Fountain Lake Restoration Project – CDF Cell constructions;

WHEREAS, the SRRWD will continue to retain the portion of the Property useable for water wetland protections and wetland credits, consisting of approximately 15.74 acres of wetland and upland native grasses and wildflowers, however, possesses excess land on the Property not necessary for the wetland protections, wetland credits, or other SRRWD use;

WHEREAS, the excess land consists of 3 parcels, one large parcel of approximately 30.8 acres and two smaller parcels of .5 acres each for a total of 31.8 acres (the “Property Parcels”);

WHEREAS, the Executive Committee recommends the sale of the excess and unused Property Parcels and convert the asset into funds to be put into the SRRWD general fund for future projects;

WHEREAS, the Executive Committee recommends the District Administrator and/or Chairman of the Board may pursue options related to selling the Property Parcels, including obtaining quotes and engaging in direct negotiations with real estate agents for services related to the sale; and

WHEREAS, the SRRWD will pursue sale of the Property Parcels consistent with applicable laws.

NOW THEREFORE, be it hereby resolved by the SRRWD:

- Section 1: The SRRWD finds the Property Parcels are 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 Property Parcels consistent with applicable laws.

Manager Kramer seconded the motion.

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

Administrator Henschel discussed interviewing realtors for the sale of the Country Club Estates Property.

Manager DeBoer offered the following motion:

Move to approve Leland Realty, Inc. for the Sale of the County Club Estates Property.

Manager Bakken seconded the motion.

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

Project/Program Manager, Courtney Phillips, provided a Legislative-Citizen Commission on Minnesota Resources (LCCMR) and Lessard-Sams Outdoor Heritage Council (LSOHC) update. Courtney presented to the LCCMR Council for the grant project called Precision Acquisition for Restoration, Groundwater Recharge and Habitat. The grant is requesting \$549,000 for acquisition and restoration of 36 acres that will be used for flood mitigation relief, groundwater recharge and native pollinator planting located south of Albert Lea. The LCCMR will meet on August 13, 2020 to determine the allocations. The LSOHC council met and discussed the requests for grant proposals. The District submitted a grant application for Phase 10 of our Habitat Restoration Proposal. The District was selected for a hearing and will present to the council September 3, 2020.

Administrator Henschel continued with a CDF update. Cell 2 is complete and passed the Department of Natural Resources (DNR) Dam Safety Inspection. The cell is now ready to receive dredged material from the Main Bay and Dane's Bay. Construction continues on Cell 3 including the removal of excess material and embankment grading. Some cracking was present on the south berm due to settling. The potential slope failure on the north berm is being worked through with the contractor and engineers. A Dredge Committee meeting will be scheduled in the near future.

Judy Erickson, Lobbyist for the SRRWD, provided a legislative update. Governor Walz extended the Peacetime Emergency thus starting an additional special session. No movement has

been made on the bonding bill. Due to the upcoming bond sale in August, no changes can be made to the financial status of the State.

Technical Specialist, Scott Christenson, discussed the Bancroft Wetland Restoration. The 112-acre acquisition was funded with LSOHC dollars and will restore the floodplain in Bancroft Creek.

Manager Pacovsky offered the following motion:

Move to introduce Resolution 2020-12 as follows:

Resolution 2020-12
Bancroft Wetland Restoration
INITIATE PROJECTS
2020-03

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 Bancroft creek/CD65
- 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
- Minimize flood damage to property and restore the function of the floodplain

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. 2020-03 Bancroft Wetland Restoration

Sec. 2: Authorizes District Staff to negotiate appropriate professional services agreements to promote and complete Bancroft Wetland Restoration

Sec. 3: Authorizes District Staff and the District’s attorney to negotiate with area landowners for any necessary easement or fee title acquisition, subject to approval by the Board.

Sec. 4: Authorizes District Staff to conduct work as needed to present this project to the Board for review and public hearing as required by law.

Date: August 11, 2020

Manager DeBoer seconded the motion.

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

Scott Christenson discussed the Panicum Prairie Enhancement Project. Located on a Minnesota Department of Natural Resources (MN DNR) Wildlife Management Area (WMA) near Gordsville, the function of the floodplain will be restored thus improving water quality and clarity in Goose Creek and County Ditch 55. This project is funded with LSOCH dollars.

Manager Pacovsky offered the following motion:

Move to introduce Resolution 2020-13 as follows:

Resolution 2020-13
Panicum Prairie Enhancement Project
INITIATE PROJECTS
2020-04

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 Goose Creek/CD55
- Improve and enhance waterfowl 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
- Minimize flood damage to property and restore the function of the floodplain

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. 2020-04 Panicum Prairie Enhancement Project
- Sec. 2: Authorizes District Staff to negotiate appropriate professional services agreements to promote and complete Panicum Prairie Enhancement Project
- Sec. 3: Authorizes District Staff and the District's attorney to negotiate with area landowners for any necessary easement or fee title acquisition, subject to approval by the Board.
- Sec. 4: Authorizes District Staff to conduct work as needed to present this project to the Board for review and public hearing as required by law.

Date: August 11, 2020

Manager Kramer seconded the motion.

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

During Manager's Items, Manager Hanson discussed the dredging project and Manager Bakken discussed the completion of the 2-Stage Ditch project.

Administrator Henschel discussed upcoming meetings including the Dredge Committee meeting and Minnesota Pollution Control Agency (MPCA) Public Notice for the Total Maximum Daily Load (TMDL) and Watershed Restoration and Protection Strategy (WRAPS). More information will be sent out when it becomes available.

Manager DeBoer offered the following motion:

Move to adjourn the meeting.

Manager Kramer seconded the motion.

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