

**Shell Rock River Watershed District
Special Meeting Minutes
April 29, 2021**

Managers present via teleconference: Gary Pestorious, Al Bakken, Joe Pacovsky, Mike Hanson and Mick Delger

Managers joined late: Brad Kramer

Managers absent: Dan DeBoer

Chairman Delger called the special meeting to order on April 29, 2021 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.

No comments were received during the public forum section of the meeting.

Manager Pestorious offered the following motion:

Move to approve the agenda with addition: Motion to approve conflict of interest – Bakken – Miller Tract, Orr and IC&E Wetland Restoration Contract Award.

Manager Pacovsky seconded the motion.

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

Administrator Andy Henschel provided an update of the Fountain Lake Restoration Project. Dredging of the Main Bay and Dane's Bay began on Monday, April 19th, 2021. J.F. Brennan Company, Inc. is expected to remove approximately 300,000 cubic yards of material from the Main Bay and 36,000 cubic yards from Dane's Bay. Dredged material is being pumped into Confined Disposal Facility (CDF) Cell 2 with the option to pump into Cell 1 and 3. This phase is expected to be completed by mid-August.

Administrator Henschel invited the board of managers and the public to attend the annual lake clean-up event held in Dan Borland's honor. The contactless event will take place over May 8-9, 2021. More information will be available via Facebook.

Project/Program Manager, Courtney Phillips, provided some background on the Miller Tract Wetland Restoration, Orr Wetland Restoration, and IC&E Wetland Enhancement. This property is located east of Alden and north of Interstate 90 in the County Ditch 54 system. The restoration work is funded through multiple phases of the LSOHC Habitat Restoration Project. The District

and the U.S. Fish and Wildlife Service (USFWS) are working together on this project. Several contractors submitted quotes for the restoration on the property. The District recommends Jensen Trucking and Excavating as the lowest qualified quote but due to Manager Bakken's relationship, a Conflict of Interest form is necessary.

Manager Pestorius offered the following motion:

Move to introduce Resolution 2021-08 as follows:

Resolution 2021-08
Conflict of Interest - Bakken
Miller Tract, Orr and IC&E Wetland Restoration
Contract Award

WHEREAS, The Shell Rock River Watershed District Board of Managers ("Board of Managers") held a Special Board Meeting, in which they will discuss the award of quote for the Miller Tract, Orr, and IC&E Wetland Restoration Project;

WHEREAS, following the RFQ sent out on April 21, 2021, for Miller Tract, Orr and IC&E Wetland Restoration Project the quotes were due on April 28, 2021;

WHEREAS, several quotes were submitted in the amounts of \$139,186.30 and \$ 145,375.00 for the completion of the Project pursuant to the bid specifications. One quote was disqualified for noncompliance;

WHEREAS, in a letter dated April 28, 2021, ISG, recommended Jensen Trucking and Excavating as the lowest qualified quote;

WHEREAS, Alan Bakken ("Manager Bakken") is a member of the Board of Managers and is related to the owner of Jensen Excavating and Trucking, LLC.

NOW THEREFORE, be it hereby resolved by the Shell Rock River Watershed District with disclosure of the potential conflict of interest, Manager Bakken abstained from voting and recused himself from the discussion of this issue, as follows:

Section 1: Before a claim is paid for the service, Manager Bakken must file with the District an Affidavit stating:

- a. His name and the office held;
- b. An itemization of the commodity or services provided;
- c. The contract price;
- d. The reasonable value;
- e. His interest in the contract; and

- f. That to the best of his knowledge and belief the contract price is as low as, or lower than, the price at which the commodity or services could be obtained from other sources.

Manager Pacovsky seconded the motion.

On a roll call vote, the following managers voted in favor of said resolution: Pestorious, Hanson, Pacovsky, and Delger. Manager Bakken recused himself and abstained from voting. Chairman Delger declared the resolution passed.

Manager Pestorious offered the following motion:

Move to award contractor for Miller Tract Wetland Restoration, Orr Wetland Restoration, and IC&E Wetland Enhancement.

Manager Hanson seconded the motion.

On a roll call vote, the following managers voted in favor of said motion: Pestorious, Hanson, Pacovsky, and Delger. Manager Bakken recused himself and abstained from voting. Chairman Delger declared the motion passed.

The Board of Managers did not have any additional items they wanted to discuss.

Administrator Henschel discussed scheduling a Dredge Committee meeting and the Annual meeting. He reminded the Board of Managers that the next board meeting has been scheduled for May 11, 2021.

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