Shell Rock River Watershed District  
Regular Meeting Minutes  
May 14, 2019  

Managers present: Brad Kramer, Gary Pestorious, Al Bakken, Mick Delger, and Dan DeBoer  

Managers absent: Joe Pacovsky and Mike Hanson  

Chairman Pestorious called the Regular Meeting to order May 14, 2019 at 8:30 a.m. at the Albert Lea City Council Chambers, 221 East Clark Street, Albert Lea, MN 56007.  

Chairman Pestorious opened a public hearing for the BWSR Targeted Watershed Wasmoen Wetland Restoration Establishment Hearing and Order. No comments were received. The public hearing was closed.  

Chairman Pestorious open a public hearing on the SRRWD By-Laws regarding address update. No comments were received. The public hearing was closed.  

Manager DeBoer offered the following motion:  
Move to approve the consent agenda as follows:  
  a. Minutes of the March 20, 2019 Citizen Advisory Committee Meeting  
  b. Minutes of the April 9, 2019 SRRWD Monthly Board Meeting  
  c. Minutes of the April 25, 2019 Personnel Committee Meeting  
  d. Minutes of the May 7, 2019 Dredge Committee Meeting  
  e. April 2019 Treasurer’s Report Subject to Audit  
  f. April 2019 Project Fund Treasurer’s Report Subject to Audit  
  g. Authorize Payment of Claims  
  h. Authorize Payment of Project Fund Disbursements  
Manager Delger seconded the motion.  
After discussion, a vote was taken and the motion was unanimously approved.  

Manager Kramer offered the following motion:  
Move to approve the agenda with the following change: Reverse the order of agenda items 9a and b.  
Manager Bakken seconded the motion.  
After discussion, a vote was taken and the motion was unanimously approved.
Public Forum – Susie Peterson, on behalf of the Convention and Visitors Bureau (CVB), thanked the SRRWD Board of Managers and staff for their help with the Governor’s Fishing Opener.

Brian Hensley, on behalf of the Lakes Foundation of Albert Lea, thanked the citizens of Albert Lea and the SRRWD for their help with the annual lake clean-up event. Over 70 people attended the event on May 4th and 2 dumpsters were filled. Brian invited the public to attend the 2019 World Tour Paddling Film Festival on May 30, 2019 at 7PM at the Marion Ross Performing Art Center. He also invited the public to attend the Albert Lea Floats and Just Play event on June 1, 2019 11AM at Frank Hall Park. Finally, he reminded the Lakes Foundation members to attend the next meeting on May 15, 2019 at 4PM at the SRRWD.

Manager Delger offered the following motion:

   Move to introduce Resolution 2019-04 as follows:

   **Resolution 2019-04**

   **Shell Rock River Watershed District**

   **Approval of By-Laws as Amended**

   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 By-Laws of the Shell Rock River Watershed District (the “By-Laws”) were adopted on March 15, 2005;

   WHEREAS, in 2019, the Board of Managers and the District sought to update its By-Laws;

   WHEREAS, the By-Laws, provide authority for the Board Managers to amend the By-Laws by majority vote after 30 days written notice;

   WHEREAS, each Board Manager received written notice of the proposed By-Laws amendments on March 19, 2019, at least 30 days prior to approval;

   WHEREAS, the District provided notice of the updated principal place of business as noted in the By-laws by publication on April 24, 2019, at least 10 days prior to the public hearing of its principal place of business at 214 West Main, Albert Lea, Minnesota 56007.
WHEREAS, the District provided notice by direct mail to the Freeborn County Auditor’s Office at least 10 days prior to the hearing of the updated principal place of business in the By-Laws;

WHEREAS, the District conducted a public hearing on the proposed address change in the By-Laws on May 14, 2019;

WHEREAS, the District has considered comments on the proposed amendments to the By-Laws;

NOW THEREFORE, consistent with the By-Laws, Minnesota Statute, and in furtherance of the Shell Rock River Watershed District Watershed Management Plan, be it hereby resolved:

Section 1: The District hereby adopts amended By-Laws of the Shell Rock Watershed District effective today’s date.

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

Manager Kramer offered the following motion:
Move to introduce Resolution 2019-05 as follows:

Resolution 2019-05
Shell Rock River Watershed District
Approval of Electronic Meeting Attendance Open Meeting Law Policy

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 District is a political subdivision of the State of Minnesota and therefore subject to Minnesota Open Meeting Law;

WHEREAS, the Department of Administration issued Advisory Opinion 18-019 on December 28, 2018 finding “A member of the Board of Manager for … Watershed District may participate in board meetings while out of state via interactive television, pursuant to Minnesota Statutes, section 13D.02, as long as the conditions of that section are met”;

WHEREAS, the District desires to implement a policy allowing appearance at meetings by electronic means consistent with Minnesota Statutes, section 13D.02;
WHEREAS, the By-Laws of the Shell Rock River Watershed District (the “By-Laws”) were adopted as amended on May 14, 2019;

WHEREAS, the By-Laws provide authority for the Board Managers to attend meetings by interactive television, count towards the quorum, and have a right to vote;

WHEREAS, the District requests the Board to adopt the Electronic Meeting Attendance Open Meeting Law Policy attached to this Resolution.

NOW THEREFORE, consistent with the By-Laws, Minnesota Statute, and in furtherance of the Shell Rock River Watershed District Watershed Management Plan, be it hereby resolved:

Section 1: The District hereby adopts the Electronic Meeting Attendance Open Meeting Law Policy as presented to this Board.

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

Manager DeBoer offered the following motion:

Move to introduce Resolution 2019-06 as follows:

Resolution 2019-06
Shell Rock River Watershed District
Approval of Key Dates Timeline

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 By-Laws of the Shell Rock River Watershed District (the “By-Laws”) were adopted as amended on May 14, 2019;

WHEREAS, the By-Laws provide authority for the Board to appoint committees and subcommittees of the Board for the purpose of addressing specific issues and assisting the full Board in the performance of its duties;

WHEREAS, the Board has appointed a Personnel Committee;
WHEREAS, the Personnel Committee reviewed and updated the Timeline for Personnel Reviews, Compensation Recommendations, and Determinations previously approved by the Board on June 28, 2016, and renamed it Key Dates Timeline;

WHEREAS, the Personnel Committee requests the Board replace the Timeline for Personnel Review, Compensation, Recommendations, and Determinations, and replace it with and adopt the Key Dates Timeline as recommended as attached.

NOW THEREFORE, consistent with the By-Laws and in furtherance of the Shell Rock River Watershed District Watershed Management Plan, be it hereby resolved:

Section 1: The District hereby adopts the Key Dates Timeline as presented to this Board.

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

Manager Delger offered the following motion:
Move to introduce Resolution 2019-07 as follows:

Resolution 2019-07
Shell Rock River Watershed District
Approval of Job Descriptions

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 District has experienced job duties and classifications;

WHEREAS, the District Administrator with the assistance of Sarah Noah of Noah & Associates, Inc. (“Noah & Associates”) drafted updated job descriptions;

WHEREAS, the By-Laws provide authority for the Board to appoint committees and subcommittees of the Board for the purpose of addressing specific issues and assisting the full Board in the performance of its duties;

WHEREAS, the Board has appointed a Personnel Committee;
WHEREAS, the Personnel Committee met and reviewed the recommended job descriptions from the District Administrator and Noah & Associates;

WHEREAS, the Personnel Committee requests the Board approve and adopt the job descriptions as created by the District Administrator and Noah & Associates.

NOW THEREFORE, consistent with the By-Laws and in furtherance of the Shell Rock River Watershed District Watershed Management Plan, be it hereby resolved:

   Section 1:    The District hereby adopts the Personnel Committee recommendations to approve the job descriptions as created by the District Administrator and Noah & Associates.

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

Manager Kramer offered the following motion:

   Move to introduce Resolution 2019-08 as follows:

   Resolution 2019-08

   Shell Rock River Watershed District

   Approval of Compensation Plan

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 District completed a third-party job and salary survey review with Sara Noah of Noah & Associates, Inc. (“Noah & Associates”) in October 2018;

WHEREAS, Noah & Associates reviewed District information and comparables and issued survey results and a recommendation to the District;

WHEREAS, the By-Laws provide authority for the Board to appoint committees and subcommittees of the Board for the purpose of addressing specific issues and assisting the full Board in the performance of its duties;

WHEREAS, the Board has an appointed Personnel Committee;
WHEREAS, the Personnel Committee met and reviewed the survey results and recommendations from Noah & Associates;

WHEREAS, the Personnel Committee requests the Board approve and adopt the compensation plan as created by Noah & Associates.

NOW THEREFORE, consistent with the By-Laws and in furtherance of the Shell Rock River Watershed District Watershed Management Plan, be it hereby resolved:

Section 1: The District hereby adopts the Personnel Committee recommendations to approve the compensation plan as created by Noah & Associates as the Compensation Plan for the District.

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

Manager DeBoer offered the following motion:
   Move to extend dredge storage lease on a month to month basis with Albert Lea Chrome and Diesel.
Manager Kramer seconded the motion.
After discussion, a vote was taken and the motion was unanimously approved.

Manager Kramer offered the following motion:
   Move to hire a summer intern not to exceed $6,000.00.
Manager Bakken seconded the motion.
After discussion, a vote was taken and the motion was unanimously approved.

Administrator Henschel updated the Board of Managers on the District’s equipment. The booster pumps have sold. The Dredge Committee will meet to discuss lowering the price of the dredge, fusion machine, and pipe as these items have not sold yet.

Administrator Henschel discussed the Fountain Lake Restoration Project. Dredging on Edgewater Bay started 2 weeks ago and the contractor started discharging water back to Fountain Lake last Friday. The project is on schedule.

Administrator Henschel thanked the Board of Managers and SRRWD staff for their work on the Governor’s Fishing Opener. The event was a success.
Administrator Henschel explained that the SRRWD would like to request $7.5 million in bonding funds during the 2020 legislature for the Fountain Lake Restoration project.

Manager Delger offered the following motion:

Move to approve the Dredge Committee’s recommendation for state bonding dollars.
Manager DeBoer seconded the motion.
After discussion, a vote was taken and the motion was unanimously approved.

Administrator Henschel explained a potential collaboration with Freeborn County to fly the SRRWD drone over ditches for assessments and future projects.

Resource Technician, Courtney Phillips, reviewed the plans for the BWSR Targeted Watershed Wasmoen Wetland Restoration project located southwest of Pickerel Lake.

Manager Kramer offered the following motion:

Move to introduce Resolution 2019-10 as follows:

Resolution 2019-10
BWSR Targeted Watershed Wasmoen Wetland Restoration
Plan Approval

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, On April 9, 2018, the District initiated the BWSR Targeted Watershed Wasmoen Wetland Restoration by Resolution 2018-16;

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 Project Plan dated April 26, 2019 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 DeBoer seconded the motion. On a roll call vote, the following managers voted in favor of said resolution: Delger, Kramer, Bakken, DeBoer, and Pestorious. Chairman Pestorious declared the resolution passed.

Courtney explained that now that the plans are approved, the project can be established and put out for bid.

Manager DeBoer offered the following motion:

Move to introduce Resolution 2019-09 as follows:

Resolution 2019-09
BWSR Targeted Watershed Wasmoen Wetland Restoration
ESTABLISHMENT PROJECT
2018-02

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 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.
WHEREAS, On April 9, 2018, the District initiated the BWSR Targeted Watershed Wasmoen Wetland Restoration by Resolution 2018-02;

WHEREAS, The Project Plan was forwarded to the Board of Water and Soil Resources (BWSR) and Department of Natural Resources (DNR) for their review and comment and said comments were received from BWSR by letter dated April 3, 2019 and from DNR by letter dated March 18, 2019;

WHEREAS, On May 14, 2019, by Resolution 2019-10, the Board of Managers approved the specifications for the Project (Final Project Plan);

WHEREAS, a public hearing was held on May 14, 2019 to review the project plan;

THEREFORE, the Board of Managers hereby finds that the proposed Wasmoen Wetland Restoration Project has the ability to promote the public interest and welfare in conformity with the watershed management plans as set forth above.

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

Sec. 1: Establishes Project No. 2018-02 BWSR Targeted Watershed Wasmoen Wetland Restoration,

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

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

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

Courtney continued by discussing the temporary easements needed for the wetland project due to broken tile east of the property.

Manager Kramer offered the following motion:

Move to approve easements with Bills and Medd for the BWSR Targeted Watershed Wasmoen Wetland Restoration Project.
Manager Delger seconded the motion.
After discussion, a vote was taken and the motion was unanimously approved.
Courtney explained that the SRRWD will apply for Lessard-Sams Outdoor Heritage Council (LSOHC) funding for phase 9 projects including wetland restorations, Panicum Prairie enhancements, and streambank restorations. To date, the SRRWD has received $8.86 million dollars in LSOHC Habitat funds.

Manager Delger offered the following motion:

Move to introduce the Resolution 2019-11 as follows:

Resolution 2019-11
Shell Rock River Watershed District
L- SOHC Grant Application

BE IT RESOLVED that the Shell Rock River Watershed District, hereinafter referred to as “Applicant” acts as legal sponsor for the Shell Rock River Watershed Habitat Restoration Program - Phase IX contained in the Lessard-Sams Outdoor Heritage Council (L- SOHC) Application to be submitted on May 31, 2019, and;

BE IT FURTHER RESOLVED that Applicant is hereby authorized to apply to the LSOHC, hereinafter referred to a “State,” for funding of intended projects on behalf of the Applicant.

BE IT FURTHER RESOLVED that the Applicant has the legal authority to apply for financial assistance, and the institutional, managerial and financial capability to ensure adequate acquisition, maintenance and protection of the intended projects.

BE IT FURTHER RESOLVED that the Applicant has not incurred any construction costs or has not entered into any written agreements to purchase property for intended projects.

BE IT FURTHER RESOLVED that the Applicant has not violated any Federal, State, or local laws pertaining to fraud bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of the application by the State, the Applicant may enter into an agreement with the State for the above-referenced projects, and that the Applicant certifies that it will comply with all applicable laws and regulations as stated in the contract agreement.

NOW, THEREFORE BE IT RESOLVED that Andy Henschel, District Administrator for the Shell Rock River Watershed District, is hereby authorized to execute such Agreements as are necessary to implement the intended projects on behalf of the Applicant.

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

Courtney continued with a discussion on the Wedge Creek Subwatershed project for habitat benefit and flood storage.

Manager Bakken offered the following motion:

Move to approve engineering services with Barr Engineering Co. for the District Wetland.
Manager DeBoer seconded the motion.
After discussion, a vote was taken and the motion was unanimously approved.

Courtney concluded her updates by explaining the option agreement with Olive Schroeder. The District was looking to purchase property from Ron Remakel using LSOHC funds. Instead, the District found a comparable property and project with more habitat benefits.

Manager Kramer offered the following motion:

Move to enter into an Option Agreement with Schroeder.
Manager Delger seconded the motion.
After discussion, a vote was taken and the motion was unanimously approved.

Conservation Technician, Scott Christenson, explained how the installation of woody and rocky in-lake habitat will benefit fish after dredging.

Manager DeBoer offered the following motion:

Move to introduce the Resolution 2019-12 as follows:

Resolution 2019-12
Fountain Lake In-Lake Habitat Restoration
INITIATE PROJECT
2019-01

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:

- Maintain water quality and clarity in Fountain Lake;
- Improve and enhance waterfowl habitat;
- Prevent further erosion on lakeshore habitat;
- Improve and enhance game fish habitat.

WHEREAS, the District has identified a potential project in Fountain Lake to restore wildlife habitat, consistent with the goals of the Plan;

WHEREAS, the project would restore and enhance habitat;

WHEREAS, in addition to restoration and enhancement, the potential project will increase structure within lakeshed;

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. 2019-01 Fountain Lake In-Lake Habitat Restoration”
Sec. 2: Authorizes District Staff to negotiate appropriate professional services agreements to promote and complete Fountain Lake In-Lake Habitat Restoration efforts.
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.

Manager Bakken seconded the motion.

On a roll call vote, the following managers voted in favor of said resolution: Delger, Kramer, Bakken, DeBoer, and Pestorious. Chairman Pestorious declared the resolution passed.
During Manager’s Items, Manager Kramer discussed his potential rain garden plans at his home on Lakeview Blvd. Manager Bakken thanked the City of Albert Lea for their work in the Stables area.

Administrator Henschel reminded the Board of Managers and public to attend upcoming meetings including the budget workshop, Albert Lea Lakes Foundation/Citizen Advisory Committee meeting, the Paddling Film Festival and the next SRRWD board meeting.

Manager Bakken offered the following motion:

Move to adjourn the meeting.

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