



MEETING MINUTES

BOARD OF SUPERVISORS MEETING

DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT

Thursday, September 9, 2021

9:00 a.m.

4100 220th Street W, Suite 102
Farmington, Minnesota

Board Members Present:

Laura Zanmiller, Chair
Kevin Chamberlain, Vice Chair
Jayne Hager Dee, Treasurer
Chelsea Skog, Secretary
Bruce Johnson, Public Information

SWCD Staff Present:

Brian Watson
Lana Rotty
Curt Coudron
Todd Matzke

Others Present:

1. Call to Order and Roll Call

Chair Zanmiller called the meeting to order at 9:00 a.m.

2. Pledge of Allegiance

Chair Zanmiller led the Board of Supervisors in the Pledge of Allegiance.

3. Audience

Chair Zanmiller asked if there was anyone in the audience that wished to address the Board on an item that is not on the agenda. Nobody came forward.

4. Approval of Agenda

21.080 Motion by Johnson, second by Skog to approve the agenda. All members voting in favor. Motion carried.

CONSENT AGENDA

5. Approval of August 12, 2021 Meeting Minutes

The August 12, 2021 Meeting Minutes were presented.

6. Approval of September 9, 2021 Accounts Payable

The September 9, 2021 Accounts Payable were presented.

7. Acceptance of August 2021 Financial Report

The August 2021 Financial Report was reviewed.

8. Authorization to Cancel Contract with Sorg Farms LLC for Establishing a Cover Crop

Sorg Farms LLC was originally approved for six separate one-year cover crop contracts at the May 13, 2021 Board meeting. One of the six contracts (21-IPP-16) for inter-seeding a cover crop into standing corn did not get planted and will not meet the October 15th deadline. Sorg Farms has requested cancellation of that contract. The project was proposed in Ravenna Township, Vermillion River Watershed with an incentive payment of \$1,300 for 52 acres of cover crop.

9. Authorization to Cancel Contract with DST LLP for Establishing a Cover Crop

DST LLP (Scott Weber) was originally approved for a three-year cover crop contract (21-IPP-22) at the May 13, 2021 Board meeting. DST LLP has received alternative funding from the NRCS to install cover crops on this field. Cover crops are still planned to be installed, but the field is no longer eligible for funding through the SWCD because the field will be receiving funding through a different program. The project was proposed in Douglas Township, Cannon River Watershed with an incentive payment of \$4,200 for 40 acres of cover crop over 3 years.

21.081 Motion by Dee, second by Johnson to approve the consent agenda items. All members voting in favor. Motion carried.

REGULAR AGENDA**10. Authorization to Provide Final Payment to Sorg Farms LLC for Establishing a Cover Crop**

Sorg Farms LLC has established cover crop on 317 acres on five fields in Nininger and Ravenna Townships located in the Vermillion River Watershed. The projects were approved for funding at the May 13, 2021 Board meeting with an incentive payment not to exceed \$25 per acre. A cover crop of annual rye, clover, and oats was inter-seeded into standing corn to provide temporary cover, reduce erosion, retain nutrients, and protect soil health. Coudron displayed the five field locations and a photo of the cover crop with inter-seeding.

Chamberlain added that the corn has been harvested and the cover crop looks great. His initial concern was with the herbicide being applied so soon after planting, but it doesn't appear to have affected this field. Coudron added that with the drought, the cover crop planted on the fields that are irrigated are much thicker than the non-irrigated fields.

21.082 Motion by Dee, second by Johnson to approve final payment to Sorg Farm LLC (21-IPP-14, 15, 17, 18, 19) for establishment of cover crop in Sections 13, 18, 24 Nininger Township and Sections 5, 7 Ravenna Township, Vermillion River Watershed at a total of 317 acres totaling \$7,925 from agreements with the Dakota County and the Vermillion River Watershed Joint Powers Organization. Members voting in favor: Chamberlain, Zanmiller, Skog, Johnson, Dee. Motion carried.

11. Authorization to Execute Contracts with Rodney Weber for Installation of Two Water and Sediment Control Basins

Rodney Weber is proposing to construct 2 water and sediment control basins in Douglas Township, Trout Brook Watershed of the Cannon River. The basins will capture surface water runoff and convey it through underground outlets to reduce future erosion and sedimentation. Total costs of the project are estimated at \$27,800. Coudron added that this project is upstream from the Fasbender Trust project.

21.083 Motion by Chamberlain, second by Johnson to execute contract with Rodney Weber 21-IPP-36 for installation of two water and sediment control basins in Section 16 Douglas Township, Cannon River Watershed at 75% cost share, not to exceed \$20,850 from FY18 Trout Brook Watershed Initiative Grant. Members voting in favor: Zanmiller, Skog, Johnson, Dee, Chamberlain. Motion carried.

12. Authorization to Execute Contract with Caroline Leifeld Trust for Installation of Two Water and Sediment Control Basins

Caroline Leifeld Trust is proposing to construct 2 water and sediment control basins in Douglas Township, Trout Brook Watershed of the Cannon River. The basins are part of a joint project with the adjacent landowner, Scott Weber. The basins will capture surface water runoff and convey it through underground outlets to reduce future erosion and sedimentation. Total costs of the project are estimated at \$11,500. Coudron added that this project also drains to the Fasbender Trust project area.

21.084 Motion by Johnson, second by Chamberlain to execute contract with Caroline Leifeld Trust (21-IPP-37) for installation of two water and sediment control basins in Section 16 Douglas Township, Cannon River Watershed at 75% cost share, not to exceed \$8,625 FY18 Trout Brook Watershed Initiative Grant and Agreement with Dakota County. Members voting in favor: Skog, Johnson, Dee, Chamberlain, Zanmiller. Motion carried.

13. Authorization to Execute Contract with Square Deal Dairy for Installation of Three Water and Sediment Control Basins

Square Deal Dairy (Blake Otte) is proposing to construct 3 water and sediment control basins in Hampton Township, North Byllesby Watershed of the Cannon River. The basins will capture surface water runoff and convey it through underground outlets to reduce future erosion and sedimentation. Total costs of the project are estimated at \$41,500. Dee asked if the SWCD works with livestock owners regarding manure storage. Watson added that about five years ago, the County returned the MPCA feedlot program delegation back to the State of Minnesota. The feedlot registration and permitting process is where we would often evaluate feedlot improvement projects. Watson also mentioned that there are not many small-scale feedlots remaining in Dakota County. Matzke also replied that we have been involved with some feedlot projects, however, the larger facilities use a different permitting process and require technical approval authority beyond existing SWCD staff.

21.085 Motion by Dee, second by Johnson to execute contract with Square Deal Dairy (Blake Otte) 21-IPP-39 for installation of three water and sediment control basins in Section 30 Hampton Township, Cannon River Watershed at 75% cost share, not to exceed \$31,125 from the NCR WMO FY19 Watershed Based Implementation Grant and Agreement with Dakota County. Members voting in favor: Johnson, Dee, Chamberlain, Zanmiller, Skog. Motion carried.

14. Authorization to Execute Contract with Steve Devney for Establishing Cover Crop (1-Year)

Steve Devney is proposing to establish a cover crop on 30 acres. The field is in the City of Lakeville. A seeding plan has been prepared and accepted. Based on our adopted cost share policy, a landowner is eligible for up to \$25 per acre on a one-year contract.

21.086 Motion by Dee, second by Johnson to execute contract with Steve Devney (21-IPP-41) for establishment of cover crops on 30 acres, City of Lakeville, Vermillion River Watershed encumbering \$750 based on \$25 per acre on one-year contract from CY Agreements with Dakota County and Vermillion River Watershed Joint Powers Organization. Members voting in favor: Dee, Chamberlain, Zanmiller, Skog, Johnson. Motion carried.

15. Authorization to Execute FY2022 and FY2023 Grant Agreement with the Minnesota Board of Water and Soil Resources for Programs and Operations

The Minnesota Board of Water and Soil Resources (BWSR) grant agreement for FY2022 and FY2023 allocations to SWCDs for the delivery of programs and operations is available for processing. There are two programs and two fiscal years that involve four work plans under one grant agreement totaling \$86,588 and expiring on December 31, 2024. Funding levels identified within each of the grant programs and for each fiscal year have not changed from previous years; State Cost Share Program at \$22,054 and Conservation Delivery Program at \$21,240. Conservation Delivery funds will be used for general

administration and operations and to supplement County Levy appropriations. State Cost Share funds will be used to provide landowner cost share in accordance with State policy and Dakota SWCD cost share policy. Up to 20% of State Cost Share program funds can be used to offset staff time for technical and administrative tasks associated with voluntary landowner projects and contracts.

21.087 Motion by Skog, second by Johnson to execute Grant Agreement with the Minnesota Board of Water and Soil Resources for Fiscal Year 2022 and 2023 SWCD Programs and Operations. Members voting in favor: Chamberlain, Zanmiller, Skog, Johnson. Members abstaining Dee. Motion carried.

16. Adopt 2022 Fee Schedule

Annually a fee schedule is adopted to establish charges for services and for rental equipment. Several changes are being recommended including:

- Increasing hourly fee from \$80/hour to \$85/hour
- Increasing or adding delivery fees for rental equipment
- Increasing fees associated with the processing Minnesota Wetland Conservation Act applications.

The hourly fee was last increased in 2017. This increase (6.2%) is necessary to offset actual staff and overhead costs under our service agreements.

Rental equipment delivery charges increased to reflect actual staff time to provide services. We currently do not have a whirlybird 3-point hitch seeder for rent but we are discussing the purchase of this type of seeder or potentially utilizing an existing seeder within County fleet.

We have not received an increase in State funds to implement the Minnesota Wetland Conservation Act (WCA) since 2012 and we actually had a substantial decrease in State funding in 2011. The net difference was approximately \$8,000 less in State funds from what we received in 2010 or a 10% reduction. Staff also conducted research on what other metro and neighboring counties are charging for processing WCA applications. The proposed fees for 2022 are more consistent with what others are charging across the metro area and will bring us closer to a “no net cost” for the SWCD to implement this State mandate.

The adopted fee schedule is part of the overall budgeting process and establishes the parameters for developing annual work plans and agreements with our partners as well the amount charged for services.

Chamberlain questioned how the drill was being used. To date, it has been used by eight landowners on 145.5 acres. He agreed that perhaps a whirlybird may be of more use. He also asked if the landowners could pick up the drill to save on staff costs. Staff responded that is not an option from a liability standpoint.

Watson noted that the fee changes will be posted on our website and would be effective January 1, 2022.

21.088 Motion by Chamberlain, second by Johnson adopt the 2022 Fee Schedule as presented. All members voting in favor. Motion carried.

17. Adopt Amendments to Employee Policy Manual

This item was discussed at the August meeting and since that time the Personnel Committee has conducted additional review of the draft changes to the Employee Policy Handbook. The proposed amendments were coordinated with Dakota County Employee Relations, Risk Management and Attorney’s Office. Several minor changes were made to correct grammar, improve formatting, and provide clarity on terminology. The more significant changes include:

- Changes to the Employee Workday section to include a Remote Work Schedule option
- Clarifying Overtime/Compensatory Time section for exempt and nonexempt employees
- Deleting the Leave of Absence section and replacing with Flex Leave that references County Policy 3241
- Deleting Medical and Dental Insurance Continuation section as it is covered under State Statute.

Amendments to the Employee Policy Manual will provide additional employee benefits that could have an impact to annual operating budgets. However, the net impact to annual budgets is not anticipated to be substantial and will depend on whether employees are eligible for the benefits and which benefits are pursued by individual employees. Annual budgets will incorporate anticipated costs for employee benefits.

21.089 Motion by Dee, second by Johnson to adopt the proposed amendments to the Employee Policy Manual. All members voting in favor.

Announcements and Reports

Natural Resources Conservation Service

There was no NRCS report.

Dakota County

There was no Dakota County report.

Vermillion River Watershed Joint Powers Organization

There was no Vermillion River Watershed Joint Powers Organization report.

Cannon River Watershed Joint Powers Board

There was not Cannon River Watershed Joint Powers Board report.

Metropolitan Conservation Districts Joint Power Board

Zanmiller provided the Metropolitan Conservation District Joint Powers Board (JPB) report. She stated that they approved the workplans for the BWSR FY22 Nonpoint Engineering Assistance (NPEA) and Enhanced Shared Technical Service program grants. With the FY22, NPEA Grant an additional \$20,000 for equipment is included this year. There was discussion regarding continued involvement in the Children's Water Festival since the primary role of the JPB is to provide insurance for the event; however, no decision was made. Zanmiller stated that Jay Riggs, Washington Conservation District, provided an update on the 2019 Clean Water Fund Grant for Sub watershed Analysis Protocol and an amendment to the grant term will be requested. Zanmiller added that the Vice-Chair did a very nice job running the meeting, in the absence of Chair Zabel.

Watson noted that there has been some discussion regarding holding the meetings virtually because of the travel involved for many members. It was stated that this is subject to open meeting law and the virtual option is being reviewed.

Minnesota Association of Soil and Water Conservation Districts

Dee stated that she attended the Resolution Committee meeting and provided recommendations on the resolutions. The Board has voted on the resolutions; however, she has not heard any information on the results of their voting. That Board is also discussing the annual meeting process for this coming year.

Watson reminded those that the Area 4 tour has been canceled, however at the November meeting they will present a slide show tour.

District Manager Reports

Watson provided a District Managers report. He stated that he received the annual request from the Minnesota Campaign Finance Board looking for any changes to the Board of Supervisors contact information. He requested any changes be provided at the end of the meeting.

He received a call on redistricting for elections from Dakota County staff. Updates will be provided as the process moves forward.

Watson requested guidance with conducting education and outreach programs due to the Delta variant of COVID. Specifically, with the 5th grade Outdoor Education Days scheduled in September. At this time, three of the eight schools have canceled. The other five schools have stated that they are still willing to attend, however, they understand if we need to cancel. Staff from the Fish and Wildlife Service has declined teaching this year due to COVID. There was brief discussion on holding the event virtually. Zamiler stated that she believes the hands-on field experiences for youth is much better than a virtual experience. There was also the suggestion of holding the event next spring. After discussion, it was decided that 5th grade Outdoor Education Days would be canceled again this year.

Watson stated that the Vermillion River Watershed JPO has canceled their tour, however, the JPO Board Members and staff will be visiting select sites after their next meeting. Watson noted that many education and outreach events are being canceled, however, the City of Farmington held a Pollution Prevention Day at Rambling River for 4th grade students attending Farmington Schools. Watson noted that the Starry Trek event was recently held and Lindsey Albright helped to coordinate and lead that event. Masking was required. Ten volunteers participated.

Dee noted that at the recent BWSR tour, masks were mandatory on the buses and they had 2 buses to ensure social distancing. They have decided that the BWSR Board meetings will again be held virtually.

Board of Supervisors Reports

Board Supervisors stated that there was no additional information to report.

20. Upcoming Events

The upcoming events were reviewed.

21. Adjourn

21.090 Motion by Dee, second by Johnson to adjourn the meeting. All members voting in favor. Motion carried.

The meeting was adjourned at 10:15 a.m.

Respectfully submitted,

Chelsea Skog
Secretary