

**Shell Rock River Watershed District
Regular Meeting Minutes
May 11, 2021**

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

Managers present via teleconference: Mike Hanson and Joe Pacovsky

Managers absent: Dan DeBoer

Chairman Delger called the regular meeting to order on May 11, 2021 at 8:30 a.m. All SRRWD staff and board members could hear one another, the meeting was recorded and streamed live via www.shellrock.org and Facebook, and all votes were taken by roll call.

During the Public Forum, Administrator Henschel read a comment received from Norman Bangert. Norman questioned the water levels on Upper and Lower Twin Lakes, the amount of sticks and debris, and the beaver population. Administrator Henschel and Technical Specialist, Scott Christenson, discussed the area and reported that Minnesota Department of Natural Resources (DNR) Area Wildlife Manager, Jeanine Vorland, has been made aware of the situation.

Manager Pacovsky offered the following motion:

Move to approve the consent agenda.

Manager Kramer seconded the motion.

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

Manager Pacovsky offered the following motion:

Move to approve the agenda with addition: Motion to approve culvert repairs at Wedge Creek Reach 6.

Manager Kramer seconded the motion.

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

Administrator Andy Henschel provided an overview of the Fountain Lake Restoration Project. The DNR requested that the District begin the permitting process for the design of Phase 3, including the eastern portion of the Main Bay and portions of Bancroft Bay. The District will not include Phase 3 Confined Disposal Facility (CDF) Preliminary Planning in the permit.

Manager Pestorious offered the following motion:

Move to approve the Engineers Estimate for Fountain Lake Restoration Phase 3 for \$46,800.00

Manager Pacovsky seconded the motion.

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

Administrator Henschel discussed the CDF. The dredging contractor, J.F. Brennan, has primarily pumped dredged material into Cell 2, however; all three cells are currently functioning and able to be pumped to. Due to permitting, Cell 3 is only approved to be filled to 50% capacity. The ability to pump into all three cells helps with water quality. Manager Bakken questioned the likelihood of volunteer trees but Administrator Henschel reported that the dredging contractor maintains the site, including mowing.

Judy Erickson provided a legislative update. No movement on bonding has been made since the last board meeting. Judy thanked Representative Bennett and Senator Dornick for their support. A special session is expected. Regarding the Shell Rock River Watershed District, the Lessard-Sams Outdoor Heritage Council (LSOHC) and Legislative-Citizen Commission of Minnesota Resources (LCCMR) packages are currently in conference committees. Manager Bakken inquired about land acquisitions and easements on projects using LSOHC funds. Administrator Henschel discussed protecting through acquisition and easements are often times up to the landowner.

Administrator Henschel discussed the Headwaters Property. The 257-acre property is located south of the Albert Lea Lake dam and includes a 5.5-acre parcel that was donated by the landowner to the SRRWD. This parcel has a house and two garages on it. Administrator Henschel discussed options for the parcel including selling the house and garages, leasing the property for the gravel rights, or tearing down the house and garages and turning the land over to the DNR who manages the rest of the property. The trees on the property would be harvested and use on another District project.

Manager Kramer offered the following motion:

Move to approve putting the Headwaters Property garage out for bid.

Manager Pestorious seconded the motion.

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

Manager Bakken offered the following motion:

Move to approve leasing the gravel rights on the Headwaters Property.

Manager Kramer seconded the motion.

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

Project/Program Manager, Courtney Phillips, explained the Lessard-Sams Outdoor Heritage Council (L-SOHC) grant application for Phase XI of the Habitat Restoration Program. Projects include restorations, enhancements, and the creation of wetlands.

Manager Hanson offered the following motion:

Move to introduce Resolution 2021-09 as follows:

Resolution 2021-09
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 XI contained in the **Lessard-Sams Outdoor Heritage Council (L-SOHC) Application** to be submitted on May 28, 2021, 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 Kramer seconded the motion.

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

Courtney continued by discussing the improvement and repair project on the outlet of Judicial Ditch 9 near Pickerel Lake. This project is funded through the Board of Water and Soil Resources (BWSR) Targeted Watershed grant and must be completed by December 31, 2021. Due to the location of the project, a temporary easement is needed to access the property and complete the repairs.

Manager Hanson offered the following motion:

Move to award Morreim Drainage Inc. for the Judicial Ditch 9 Outlet Project.

Manager Pacovsky seconded the motion.

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

Manager Bakken offered the following motion:

Move to approve a temporary easement – Wasmoen.

Manager Kramer seconded the motion.

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

Courtney discussed the Pickerel Lake option agreement. This acquisition is funded through L-SOHC Phase X of the Habitat Restoration Program. The property is located south of Albert Lea and contains a series of wetlands and some crop land.

Manager Kramer offered the following motion:

Move to introduce Resolution 2021-10 as follows:

Resolution 2021-10
Enter into Pickerel Lake Property (Belshan)
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, Thomas and Janice Belshan, the landowners (the “Landowners”), approached the District in regard to their sale of the Pickerel Lake 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 VII 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 Thomas and Janice Belshan; 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: Pestorious, Kramer, Bakken, Hanson, Pacovsky, and Delger. Chairman Delger declared the resolution passed.

Technical Specialist, Scott Christenson, discussed the culvert repairs needed at Wedge Creek Reach 6 as the result of flooding in 2018. A Request for Quotes (RFQ) to complete the repairs was sent on May 4, 2021 and Barth Construction was the lowest qualified bidder. L-SOHC Phase IV funds are available but construction must be completed by June 30, 2021.

Manager Kramer offered the following motion:

Move to approve culvert repairs at Wedge Creek Reach 6 - Barth Construction LLC.

Manager Bakken seconded the motion.

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

Administrator Henschel reminded the Board of Managers the next board meeting has been scheduled for June 8, 2021. A Dredge Committee and Executive Committee meeting will be scheduled in the near future.

Manager Bakken 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, Bakken, Pacovsky, and Delger. Chairman Delger declared the motion passed.