



## AGENDA

### Dakota County Soil and Water Conservation District Board Meeting

Wednesday, November 10, 2021 - 9:00 a.m.

Meeting Room 1 – Dakota County Extension and Conservation Center

4100 220<sup>th</sup> Street Farmington, MN 55024

1. Call to Order
2. Pledge of Allegiance
3. Audience  
*Anyone wishing to address the Board regarding an item that is not on the agenda may come forward at this time. Comments are limited to five minutes.*
4. Approval of Agenda (Additions/Corrections/Deletions)

### CONSENT AGENDA

*To be adopted under one motion unless a request is made to move an item to Regular Agenda for discussion*

5. Approval of October 14, 2021 Meeting Minutes
6. Approval of November 10, 2021 Accounts Payable
7. Acceptance of the October Finance Report
8. Cancellation of Two Contracts with Pat Maher for Establishment of Cover Crops (1-year and 3-year)
9. Authorization to Amend Grant Agreement with Eagan-Inver Grove Heights Watershed Management Organization for Administration of FY19 Watershed Based Implementation Fund Grant.
10. Authorization to Amend Grant Agreement with North Cannon River Watershed Management Organization for Administration of FY19 Watershed Based Implementation Fund Grant
11. Authorization to Execute Contract with Nininger Township for Technical Services

### REGULAR AGENDA

- |   |        |
|---|--------|
| 12. Authorization to Provide Partial Payment to Jay Frandrup for Establishing Cover Crops   | Action |
| 13. Authorization to Provide Partial Payment to Peine Cattle Company for Establishing Cover Crops                                       | Action |
| 14. Authorization to Amend Contract and Provide Final Payment to Charles Schaffer for Installation of Water and Sediment Control Basins | Action |
| 15. Authorization to Provide Final Payment to Maureen Fasbender Trust for Grade Stabilization Structure                                 | Action |
| 16. Authorization to Provide Final Payment to Square Deal Dairy for Installation of Water and Sediment Control Basins                   | Action |
| 17. Authorization to Execute Agreement with North Cannon River Watershed Management Organization for 2022 Services                      | Action |
| 18. Authorization to Execute Agreement with Eagan-Inver Grove Heights Watershed Management Organization for 2022 Services               | Action |
| 19. Authorization to Execute Agreement with the Lower Mississippi River Watershed Management Organization for 2022 Services             | Action |

20. Authorization to Execute FY22 Grant Agreement with the Minnesota Board of Water and Soil Resources for Buffer Law Implementation and Local Capacity Services Action
21. Accept 2020 Financial Audit Report Action
22. Adopt 2022 Health and Dental Benefits Action
23. Review Year to Date Finance Report Information
24. Announcements and Reports  
 Natural Resources Conservation Service  
 Dakota County  
 Vermillion River Watershed Joint Powers Organization  
 Cannon River Watershed Joint Powers Board  
 Metropolitan Conservation Districts Joint Powers Board  
 Minnesota Association of Soil and Water Conservation Districts  
 District Managers Report  
 Board of Supervisor Announcements
25. Upcoming Events  
*Meetings and events listed below are anticipated to be held in person unless noted. Please contact staff if you have questions about meeting formats and locations since changes are occurring weekly.*
- |                        |   |
|------------------------|---|
| November 10, 2021      | Dakota County Soil and Water Conservation District Board Meeting<br>Extension and Conservation Center, 4100 220 <sup>th</sup> Street West, Farmington – 9:00 a.m. |
| November 10, 2021      | Lower Mississippi River Watershed Management Organization Meeting<br>Virtual format - 3:00 p.m.   |
| November 17, 2021      | Metropolitan Conservation Districts Joint Powers Board Meeting<br>Virtual format – 9:00 a.m.  |
| November 17, 2021      | Black Dog Watershed Management Organization Meeting<br>Burnsville Maintenance Facility, 13713 Frontier Court, Burnsville – 5:00 p.m.                              |
| November 17, 2021      | Lower Minnesota River Watershed District Meeting<br>Chaska City Hall, Once City Hall Plaza 2 <sup>nd</sup> Floor – 7:00 p.m.                                      |
| December 7, 2021       | Eagan-Inver Grove Heights Watershed Management Organization Meeting<br>Eagan Maintenance Facility, 3501 Coachman Point – 5:30 p.m.                                |
| December 8, 2021       | Lower Mississippi River Watershed Management Organization Meeting   |
| December 9, 2021       | Dakota County Soil and Water Conservation District Board Meeting<br>Extension and Conservation Center, 4100 220 <sup>th</sup> Street West, Farmington – 9:00 a.m. |
| December 12-14<br>2021 | Minnesota Association of Soil and Water Conservation Districts Annual Meeting<br>Double Tree Inn by Hilton, 7800 Normandale Blvd., Bloomington                    |
26. Adjourn



## MEETING MINUTES

### BOARD OF SUPERVISORS MEETING

#### DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT

Thursday, October 14, 2021

9:00 a.m.

4100 220<sup>th</sup> 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:**

Darrell Jacobson, City of Burnsville  
Caleb Ashling, City of Burnsville  
Cassandra Schaeffer, Hampton Twp

**1. Call to Order and Roll Call**

Chair Zanmiller called the meeting to order at 9:05 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. CaSondra Schaffer spoke on behalf of her father, Charles Schaeffer, regarding a project he recently installed in Hampton Township; five water and sediment control basins and a critical area planting. Specifically, she addressed the Board with concerns about the value of in-kind labor and use of heavy equipment when provided by the landowner. Current cost-share policy is set at a reimbursement rate of \$60 per hour for use of heavy equipment. She noted that the rates contractors can charge and the cost to rent equipment if landowners complete the work on their own were significantly greater than allowed under cost-share policy. She added that policy hinders landowner to do their own work and save money. She asked for consideration of a higher reimbursement rate. Discussion followed including the SWCD's willingness to reevaluate current policy and the process SWCD uses to establish cost estimates before contracts are signed. The cost estimate process uses costs charged by contractors to complete similar projects and does not distinguish whether the work is done by the landowner or a hired contractor. Chair Zanmiller thanked Ms. Schaffer for bringing the issue to the Boards attention.

**4. Recognition of 2021 Outstanding Conservationist – City of Burnsville**

Chair Zanmiller welcomed Darrel Jacobson and Caleb Ashling, Natural Resources Department staff from the City of Burnsville, as recipients of the 2021 Dakota County SWCD Outstanding Conservationist Award. Coudron added that the City of Burnsville have been partnering with the SWCD for many years. They have recently restored 2.3 acres of native prairie at Lake Park in 2020, restored 8.5 acres of native prairie at North River Hills Park in 2021, have been a strong partner and supporter for the Landscaping for Clean Water program, sponsored and hosted workshops for turf-to-prairie conversion and installation of pollinator lawns, are currently completing the stabilization and restoration of shoreline on the north side of Crystal Lake, and installed bioretention (raingardens) at many locations on City property or in conjunction with street reconstruction projects.

Caleb Ashling thanked the Board of Supervisors for the recognition on behalf of the City of Burnsville. He added that they work hard to protect the soil and water resources and it is great to be rewarded. He noted that the partnership with staff over the years has led to valuable expertise and passion to get projects completed.

**5. Approval of Agenda**

**21.091** Motion by Chamberlain, second by Johnson to approve the agenda. All members voting in favor. Motion carried.

**CONSENT AGENDA****6. Approval of September 9, 2021 Meeting Minutes**

The September 9, 2021 Meeting Minutes were presented.

**7. Approval of October 14, 2021 Accounts Payable**

The October 14, 2021 Accounts Payable were presented.

**8. Acceptance of September 2021 Financial Report**

The September 2021 Financial Report was reviewed.

**9. Authorization to Execute Contract with City of Eagan for Technical Services**

Authorization to Execute Contract with City of Eagan for Technical Services from January 1, 2022 through December 31, 2024.

**10. Authorization to Execute Contract with City of Burnsville for Technical Services**

Authorization to Execute Contract with City of Burnsville for Technical Services from January 1, 2022 through December 31, 2024.

**11. Authorization to Execute Contract with City of Inver Grove Heights for Technical Services**

Authorization to Execute Contract with City of Inver Grove Heights for Technical Services from January 1, 2022 through December 31, 2024.

**12. Authorization to Execute 2<sup>nd</sup> Contract Amendment with 144Design, LLC**

Amend contract with 144 Design, Inc, to extend completion date to December 31, 2021 to allow for completion of web redesigns for WMO partners.

**21.092** Motion by Johnson, second by Skog to approve the consent agenda items. All members voting in favor. Motion carried.

**REGULAR AGENDA****13. Authorization to Provide Final Payment to Bryce Kimmes under Two Separate Contracts for Establishing Cover Crop (1-year)**

Bryce Kimmes has established cover crop on 197 acres on two fields, one in Marshan Township and one in Hampton Township. The projects were approved for funding at the August 12, 2021 Board meeting with

an incentive payment not to exceed \$25 per acre. A cover crop of oats and radish was planted following sweet corn harvest to provide temporary cover.

**21.093** Motion by Chamberlain, second by Johnson to approve final payment to Bryce Kimmes (21-IPP-33, 21-IPP-34 ) for establishment of cover crop in Section 32 Marshan Township, Vermillion River Watershed at 100 acres and Section 22 Hampton Township, Cannon River Watershed at 97 acres for a total of \$4,925 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.

**14. Authorization to Execute Contract with Leonard Brochman for Installation of Four Water and Sediment Control Basins**

Leonard Brochman is proposing to construct 4 water and sediment control basins and a grassed waterway in Greenvale Township within the Mud Creek and Dutch Creek watersheds of the Cannon River. The basins will capture surface water runoff and convey it through underground outlets to reduce future erosion and sedimentation. The waterway will reduce erosion caused by concentrated flow of runoff. Total costs of the project are estimated at \$36,100.

**21.094** Motion by Chamberlain, second by Johnson to execute contract with Leonard Brochman 21-IPP-32 for installation of four water and sediment control basins in Section 30 Greenvale Township, Cannon River Watershed at 75% cost share, not to exceed \$27,075 from agreement with Dakota County and State Cost Share funds. Members voting in favor: Zanmiller, Skog, Johnson, Dee, Chamberlain. Motion carried.

**15. Authorization to Execute Contract with Kent Otte for Installation of Grassed Waterway**

Kent Otte is proposing to reconstruct a 720-foot grassed waterway in Hampton Township within the Lower Mainstem of the Vermillion River Watershed. The existing waterway has exceeded its functional lifespan and storm water runoff is flowing through the field and causing erosion. The reconstructed waterway will adequately convey runoff to reduce erosion. Total costs of the project are estimated at \$4,900.

**21.095** Motion by Skog, second by Johnson to execute contract with Kent Otte (21-IPP-38) for installation of grassed waterway in Section 16 Hampton Township, Vermillion River Watershed at 75% cost share, not to exceed \$3,675 from agreement with Vermillion River Watershed Joint Powers Organization. Members voting in favor: Skog, Johnson, Dee, Chamberlain, Zanmiller. Motion carried.

**16. Authorization to Execute Contract with Metropolitan Mosquito Control District for Installation of Native Prairie with Pollinator Habitat**

Metropolitan Mosquito Control District is proposing to install a 3.2-acre native prairie with pollinator habitat at the Rosemount office in the Vermillion River Watershed. The proposed project area is currently farmed, so minimal site preparation is needed. The native prairie will improve infiltration, reduce erosion, and provide wildlife habitat, particularly for pollinators. Total costs of the project are estimated at \$7,000.

**21.096** Motion by Dee, second by Johnson to execute contract Metropolitan Mosquito Control District 21-IPP-42 for installation of 3.2-acre native prairie with pollinator habitat in City of Rosemount, Vermillion River Watershed at 75% cost share, not to exceed \$5,250 from agreements with Dakota County and the Vermillion River Watershed Joint Powers Organization. Members voting in favor: Johnson, Dee, Chamberlain, Zanmiller, Skog. Motion carried.

**17. Request Change to Board Meeting Date for November 2021**

Watson stated that when we adopted the Board meeting schedule for 2021 to include the 2<sup>nd</sup> Thursday of the month, we did not recognize that November 11 falls on Veterans Day which is an observed holiday. A date change for our November Board meeting is requested.

**21.097** Motion by Dee, second by Johnson to change the November Board meeting to Wednesday, November 10, 2021 at 9:00 a.m. All members voting in favor. Motion carried.

**Announcements and Reports**

**Natural Resources Conservation Service**

There was no NRCS report. However, Watson read a written update provided by Michelle Wohlers, Farmington NRCS Field Office.

**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**

Chamberlain provided the Cannon River Watershed Joint Powers Board report. He stated the 2022 Budget was approved; dues structure is the same as last year. They have 11 projects under contract and there is also one contract for completing a lake survey. The next meeting is scheduled for January.

**Metropolitan Conservation Districts Joint Power Board**

Zanmiller sated the Metropolitan Conservation District Joint Powers Board (JPB) did not meet. There next meeting is scheduled for November 17.

**Minnesota Association of Soil and Water Conservation Districts**

Watson requested the Board of Supervisors to complete their 2021 Resolution Ballot and forward it to the office as soon as possible.

**District Manager Reports**

Watson indicate that Board issued iPADs will need to be updated to a new software system by October 26 or the iPad will be locked out of the County system. He requested the Rural Lands Committee meet to discuss the Schaeffer project, the native grass drill and native prairie program, and staff role with technical assistance involving the maintenance of drainage ditches. He also requested the Finance Committee schedule a meeting prior to the next Board meeting to review the third quarter finance report and a draft 2022 budget. Watson referenced information and a letter included in the Board packet regarding comments on BWRS's Metropolitan Watershed Based Implementation Fund Policy for FY22-23.

**Board of Supervisors Reports**

Supervisor Dee asked if there has been any word on redistricting? Watson stated that he has not heard any updates from Dakota County.

**20. Upcoming Events**

The upcoming events were reviewed.

**21. Adjourn**

**21.098** Motion by Skog, second by Johnson to adjourn the meeting. All members voting in favor. Motion carried.

The meeting was adjourned at 10:03 a.m.

Respectfully submitted,

Chelsea Skog  
Secretary

**Dakota County SWCD  
Income and Expense Summary**

**October 2021**

	Current Month	Year to Date
<b>Income</b>		
County Revenues	\$98,678.41	\$472,000.94
State Revenues	\$80,870.95	\$294,931.79
Local Revenues	\$165,547.55	\$358,388.72
Miscellaneous Funds	\$0.84	\$3,516.15
Charges for Services	<u>\$100.00</u>	<u>\$11,257.50</u>
<b>Total Income</b>	<b>\$345,197.75</b>	<b>\$1,140,095.10</b>
<b>Expense</b>		
County Expenses	\$6,012.75	\$19,186.30
State Expenses	\$47,647.06	\$107,094.68
Local Expenses	\$9,931.54	\$31,698.20
Operating Expenses	\$622.42	\$21,630.16
Payroll/Personnel Expenses	\$97,332.56	\$1,010,689.94
Project Expenses	<u>\$29.97</u>	<u>\$2,460.82</u>
<b>Total Expense</b>	<b>\$161,576.30</b>	<b>\$1,192,760.10</b>
<b>Revenues Over/-Under Expenditures</b>	<b><u>\$183,621.45</u></b>	<b><u>-\$52,665.00</u></b>

**Dakota County SWCD  
Balance Sheet  
October 2021**

**ASSETS:**

Cash in Checking - Castle Rock	\$10,225.81
Cash in Savings - Castle Rock	\$488,222.22
Cash in Checking - Vermillion Bank	\$28,663.51
Certificate of Deposit - Vermillion Bank	\$400,472.05
Petty Cash	<u>\$100.00</u>
<b>Total Cash:</b>	<b>\$927,683.59</b>

**Accounts Receivable:**

BWSR	2020 DC Drinking Water 10% Request (2020)	\$268.77	
BWSR	2020 DC Drinking Water 10% Request (2021)	\$6,040.72	
BWSR	2019 WBF Metro SWCD 40% Request	\$4,712.20	
BWSR	2019 WBF Metro LMR WD 40% Request	\$14,912.07	
Black Dog WMO	Q3 2021 Invoice for Services	\$10,400.00	
Cannon River Watershed JPO	Q3 2021 Invoice for Services	\$4,398.60	
City of Burnsville	Q3 2021 Invoice for Services	\$1,800.00	
DC Environmental Resources	Q3 2021 Capital Imp. Projects Invoice	\$10,625.00	
DC Environmental Resources	Q3 2021 Invoice for Services	\$33,480.00	
DC Parks, Facilities, Fleet	Q3 2021 Invoice for Services	\$8,118.90	
DC Parks, Facilities, Fleet	Q3 2021 Invoice for CCMi Grant	\$239.69	
DC Transportation	Q3 2021 Invoice for Services	\$1,560.00	
DC Vermillion River Watershed JPO	Q3 2021 Invoice for Services	\$28,020.04	
Egan Inver Grove Heights WMO	Q3 2021 Invoice for Services	\$10,660.00	
Lower Mississippi River WMO	Q3 2021 Invoice for Services	\$21,973.95	
Lower Mississippi River WMO WBF	Q3 2021 Invoice for Services	\$2,122.14	
Lower MN River Watershed District	Q3 2021 Invoice for Services	\$1,800.00	
MCD SWA	Cannon River Direct Final 10% Request (2020)	\$959.79	
MCD SWA	Cannon River Direct Final 10% Request (2021)	\$740.21	
MCD ETA	Q3 2021 Invoice for Services	\$3,295.72	
MCD Hosting	Q3 2021 Invoice for Services	\$2,368.48	
MCD MAWQCP	Q2 2021 Invoice for Services	-\$278.92	
MCD MAWQCP	Q3 2021 Invoice for Services	\$216.18	
MDA NFMP	Q3 2021 Invoice for Services	\$828.69	
NCR WMO	Q3 2021 Invoice for Services	\$12,159.55	
NCR WMO WBF	Q3 2021 Invoice for Services	<u>\$18,695.82</u>	\$200,117.60

**TOTAL ASSETS:**

**\$1,127,801.19**



**Dakota County SWCD  
Balance Sheet  
October 2021**

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**LIABILITIES AND EQUITY:**

Sales Tax Payable	\$37.05	
<b><u>Unearned Revenue:</u></b>		
Buffer Law Funds 2020	\$9,805.66	
Buffer Law Funds 2021	\$17,200.00	
Conservation Delivery 2020	\$301.87	
Conservation Delivery 2021	\$21,240.00	
Conservation Delivery 2022	\$21,240.00	
CWF 2018 Trout Brook Watershed Projects	\$25,475.39	
Local Capacity Services 2020	\$0.00	
Local Capacity Services 2021	\$63,458.37	
Met Council WOMP Funds	\$9,912.10	
NRBG WCA 2021	\$0.00	
State Cost Share 2020	\$2,612.28	
State Cost Share 2021	\$22,054.00	
State Cost Share 2022	\$22,054.00	
WBIF 2019 Dakota SWCD	\$0.00	
WBIF 2019 LM River WD	\$0.00	
WBIF 2021 Cannon River	\$144,771.78	
WBIF 2021 Miss River East	\$16,283.00	
WBIF 2021 MN River South	\$25,000.00	
WBIF 2021 Vermillion River	\$41,464.85	
DC Annual Operating Allocation	<u>\$55,217.00</u>	\$498,090.30
<b>Total Liabilities:</b>		<b>\$498,127.35</b>
Fund Balance Beginning of Year		\$682,338.84
Current Net Increase/-Decrease		<u>-\$52,665.00</u>
Fund Balance End of Current Period		\$629,673.84
<b>TOTAL LIABILITIES AND EQUITY:</b>		<b><u>\$1,127,801.19</u></b>

**DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT**

**Consent Agenda**

Request for Board Action

Roll Call Vote

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Meeting Date: 11/10/2021

Prepared by: Curt Coudron

**PURPOSE/ACTION REQUESTED:**

Cancel two contracts with Pat Maher for establishing cover crops.

**SUMMARY:**

Pat Maher had two contracts for seeding cover crops in 2021. Contract 21-IPP-27 was a one-year contract for 27 acres not to exceed \$675. Contract 21-IPP-28 was to be the first year of a three-year contract for 75 acres not to exceed \$7,875. Both projects were located in the Vermillion River Watershed.

Mr. Maher was unable to seed the fields due to harvest timing and crops coming off too close to or after the October 15<sup>th</sup> seeding deadline. Rather than amending the existing contracts, Mr. Maher prefers to cancel them and consider new one-year contracts in 2022 to establish cover crops.

**EXPLANATION OF FISCAL/FTE IMPACT:**

Project funds can be reallocated to other projects.

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**Supporting Documents:**

None

**Previous Board Action:**

Motions 21.051 and 21.052  
on 6/10/2021  
Authorizations to Execute  
Contracts

**DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT**

**Consent Agenda**

Request for Board Action

Roll Call Vote

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Meeting Date: 11/10/2021

Prepared by: Ashley Gallagher

**PURPOSE/ACTION REQUESTED:**

Authorize amending the Joint Powers Agreement (JPA) with Eagan-Inver Grove Heights Watershed Management Organization (E-IGHWMO) for administration of the FY19 Watershed Based Implementation Funding (WBIF) grant from the Minnesota Board of Water and Soil Resources (BWSR).

**SUMMARY:**

The current Joint Powers Agreement between the SWCD and E-IGHWMO to assist with administration tasks under the WBIF FY19 BWSR grant will expire on December 31, 2021. The E-IGHWMO is looking to extend the BWSR grant agreement until December 31, 2022. Therefore, our JPA will need to be amended to December 31, 2022 for continued assistance with the tasks identified in our approved work plan.

The JPA work plan includes grant administration, development of a lake feasibility study for the Schulze Lake alum treatment and project coordination. The total budget under the JPA work plan is \$6,208. It is anticipated that 80% of the work plan will be completed by the end of 2021 and those tasks remaining will be completed in 2022.

**EXPLANATION OF FISCAL/FTE IMPACT:**

Services to the E-IGHWMO will be added to the budget and staff work plan for 2022.

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**Supporting Documents:**

None

**Previous Board Action:**

Motion 18.131 on 11/1/18  
Authorization to Execute JPA

**DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT**

**Consent Agenda**

Request for Board Action

Roll Call Vote

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Meeting Date: 11/10/2021

Prepared by: Ashley Gallagher

**PURPOSE/ACTION REQUESTED:**

Authorize amending the Joint Powers Agreement (JPA) with North Cannon River Watershed Management Organization for implementing the FY19 Watershed Based Implementation Funding (WBIF) grant from the Minnesota Board of Water and Soil Resources (BWSR).

**SUMMARY:**

The current Joint Powers Agreement between the SWCD and NCRWMO for administration of the FY19 WBIF BWSR grant will expire on December 31, 2021. The NCRWMO is looking to extend the BWSR grant agreement until December 31, 2022. Therefore, our JPA will need to be amended to December 31, 2022 for continued assistance with the tasks identified in our approved work plan.

The JPA work plan includes assistance with grant administration, project development (marketing conservation practices), cost share for agricultural practices, a sub-watershed analysis and outreach for drainage water management practices. The total budget under the JPA work plan is \$136,520. It is anticipated that 75% of the work plan will be completed by the end of 2021 and those tasks remaining will be completed in 2022.

**EXPLANATION OF FISCAL/FTE IMPACT:**

Services to the NCRWMO will be added to the budget and staff work plan for 2022.

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**Supporting Documents:**

None

**Previous Board Action:**

Motion 18.148 on 12/6/18  
Authorization to Execute JPA

**DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT**

**Consent Agenda**

Request for Board Action

Voice Vote

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Meeting Date: 11/10/2021

Prepared by: Brian Watson

**PURPOSE/ACTION REQUESTED:**

Authorize execution of joint powers agreement with Nininger Township for technical services.

**SUMMARY:**

The SWCD has been contacted by Nininger Township’s Attorney seeking input on our willingness to provide technical assistance with restoration and erosion control activities in the Mississippi River Corridor Critical Area (MRCCA). The MRCCA is a special state designation that provides coordinated management and protection of a 72-mile stretch of the Mississippi River Bluffs through the 7-County Metropolitan Area. Nininger Township is in the process of drafting a model ordinance for the MRCCA.

In communication with Nininger Townships legal representative, it was recommended that we pursue our model 3-year joint powers agreement similar to what we have executed with other communities. This JPA would specifically reference the MRCCA but also apply to all of the Townships geographical areas. The SWCD would provide services only upon request from the Township.

The term of the new agreement would be January 1, 2022 through December 31, 2024 and allow the SWCD to charge our Board approved hourly rate when requests are made for technical assistance. The agreement will also include a clause that allows the SWCD to refuse Township requests pending workload and staff availability.

**EXPLANATION OF FISCAL/FTE IMPACT:**

Anticipated revenues and staff time will be included into annual budgets and staff plans over the next three years.

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**Supporting Documents:**

None

**Previous Board Action:**

N/A

**DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT****Regular Agenda**

Request for Board Action

Roll Call Vote

Meeting Date: 11/10/2021

Prepared by: Curt Coudron

**PURPOSE/ACTION REQUESTED:**

Authorize partial payment of \$3,500 to Jay Frandrup for establishing cover crop.

**SUMMARY:**

Jay Frandrup has completed the first year of his three year contract to establish cover crops on 120 acres in Vermillion Township located in the Vermillion River Watershed. Based on adopted policy, a multiple year contract is limited to \$10,500 (100 acres). The payment is equal to \$35 per acre for 100 acres over a period of three years or \$3,500 each year the cover crop is certified.

The project was approved for funding at the April 8, 2021 Board meeting with an incentive payment not to exceed \$10,500 over three years. A cover crop of oats following sweet corn harvest was seeded in 2021 to provide temporary cover, reduce erosion, retain nutrients, and protect soil health.

Project installation has been certified by SWCD staff. Under adopted policy, payment for the first year will be made upon certification of the installation and District Board approval. Payments for additional years will be made annually when cover crop seeding has been completed, certified and approved by the District Board.

**EXPLANATION OF FISCAL/FTE IMPACT:**

Project funds and staff costs to install the project are available through our annual agreements with Dakota County and the Vermillion River Watershed Joint Powers Organization and through the FY21 Metro WBIF Vermillion River Grant.

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**Supporting Documents:**

21-IPP-03 Frandrup, Jay Cover Crop Factsheet

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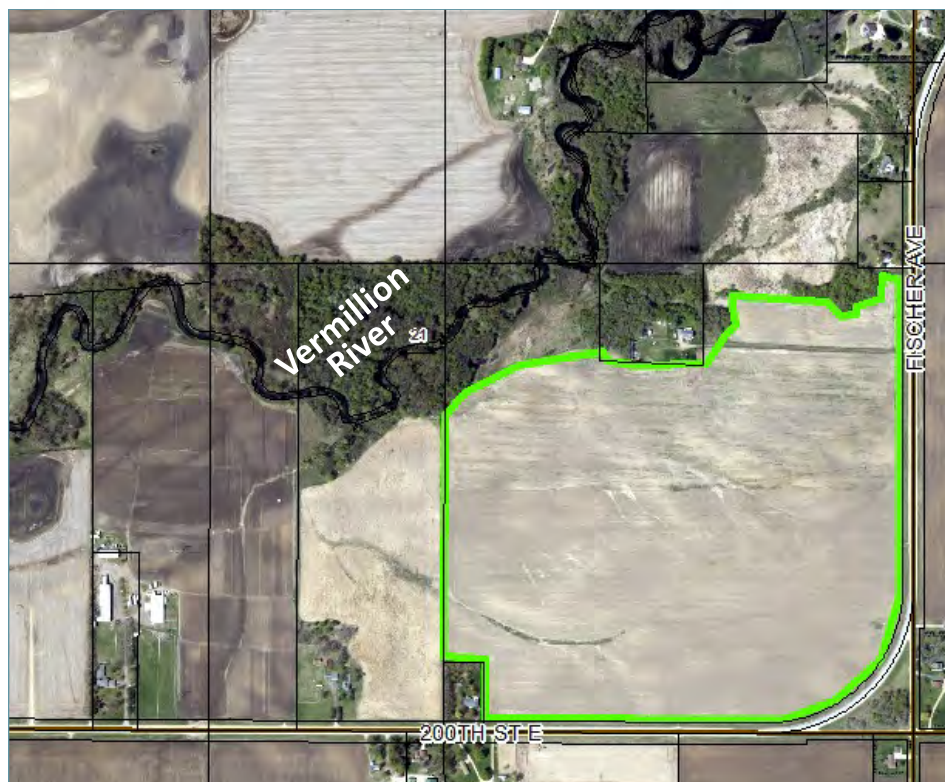
**Previous Board Action:**

Motion 21.022 on 4/8/2021

Authorization to Execute Contract



# JAY FRANDRUP COVER CROPS



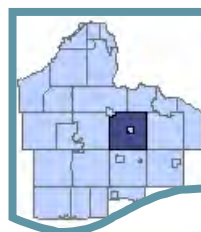
**PROJECT:** An oat cover crop was planted on 120 acres following sweet corn harvest and will be planted for two more years. The cover crop will provide erosion control, reduce weed pressure, and prevent nutrient leaching.

**FUNDING:** Incentive Amount: \$10,500  
(100 acres X \$35 per acre X 3 years)



**Clean Water Fund:**  
Protecting and restoring  
Minnesota's waters for  
generations to come.

**LOCATION:**  
Vermillion  
Township



### PRACTICE:

- Cover Crops

### BENEFITS:

- 6 tons of sediment per year prevented from traveling downstream
- 9 lbs. of phosphorous per year prevented from traveling downstream
- Reduced leaching of nitrate into groundwater on highly vulnerable and sensitive soils
- Retained nutrients and improved soil health.

### PARTNERS:

- Dakota County
- Vermillion River Watershed Joint Powers Organization
- Minnesota Board of Water and Soil Resources

### WATERSHED:

- Vermillion River

### RECEIVING WATERS:

- Vermillion River

### INSTALLATION:

- Fall 2021, 2022 and 2023



A cover crop of oats was planted after sweet corn harvest



The cover crop had a foot of growth approximately one month after planting



**DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT**

**Regular Agenda**

Request for Board Action

Roll Call Vote

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Meeting Date: 11/10/2021

Prepared by: Curt Coudron

**PURPOSE/ACTION REQUESTED:**

Authorize partial payment of \$3,500 to Peine Cattle Company for establishing cover crop.

**SUMMARY:**

Peine Cattle Company (Mike Peine) has completed the first year of his three year contract to establish cover crops on 100 acres in Douglas Township located in the Cannon River Watershed. Based on adopted policy, a multiple year contract is limited to \$10,500 (100 acres). The payment is equal to \$35 per acre for 100 acres over a period of three years or \$3,500 each year the cover crop is certified.

The project was approved for funding at the June 10, 2021 Board meeting with an incentive payment not to exceed \$10,500. A cover crop of winter cereal rye was seeded in 2021 to provide temporary cover, reduce erosion, retain nutrients, and protect soil health.

Project installation has been certified by SWCD staff. Under adopted policy, payment for the first year will be made upon certification of the installation and District Board approval. Payments for additional years will be made annually when cover crop seeding has been completed, certified and approved by the District Board.

**EXPLANATION OF FISCAL/FTE IMPACT:**

Project funds and staff costs to install the project are available through our agreements with Dakota County and through the FY18 Trout Brook Watershed Initiative Grant.

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**Supporting Documents:**

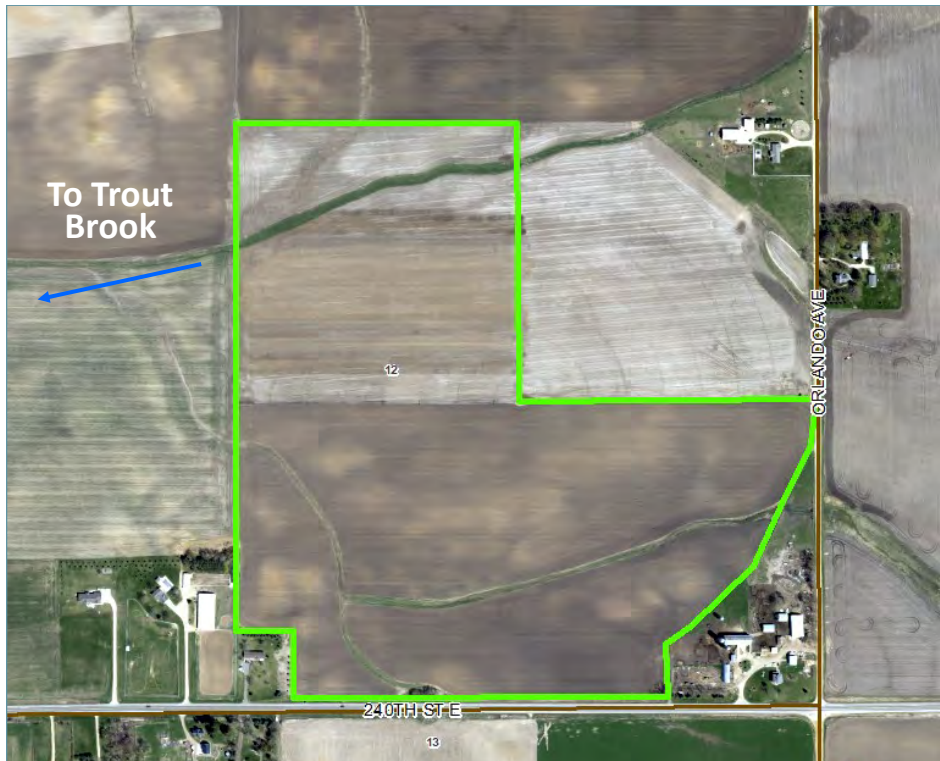
21-IPP-24 Peine Cattle Company Cover Crop Factsheet

**Previous Board Action:**

Motion 21.050 on 6/10/21

Authorization to Execute Contract

**PEINE CATTLE COMPANY**  
**COVER CROPS**



**PRACTICE:**

- Cover Crops

**BENEFITS:**

- 74 tons of sediment per year prevented from traveling downstream
- 94 lbs. of phosphorous per year prevented from traveling downstream
- Reduced leaching of nitrate into groundwater on highly vulnerable and sensitive soils
- Retained nutrients and improved soil health.

**PARTNERS:**

- Dakota County
- North Cannon River Watershed Management Organization
- Minnesota Board of Water and Soil Resources

**WATERSHED:**

- Cannon River

**RECEIVING WATERS:**

- Trout Brook

**INSTALLATION:**

- Fall 2021, 2022 and 2023

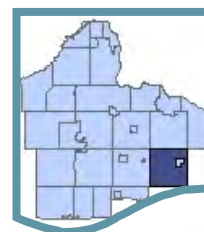
**PROJECT:** A winter cereal rye cover crop was planted on 100 acres following corn silage and will be planted for two more years. The cover crop will provide erosion control, reduce weed pressure, and prevent nutrient leaching.

**FUNDING:** Incentive Amount: **\$10,500**  
(100 acres X \$35 per acre X 3 years)



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Protecting and restoring  
Minnesota's waters for  
generations to come.

**LOCATION:**  
Douglas  
Township





Winter cereal rye was planted after corn silage harvest.



The cover crop had approximately 2 inches of growth a week after planting.

**DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT**

**Regular Agenda**

Request for Board Action

Roll Call Vote

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Meeting Date: 11/10/2021

Prepared by: Curt Coudron

**PURPOSE/ACTION REQUESTED:**

Authorize amending contract and providing final payment of \$28,325.99 to Charles Schaffer for the installation of five water and sediment control basins.

**SUMMARY:**

Charles Schaffer has completed the installation of 5 water and sediment control basins in Hampton Township in the Lower Mainstem Watershed of the Vermillion River. The project was approved for funding at the April 8, 2021 Board meeting at 75% cost share not to exceed \$27,150 based on a cost estimate of \$36,200. Due to project delays, the contract completion date was amended on September 10, 2021 to allow for completion before expiration of the contract.

Following a large rain event during construction, additional work was completed by Schaffer's to remove sediment from the basins before finishing construction. Based on submitted invoices, final eligible project expenses were \$37,767.99. Schaffer's have requested to amend the contract to include cost share for the increased project costs due to the rain event. The amendment would increase the total project cost from \$36,200 to \$37,76.99 and increase the maximum cost share from \$27,150 to \$28,325.99.

Project installation has been certified by staff. Using the approved cost share percentage of 75% of eligible expenses, staff is recommending amending the contract and providing final payment to Charles Schaffer in the amount of \$28,325.99.

**EXPLANATION OF FISCAL/FTE IMPACT:**

Project funds to install the project are available through our agreements with Dakota County and the Vermillion River Watershed Joint Powers Organization.

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**Supporting Documents:**

21-IPP-04 Schaffer, Charles WASCObS Final Factsheet

**Previous Board Action:**

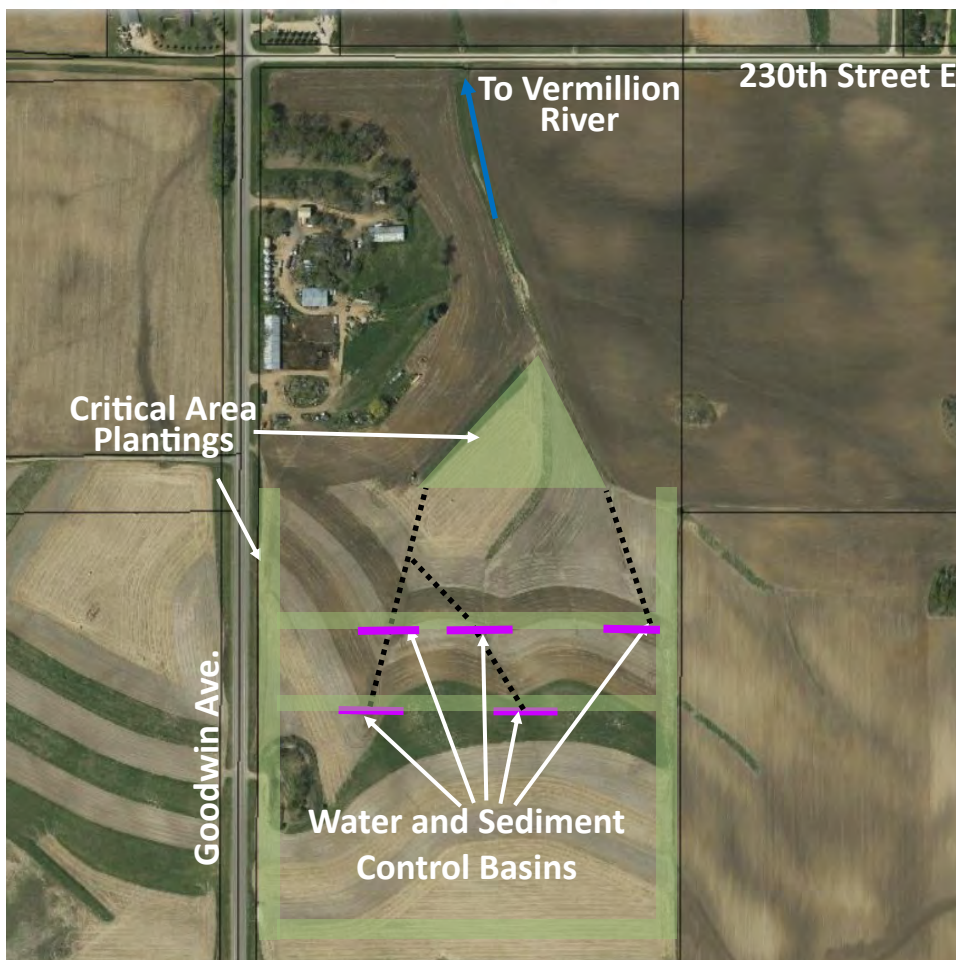
Motion 21.023 on 4/8/21  
Authorization to Execute Contract

Extension of Completion Date on  
9/10/21 by District Manager  
as Delegated by Motion 20.025



**CHARLES SCHAFFER**

**WATER & SEDIMENT CONTROL BASINS  
AND CRITICAL AREA PLANTING**



**PRACTICES:**

- Water and Sediment Control Basins
- Critical Area Planting

**BENEFITS:**

- 34 tons of sediment per year prevented from traveling downstream
- 38 lbs. of phosphorous per year prevented from traveling downstream

**PARTNERS:**

- Vermillion River Watershed Joint Powers Organization
- Dakota County

**WATERSHED:**

- Vermillion River

**RECEIVING WATERS:**

- Vermillion River

**INSTALLATION:**

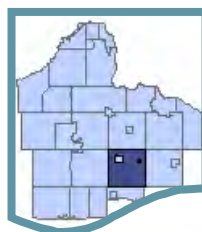
- Summer 2021

**PROJECT:** Five water and sediment control basins were constructed to control gully erosion. The basins include underground outlets that discharge to existing grassed waterways which were constructed in 2020. Critical area planting strips were also installed to reduce rill erosion.

<b>FUNDING:</b>	<b>Actual Project Cost:</b>	<b>\$37,768</b>
	<b>Cost Share Amount:</b>	<b>\$28,326</b>
	<b>Landowner Amount</b>	<b>\$9,442</b>



**LOCATION:**  
Hampton Township

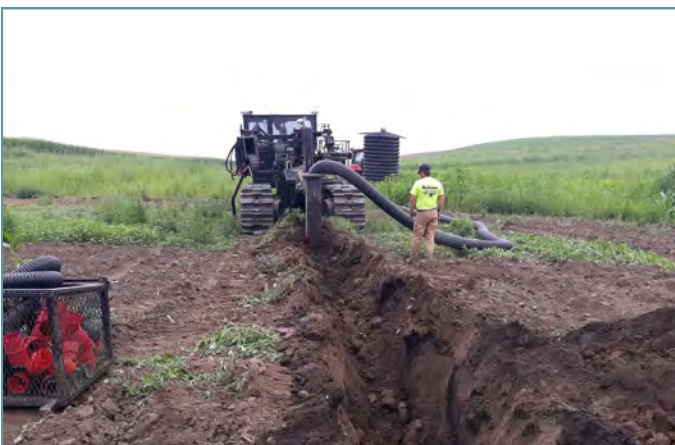




Gullies had formed due to erosion in the field. 5 areas were planned for water and sediment control basins.



Dispersed erosion was to be addressed by critical area plantings of perennial vegetation in key locations.



Underground outlets were installed for each of the water and sediment control basins.



Berms were constructed for each basin and finished with topsoil.



Critical area plantings were seeded with winter rye for short-term erosion control and with a perennial seed mixture for long-term erosion control.



Seeding emerged shortly after planting. The basins will reduce future gully erosion within the field and the critical area plantings will capture sediment from up-gradient areas.

**DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT****Regular Agenda**

Request for Board Action

Roll Call Vote

Meeting Date: 11/10/2021

Prepared by: Curt Coudron

**PURPOSE/ACTION REQUESTED:**

Authorize final payment of \$91,856.70 to Maureen J Fasbender Trust for the installation of a grade stabilization.

**SUMMARY:**

Maureen J Fasbender Trust (Maureen and Dave Fasbender) has completed the installation of a grade stabilization in Douglas Township, Trout Brook watershed of the Cannon River.

The project was approved for funding at the August 8, 2021 Board meeting at 90% cost share not to exceed \$103,500 and based on a cost estimate of \$115,000. Because the project complexity exceeded the Job Approval Authority of staff, engineering services of a professional engineer were used on the project. Two related contracts with the engineering firm Rehder and Associates for the site survey and for construction oversight have been executed. Expenses for engineering under those two contracts are being paid directly to Rehder and Associates and are not included in the cost share reimbursement to the landowner.

Project installation has been certified by professional engineer at Rehder and Associates. Final construction costs for the project were \$102,063. Based on the approved cost share percentage of 90% of eligible expenses, staff is recommending final payment to Maureen J Fasbender Trust in the amount of \$91,856.70.

**EXPLANATION OF FISCAL/FTE IMPACT:**

Project funds to install the project are available through the FY18 Trout Brook Watershed Initiative Grant and our agreement with Dakota County.

**Supporting Documents:**

21-IPP-35 Maureen J Fasbender Trust Grade Stabilization  
Final Factsheet

**Previous Board Action:**

Motion 21.015 on 3/11/21  
Authorization to Execute a contract with Rehder and Associates for Engineering Services

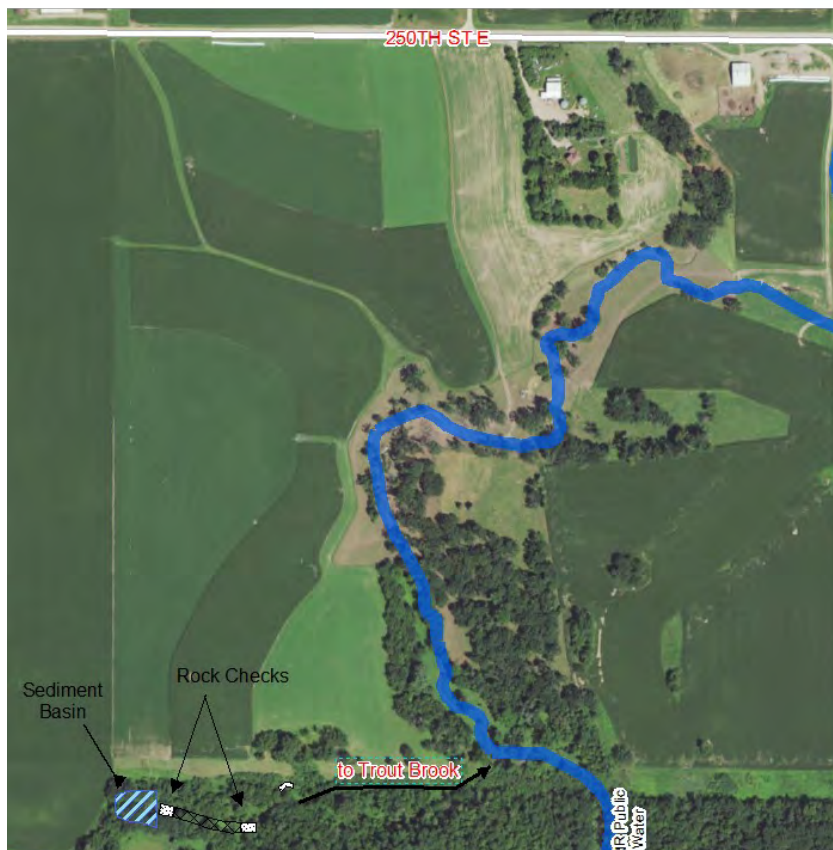
Motion 21.076 on 8/12/21  
Authorization to Execute a contract with Rehder and Associates for Engineering Services

Motion 21.077 on 8/12/21  
Authorization to Execute Contract



# MAUREEN J FASBENDER TRUST

## GRADE STABILIZATION STRUCTURE



### PRACTICE:

- Grade Stabilization Structure

### BENEFITS:

- 443 tons of sediment per year prevented from traveling downstream
- 443 lbs. of phosphorous per year prevented from traveling downstream

### PARTNERS:

- Dakota County
- Minnesota Board of Water and Soil Resources

### WATERSHED:

- Cannon River

### RECEIVING WATERS:

- Trout Brook

### INSTALLATION:

- Fall 2021

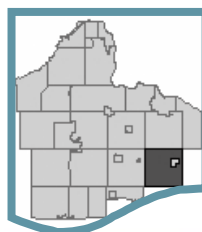
**PROJECT:** A 450 foot long gully was stabilized by regrading, installing rock checks, and reinforcing a steep slope with rip-rap. A sediment basin was constructed to capture sediment from upland surface water runoff.

<b>FUNDING:</b>	<b>Project Cost:</b>	<b>\$102,063</b>
	<b>Cost Share Amount:</b>	<b>\$91,857</b>
	<b>Landowner Amount</b>	<b>\$10,206</b>



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generations to come.*

**LOCATION:**  
Douglas Township







A ravine had formed from surface water runoff. Banks were eroded and undercut trees had fallen into the ravine.



Fallen trees were cleared at the beginning of construction.



A basin to capture sediment was excavated on the upper end of the project.



Rip-rap ditch checks were installed to prevent future erosion.



Construction areas were seeded with a perennial seed mixture and stabilized with erosion control blanket.



The completed project will capture sediment, reduce future erosion, and protect downstream portions of Trout Brook.

**DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT**

**Regular Agenda**

Request for Board Action

Roll Call Vote

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Meeting Date: 11/10/2021

Prepared by: Curt Coudron

**PURPOSE/ACTION REQUESTED:**

Authorize final payment of \$31,125 to Square Deal Dairy for the installation of three water and sediment control basins.

**SUMMARY:**

Square Deal Dairy (Blake Otte) has completed the installation of three water and sediment control basins in Hampton Township, North Byllesby Watershed of the Cannon River.

The project was approved for funding at the September 9, 2021 Board meeting at 75% cost share not to exceed \$31,125 and based on a cost estimate of \$41,450.

Project installation has been certified by SWCD staff. Final eligible project expenses were \$45,100. Based on the approved cost share percentage of 75% of eligible expenses, staff is recommending final payment to Square Deal Dairy in the amount of \$31,125.

**EXPLANATION OF FISCAL/FTE IMPACT:**

Project funds to install the project are available through our annual agreement with the North Cannon River Watershed Management Organization and their FY19 Watershed Based Funding Grant.

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**Supporting Documents:**

21-IPP-39 Square Deal Dairy WASCBS Final Factsheet

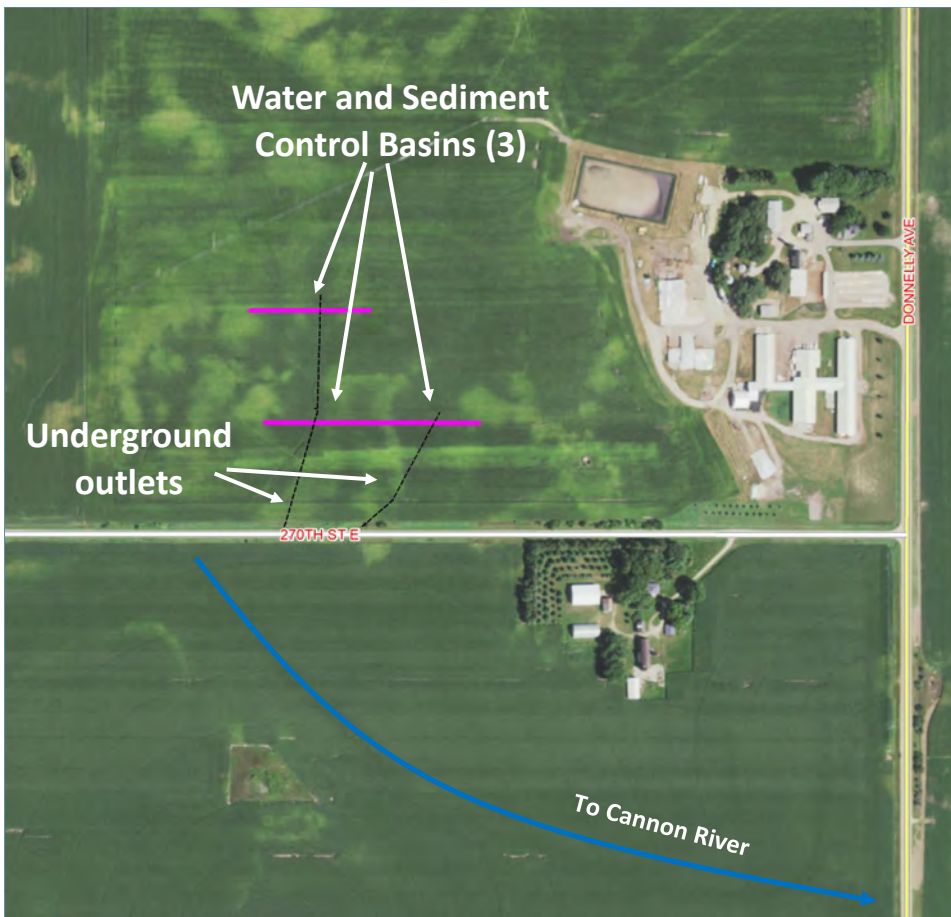
**Previous Board Action:**

Motion 21.085 on 9/9/21

Authorization to Execute Contract



# SQUARE DEAL DAIRY WATER AND SEDIMENT CONTROL BASINS



**PRACTICE:**

- Water and Sediment Control Basins

**BENEFITS:**

- 65 tons of sediment per year prevented from traveling downstream
- 65 lbs. of phosphorous per year prevented from traveling downstream

**PARTNERS:**

- Minnesota Board of Water and Soil Resources
- North Cannon River Watershed Management Organization

**WATERSHED:**

- Cannon River

**RECEIVING WATERS:**

- Cannon River

**INSTALLATION:**

- Fall 2021

**PROJECT:** Three water and sediment control basins were constructed to eliminate a reoccurring annual gully. The basins will capture surface water runoff and slowly release the runoff through underground outlets to reduce future erosion.

<b>FUNDING:</b>	<b>Project Cost:</b>	<b>\$45,100</b>
	<b>Cost Share Amount:</b>	<b>\$31,125</b>
	<b>Landowner Amount</b>	<b>\$13,975</b>

## NORTH CANNON RIVER

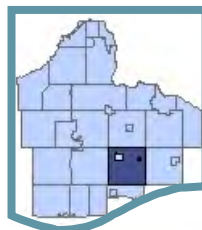


WATERSHED MANAGEMENT ORGANIZATION



*Clean Water Fund:  
Protecting and restoring  
Minnesota's waters for  
generations to come.*

**LOCATION:**  
Hampton Township





Surface water runoff had caused gullies to form in the field. Basins were designed to capture and manage runoff.



Underground outlets were installed and topsoil was stripped from the construction areas.



In-field borrow areas were used as sources of material to construct the berm.



Borrow material was hauled to where it was needed for constructing the berm.



Berms for each basin were constructed to hold back surface water runoff and slowly release the runoff through the underground outlets.



Topsoil was spread over each of the farmable basins after construction.

**DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT**

**Regular Agenda**

Request for Board Action

Voice Vote

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Meeting Date: 11/10/2021

Prepared by: Ashley Gallagher

**PURPOSE/ACTION REQUESTED:**

Authorize execution of a Joint Powers Agreement with the North Cannon River Watershed Management Organization for 2022 services.

**SUMMARY:**

Staff has drafted and presented a 2022 work plan and budget to the North Cannon River Watershed Management Organization (NCRWMO) Board. The work plan and budget includes administration tasks, technical assistance including water quality monitoring, cost-share for projects (which is typically used to leverage grant dollars) and support for the installation of projects under the Landscaping for Clean Water Program. An increase in administrative time is included into this year’s work plan to assist with the watershed plan update process.

The 2022 work plan and budget includes a total amount not to exceed \$42,033 which is a \$7,075 increase from previous year. The NCRWMO Board approved the 2022 work plan and budget at their October 6, 2021 meeting.

**EXPLANATION OF FISCAL/FTE IMPACT:**

Services to the NCRWMO will be added to the budget and staff work plan for 2022.

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**Supporting Documents:**  
2022 SWCD Work Plan and Budget with NCRWMO

**Previous Board Action:**  
None

**2022 SWCD Work Plan and Budget  
North Cannon River Watershed Management Organization**

**Administrative Assistance**

<b>Task</b>	<b>Estimated Annual Cost</b>
<p><b>Treasurer Report and Budget Performance Report</b> Calculate and report for each meeting fund balances on CDs, savings, and checking accounts and update budget performance report, assist Auditor with audit as needed.</p>	10 hours @ \$ 85/hour = \$ 850 <sup>1</sup>
<p><b>Board Meeting Preparation Based on 4 Meetings</b></p> <ol style="list-style-type: none"> <li>1) Put together full Board packet mailing materials including agenda, minutes, treasurer report, etc.</li> <li>2) Find and reserve meeting space and coordinate building locking/unlocking.</li> <li>3) Maintain and update database of Board member addresses.</li> <li>4) Distribute Board packet to Board members and alternates, plus key partners.</li> <li>5) Distribute agenda and minutes to 11 clerks.</li> </ol>	60 hours @ \$ 85/hour = \$ 5,100 <sup>2</sup>  Paper and postage = \$100
<p><b>Annual Reports, Plans, Financial Reports</b> Meet BWSR requirements by developing and submitting reports for previous year plus next year's plans.</p>	25 hours @ \$ 85/hour = \$ 2,125
<p><b>Annual Budget Development and Dues Calculations</b> Prepare annual budget from approved plan and Board priorities and distribute. Receive tax capacity figures from County Assessor's office and calculate appropriate dues for each member depending on budget.</p>	15 hours @ \$ 85/hour = \$ 1,275
<p><b>Website Hosting and Administration</b> Host and maintain a website, as required by BWSR, to display information on meetings, plans, reports, cost-share projects, grants and other information.</p>	20 hours @ \$ 85/hour = \$ 1,700 Hosting fee = \$900
<p><b>General Correspondence and Coordination</b> Coordinate with various entities regarding pertinent watershed management topics and events. Coordination of watershed-based implementation funding for NCRWMO priorities.</p>	40 hours @ \$ 85/hour = \$ 3,400
<p><b>Watershed Management Plan Update</b> Coordinate with the consultant, Board and partners on developing the 4<sup>th</sup> generation Plan. Lead public engagement strategies and the Plan approval process.</p>	Coordination 40 hours @ \$85/hour = \$3,400 Engagement 30 hours @ \$85/hour = \$2,550 Approval process 10 hours @ \$85/hours = \$850
<p><b>Administrative Assistance Subtotal</b></p>	<b>\$22,250</b>

<sup>1</sup> \$200 will be charged for each additional Board meeting scheduled.

<sup>2</sup> \$ 1,275 will be charged for each additional Board meeting scheduled.

## Technical Assistance

Task	Estimated Annual Cost
<p><b>Water Monitoring</b></p> <p>1) Water Quality Monitoring – Routine</p> <p style="padding-left: 20px;">a. Lab analysis for bacteria, nutrients, and solids.</p> <p style="padding-left: 20px;">b. Staff time for sample collection</p> <p>2) Water Quality Monitoring - Event</p> <p style="padding-left: 20px;">a. Lab analysis for bacteria, nutrients, and solids.</p> <p style="padding-left: 20px;">b. Staff time for sample collection</p> <p>3) Data Analysis and Reporting</p> <p style="padding-left: 20px;">a. Data analysis, compilation, and reporting to MPCA</p> <p style="padding-left: 20px;">b. Creating a monitoring report and presenting findings to NCRWMO board</p>	<p>7 monthly samples @ \$90.25/sample = \$631.75</p> <p>35 hours @ \$85/hour = \$2,975</p> <p>5 event samples @ \$90.25/sample = \$451.25</p> <p>25 hours @ \$85/hour = \$2,125</p> <p>10 hours @ \$85/hour = \$850</p> <p>25 hours @ \$85/hour = \$2,125</p> <p>Sub-Total for Monitoring = \$9,158</p>
<p><b>Advocacy, Education and Outreach</b></p> <p>Coordinate with local, County, State and Federal stakeholders to implement the advocacy, education and outreach strategies within the Watershed Management Plan.</p>	<p>25 hours @ \$85/hour = \$2,125</p>
<p><b>Landscaping for Clean Water (LCW)</b></p> <p>1) Staff time for technical assistance.</p> <p>2) Provide cost share to landowners for up to 3 projects including raingardens, native plantings and shoreline stabilization projects consistent with SWCD cost share policies.</p>	<p>\$500 TA x 3 Projects = \$1,500</p> <p>\$250 grant x 3 projects = \$750</p> <p>Sub-Total for LCW= \$2,250</p>
<p><b>Cost Share Program</b></p> <p>Provide cost share to landowners for implementing conservation projects through existing SWCD cost share programs (pass through funds).</p> <p>Technical and administrative assistance to execute landowner contracts, provide construction oversight and certify completion of the project.</p>	<p>\$3,000</p> <p>\$1,000</p>
<p><b>Technical Assistance Subtotal</b></p>	<p><b>\$19,783</b></p>

**Total Not-To-Exceed Amount = \$42,033**

Note: Additional items may be required of the SWCD during the workplan timeframe and individual budget amounts may change as work progresses. If proposed changes are to exceed the total agreed amount, this work plan will then be amended and re-executed by the NCRWMO and SWCD.

**DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT**

**Regular Agenda**

Request for Board Action

Voice Vote

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Meeting Date: 11/10/2021

Prepared by: Ashley Gallagher

**PURPOSE/ACTION REQUESTED:**

Authorize execution of a Joint Powers Agreement with the Eagan-Inver Grove Heights Watershed Management Organization for 2022 services.

**SUMMARY:**

Staff has drafted and presented a 2022 work plan and budget to the Eagan-Inver Grove Heights Watershed Management Organization (E-IGHWMO) Board. The work plan and budget includes administration tasks, education and outreach, and support for the installation of projects under the Landscaping for Clean Water Program.

The 2022 workplan and budget includes a total amount not to exceed \$33,235 which is a \$2,830 decrease from previous year. The decrease is due to funds provided in 2021 for the E-IGHWMO web site redesign. The E-IGHWMO Board approved the 2022 work plan and budget at their October 19, 2021 meeting.

**EXPLANATION OF FISCAL/FTE IMPACT:**

Services to the E-IGHWMO will be added to the budget and staff work plan for 2022.

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**Supporting Documents:**

2022 SWCD Work Plan and Budget with E-IGHWMO

**Previous Board Action:**

None



**2022 Dakota County SWCD Work Plan and Budget**  
**Prepared for**  
**Egan – Inver Grove Heights Watershed Management Organization**

<b>TASK – ADMINISTRATION</b>	<b>COST ESTIMATE</b>
<b>Board Meeting Preparation based on 6 meetings</b> <ul style="list-style-type: none"> <li>• Coordinate and assemble Board packet materials including agenda, minutes, financials and support information.</li> <li>• Maintain and update database of Board member addresses, agency staff and partners.</li> <li>• Distribute Board packets to members, alternates, plus partners.</li> </ul>	100 hours @ \$85/hour = \$8,500
<b>Annual Report Requirements, Plans, Financial Reports</b> <ul style="list-style-type: none"> <li>• Annual Report-Due to BWSR each March, includes financial report plus current year's plan.</li> <li>• Coordination of financial audit or financial reports</li> </ul>	30 hours @ \$85/hour = \$2,550
<b>Annual Budget Development</b> <ul style="list-style-type: none"> <li>• Prepare annual budget and member dues for Board consideration and adoption.</li> </ul>	15 hours @ \$85/hour = \$1,275
<b>General Correspondence, Work Plans, Coordination, Grant Writing, and WMO Programs</b> <ul style="list-style-type: none"> <li>• Draft letters, work plans, grants or documents on various issues as requested.</li> <li>• Coordinate with member cities, state agencies and regional organizations.</li> </ul>	30 hours @ \$85/hour = \$2,550
<b>Printing and Postage</b>	\$200
<b>Subtotal</b>	<b>\$15,075</b>

<b>TASK – EDUCATION AND OUTREACH</b>	<b>COST ESTIMATE</b>
<b>Landscaping for Clean Water Program</b> <ul style="list-style-type: none"> <li>• Provide access to the Landscaping for Clean Water: <ul style="list-style-type: none"> <li>• Introduction Class Materials</li> <li>• Design Course Materials</li> <li>• Maintenance Workshop</li> </ul> </li> </ul> <p>(Includes online registration, partner coordination, presentation creation and updates, creation of education and outreach materials, participant tracking, one-on-one design assistance. Note: classes may be virtual in 2022)</p>	Introduction Class = \$1,700  Design Course = \$3,400  Maintenance Workshop = \$1,700
<b>Website Updates and Maintenance</b> <ul style="list-style-type: none"> <li>• Maintain E-IGH WMO website and post meeting minutes, agendas, and other information as provided or required.</li> <li>• Website hosting fee</li> </ul>	16 hours @\$85/hour = \$1,360  \$1,000
<b>Subtotal</b>	<b>\$9,160</b>

**TASK – TECHNICAL ASSISTANCE/PROJECT IMPLEMENTATION****COST ESTIMATE**

<b>Cost Share Program - Landscaping for Clean Water Installs</b> <ul style="list-style-type: none"><li>• Staff time for technical assistance.</li><li>• Provide cost share to landowners for up to 12 projects including raingardens, native plantings and shoreline stabilization projects consistent with SWCD cost share policies.</li></ul>	Technical Assistance = \$6,000  Landowner Incentives: \$250/project x 12 projects = \$3,000
<b>Subtotal</b>	<b>\$9,000</b>

**Total Not To Exceed = \$33,235**

**Note:** Additional items may be required of the SWCD during the workplan timeframe and individual budget amounts may change as work progresses. If proposed changes are to exceed the total agreed amount, this work plan will then be amended and re-executed by the E-IGHWMO and SWCD.

**DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT**

**Regular Agenda**

Request for Board Action

Voice Vote

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Meeting Date: 11/10/2021

Prepared by: Joe Barten

**PURPOSE/ACTION REQUESTED:**

Authorize execution of a Joint Powers Agreement with the Lower Mississippi River Watershed Management Organization for 2022 services.

**SUMMARY:**

Staff has drafted and presented a 2022 work plan and budget to the Lower Mississippi River Watershed Management Organization (LMRWMO) Board. The work plan and budget includes general administration services, water monitoring, technical assistance, education/outreach, and support for the installation of projects under the Landscaping for Clean Water program.

The 2022 work plan and budget includes a total amount not to exceed \$84,930 which is a \$11,670 increase from previous year. The increase is largely due to additional staff time needs for administrative services including updating the current watershed plan and reimbursement costs for website redesign. LMRWMO Board approved the 2022 work plan and budget at their October 13, 2021 meeting.

**EXPLANATION OF FISCAL/FTE IMPACT:**

Services to the LMRWMO will be added to the budget and staff work plan for 2022.

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**Supporting Documents:**

2022 SWCD Work Plan and Budget with LMRWMO

**Previous Board Action:**

None

**2022 Dakota County SWCD Work Plan and Budget**  
**Prepared for the**  
**Lower Mississippi River Watershed Management Organization**

<b>TASK – ADMINISTRATION</b>	<b>COST ESTIMATE</b>
<p><b>Administration and Planning</b></p> <ul style="list-style-type: none"> <li>• Coordinate Board packet materials including agenda, minutes, and support information.</li> <li>• Develop and distribute Board packets to members, alternates, and partners, prepare press releases as needed.</li> <li>• Prepare annual reports, newsletter, plans, and financial reports for the Board of Water and Soil Resources (BWSR).</li> <li>• Maintain documents through records retention schedule.</li> <li>• Coordinate annual audit, maintain financials, dues.</li> <li>• Prepare annual budget from approved plan and LMRWMO Board priorities and distribute.</li> <li>• Participate in Metro Watershed Based Funding process.</li> <li>• All other duties as necessary.</li> </ul>	<p>210 hours @ \$85/hour = \$17,850</p>
<p><b>Watershed Management Plan Update</b></p> <ul style="list-style-type: none"> <li>• Coordinate with state agencies on LMRWMO Watershed Management Plan update.</li> <li>• Coordinate public, CAC, or TAC meetings with consultant.</li> <li>• Review and comment on plan content.</li> </ul>	<p>110 hours @ \$85/hour = \$9,350</p>
<p><b>General Correspondence and Coordination</b></p> <ul style="list-style-type: none"> <li>• Draft letters on various issues as requested.</li> <li>• Coordinate with state agencies, regional organizations, and member cities, regarding watershed management topics.</li> <li>• Submit grant proposals to seek funding as requested, coordinate with grant recipients, and execute grant agreements.</li> </ul>	<p>100 hours @ \$85/hour = \$8,500</p>
<p><b>Printing and Postage</b></p>	<p>4 quarters @ \$50/quarter = \$200</p>
<b>Subtotal</b>	<b>\$35,900</b>

**TASK – EDUCATION AND OUTREACH****COST ESTIMATE**

<p><b>Landscaping for Clean Water Workshops</b></p> <p>Provide access to the Landscaping for Clean Water Course and Materials Introduction Course Materials.</p> <ul style="list-style-type: none"> <li>• Introduction Class and Materials</li> <li>• Design Class and Materials</li> <li>• Maintenance Workshop and Materials</li> </ul> <p>(Includes online registration, partner and City coordination, presentation creation and updates, creation of educational materials, creation of outreach materials, participant tracking, and one-on-one design assistance. Note: classes may be virtual in 2022)</p>	<p>Introduction Materials = \$1,700</p> <p>Design Materials = \$3,400</p> <p>Maint. Materials = \$1,700</p>
<p><b>Water Stewards Program</b></p> <ul style="list-style-type: none"> <li>• Coordinate with Freshwater Society Staff on program content; provide outreach on program to public; coordinate with participants on program.</li> <li>• Provide tour of LMRWMO for participants.</li> <li>• Attend classes as necessary.</li> <li>• Assist participants in implementing capstone projects.</li> <li>• Coordinate volunteer opportunities for participants.</li> </ul>	<p>48 hours @ \$85/hour = \$4,080</p>
<p><b>General Education</b></p> <ul style="list-style-type: none"> <li>• Respond to public education requests for information.</li> <li>• Coordinate design of template signage for water resource projects in Inver Grove Heights.</li> <li>• Provide educational materials for use by member cities.</li> </ul>	<p>65 hours @ \$85/hour = \$5,525</p>
<p><b>Website Updates and Maintenance</b></p> <ul style="list-style-type: none"> <li>• Update LMRWMO website with meeting minutes, agendas, project information, Board information, water monitoring information, and other information as necessary.</li> <li>• Larger website update/re-configuration by consultant</li> <li>• Website hosting fee.</li> </ul>	<p>20 hours @ \$85/hour = \$1,700</p> <p>Website Update/Re-Do = \$4,000</p> <p>Hosting = \$965</p>
<p style="text-align: right;"><b>Subtotal</b></p>	<p style="text-align: right;"><b>\$23,070</b></p>

<b>TASK - TECHNICAL ASSISTANCE</b>	<b>COST ESTIMATE</b>
<b>Plan Review, WMO Plan Implementation, Project Management</b> <ul style="list-style-type: none"> <li>• At Board's request, review and comment on wetland issues, local water plans, EISs, EAWs, etc.</li> <li>• Coordinate plan implementation activities.</li> <li>• Manage consultants for WMO plan studies and projects.</li> </ul>	58 hours @ \$85/hour = \$4,930
<b>Cost Share Program – Landscaping for Clean Water</b> <ul style="list-style-type: none"> <li>• Technical assistance for project implementation.</li> <li>• Provide cost share to landowners for up to 16 Landscaping for Clean Water projects (raingardens, native plantings and shoreline stabilization) consistent with SWCD policies.</li> </ul>	Technical Assistance = \$8,000  Landowner Incentives: \$250/project x 16 projects = \$4,000
<b>Subtotal</b>	<b>\$16,930</b>

<b>TASK – WATER MONITORING</b>	<b>COST ESTIMATE</b>
<b>CAMP Fees for Sample Analysis</b> <ul style="list-style-type: none"> <li>• 7 sampling events for 7 sites (5 lakes, 2 streams), June-Sept.</li> <li>• 14 sampling events for 1 site (Lake Augusta), June-Sept.</li> <li>• Laboratory costs for analysis of chlorophyll-<i>a</i> and total phosphorus samples.</li> </ul>	CAMP Program Fee: \$380 x 6 sites = \$2,660  \$760 x 1 sites = \$760
<b>Data Management &amp; Volunteer Coordination</b> <ul style="list-style-type: none"> <li>• Establishing project with Metropolitan Council.</li> <li>• Entering and submitting data to Metropolitan Council.</li> <li>• Create yearly monitoring summary memo for LMRWMO Board and volunteers.</li> <li>• Establish volunteers for each lake, coordinate training.</li> <li>• Coordinate pickup and drop off of monitoring samples.</li> </ul>	38 hours @ \$85/hour = \$3,230
<b>Water Monitoring</b> (as needed if volunteers are unable to perform) <ul style="list-style-type: none"> <li>• 2 potential sampling events, June through September.</li> <li>• Field measurements including Secchi transparency and field observations.</li> <li>• Travel to and from monitoring site.</li> </ul>	(3 hours per event x 2 sampling events x 2 staff)  12 hours @ \$85/hour = \$1,020
<b>Thompson Lake Chloride Water Monitoring</b> <ul style="list-style-type: none"> <li>• 2 potential sampling events.</li> <li>• Field measurements and water sample collection.</li> <li>• Travel to and from monitoring site.</li> </ul>	(4 hours per event x 2 sampling events x 2 staff)  16 hours @ \$85/hour = \$1,360
<b>Subtotal</b>	<b>\$9,030</b>

**TOTAL AGREEMENT NOT TO EXCEED \$84,930**

**DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT****Regular Agenda**

Request for Board Action

Voice Vote

Meeting Date: 11/10/2021

Prepared by: Brian Watson

**PURPOSE/ACTION REQUESTED:**

Authorize execution of FY22 grant agreement with the Minnesota Board of Water and Soil Resources (BWSR) for Buffer Law Implementation and Local Capacity Services.

**SUMMARY:**

Legislation passed during the last biennium provides Clean Water Funds to soil and water conservation districts for implementing the State Buffer Law Program and supporting implementation of our various duties and responsibilities under Minnesota Statute 103C. Based on BWSR adopted policy, we are eligible for FY22 grant funds in the amount of \$17,000 for the Buffer Law Program and \$133,716 for the Local Capacity Services Program.

These two BWSR programs have been combined into one grant agreement. Proposed work plans under each of these FY22 grant programs include:

FY 22 Buffer Implementation (\$17,000)

- |  |          |
|--|----------|
| • Administration                       | \$ 1,000 |
| • Compliance reviews and mapping       | \$ 4,000 |
| • Buffer Installation                  | \$ 4,000 |
| • Landowner outreach and communication | \$ 8,000 |

FY22 Local Capacity Services (\$133,716)

- |                                    |          |
|------------------------------------|----------|
| • Administration                   | \$ 1,716 |
| • Advance Staff Credentials (JAA)  | \$ 7,000 |
| • Compliance Inspections           | \$15,000 |
| • Program Development and Outreach | \$30,000 |
| • Technical Assistance             | \$80,000 |

There is no local match requirement as part of this BWSR grant agreement. The grant term would be from the time of execution to December 31, 2024.

**EXPLANATION OF FISCAL/FTE IMPACT:**

Program tasks and funding will be included into the 2022 and 2023 staff work plans.

**Supporting Documents:**

FY22 BWR Grant Agreement for Buffer Law Implementation and Local Capacity Services

**Previous Board Action:**

N/A



**FY 2022 STATE OF MINNESOTA  
BOARD OF WATER and SOIL RESOURCES  
CLEAN WATER FUND SWCD CAPACITY PROGRAM &  
BUFFER LAW IMPLEMENTATION PROGRAM  
GRANT AGREEMENT**

<b>Vendor:</b>	0000202402
<b>PO#:</b>	3000013865

This Grant Agreement is between the State of Minnesota, acting through its Board of Water and Soil Resources (Board) and **Dakota SWCD, 4100 220th Street W, Suite 102 Farmington Minnesota 55024** (Grantee).

<i>This grant is for the following Grant Programs:</i>		
P22-6098	2022 - SWCD Local Capacity Services (Dakota SWCD)	\$133,716
P22-6188	2022 - Buffer Law (Dakota SWCD)	\$17,000
<b>Total Grant Awarded: \$150,716</b>		

**Recitals**

1. The Laws of Minnesota 2021, 1<sup>st</sup> Special Session, Chapter 1, Article 2, Section 6(q), appropriated Clean Water Funds (CWF) to the Board for the FY 2022 SWCD Capacity Program.
2. The Laws of Minnesota 2021, 1<sup>st</sup> Special Session, Chapter 1, Article 2, Section 6(e), appropriated Clean Water Funds (CWF) to the Board for the FY 2022 Buffer Program Implementation.
3. The Board adopted Board Order #21-37 to authorize and allocate funds for the FY 2022 SWCD Capacity Program and Board Order #21-26 to authorize and allocate funds for the FY 2022 Buffer Program Implementation.
4. The Grantee has submitted a Board approved work plan for this program which is incorporated into this Grant Agreement by reference.
5. The Grantee represents that it is duly qualified and agrees to perform all services described in this Grant Agreement to the satisfaction of the Board.
6. As a condition of the grant, Grantee agrees to minimize administration costs.

**Authorized Representative**

The State’s Authorized Representative is Marcey Westrick, Central Region Manager, BWSR, 520 Lafayette Road North, Saint Paul, MN 55155, 651-284-4153, or her successor, and has the responsibility to monitor the Grantee’s performance and the authority to accept the services and performance provided under this Grant Agreement.

The Grantee’s Authorized Representative is: **District Manager  
4100 220<sup>th</sup> Street West, Suite 201  
Farmington, MN 55024  
651-480-7778**

If the Grantee’s Authorized Representative changes at any time during this Grant Agreement, the Grantee must immediately notify the Board.

**Grant Agreement**

1. **Terms of the Grant Agreement.**
  - 1.1. **Effective date:** The date the Board obtains all required signatures under Minn. Stat. § 16B.98, Subd. 5. **The Board will notify the Grantee when this Grant Agreement has been executed. The Grantee must not begin work under this Grant Agreement until it is executed.**
  - 1.2. **Expiration date:** **December 31, 2024**, or until all obligations have been satisfactorily fulfilled, whichever comes first.



- 1.3. **Survival of Terms:** The following clauses survive the expiration date or cancellation of this Grant Agreement: 7. Liability; 8. State Audits; 9. Government Data Practices; 11. Publicity and Endorsement; 12. Governing Law, Jurisdiction, and Venue; 14. Data Disclosure; and 19. Intellectual Property Rights.

## 2. **Grantee's Duties.**

The Grantee will comply with required grants management policies and procedures set forth through Minn. Stat § 16B.97, Subd. 4(a)(1). The Grantee is responsible for the specific duties for the program as follows:

- 2.1. **Implementation:** The Grantee will implement their work plans, which are incorporated into this Grant Agreement; and abide by the *SWCD Conservation Delivery and Capacity Grants Policy* for the SWCD Capacity Program Grants and *FY 2022 Clean Water Fund Competitive Grants Policy* for the Buffer Program Implementation Grants.
- 2.2. **Reporting:** All data and information provided in a Grantee's report shall be considered public.
  - 2.2.1. The Grantee will submit an annual progress report to the Board by February 1 of each year on the status of program implementation by the Grantee. Information provided must conform to the requirements and formats set by the Board.
  - 2.2.2. The Grantee will prominently display on its website the Clean Water Legacy Logo and a link to the Legislative Coordinating Commission website.
  - 2.2.3. Final Progress Report: The Grantee will submit a final progress report to the Board by February 1, 2024, or within 30 days of completion of the project, whichever occurs sooner. Information provided must conform to the requirements and formats set by the Board.

## 3. **Time.**

The Grantee must comply with all the time requirements described in this Grant Agreement. In the performance of this Grant Agreement, time is of the essence.

## 4. **Terms of Payment.**

- 4.1. All grant funds will be distributed in one installment promptly after the execution of the Grant Agreement.
- 4.2. All costs must be incurred within the grant period and all incurred costs must be paid before the amount of unspent grant funds is determined.
- 4.3. The obligation of the State under this Grant Agreement will not exceed the amount listed above.
- 4.4. This grant is an advance payment. Advance payment allows the Grantee to have adequate operating capital for start-up costs, ensure their financial commitment to landowners and contractors, and to better schedule work into the future.

## 5. **Conditions of Payment.**

- 5.1. All services provided by the Grantee under this Grant Agreement must be performed to the Board's satisfaction, as set forth in this Grant Agreement and in the Board approved work plan for this program. Compliance will be determined at the sole discretion of the Board's Authorized Representative and in accordance with all applicable federal, State, and local laws, policies, ordinances, rules, and regulations. The Grantee will not receive payment for work found by the Board to be unsatisfactory or performed in violation of federal, State, or local law.
- 5.2. Minn. Stat. § 103C.401 (2018) establishes Board's obligation to assure program compliance. If the noncompliance is severe, or if work under the Grant Agreement is found by the Board to be unsatisfactory or performed in violation of federal, State, or local law, the Board has the authority to require the repayment of grant funds or withhold payment on grants from other programs.

## 6. **Assignment, Amendments, Waiver, and Grant Contract Agreement Complete.**

- 6.1. **Assignment.** The Grantee may neither assign nor transfer any rights or obligations under this Grant Agreement without the prior consent of the Board and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this Grant Agreement, or their successors in office.
- 6.2. **Amendments.** Any amendments to this Grant Agreement must be in writing and will not be effective until it has been approved and executed by the same parties who approved and executed the original Grant Agreement, or their successors in office. Amendments must be executed prior to the expiration of the original Grant Agreement or any amendments thereto.
- 6.3. **Waiver.** If the Board fails to enforce any provision of this Grant Agreement, that failure does not waive the provision or its right to enforce it.
- 6.4. **Grant Contract Agreement Complete.** This Grant Agreement contains all negotiations and agreements between the Board and the Grantee. No other understanding regarding this Grant Contract, whether written or oral, may be used to bind either party.

7. **Liability.**

The Grantee must indemnify, save, and hold the State, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the State, arising from the performance of this Grant Agreement by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under this Grant Agreement.

8. **State Audits.**

Under Minn. Stat. § 16B.98, Subd. 8, the Grantee's books, records, documents, and accounting procedures and practices of the Grantee or other party relevant to this Grant Agreement or transaction are subject to examination by the Board and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Grant Agreement, receipt and approval of all final reports, or the required period of time to satisfy all State and program retention requirements, whichever is later.

8.1. The books, records, documents, accounting procedures and practices of the Grantee and its designated local units of government and contractors relevant to this grant, may be examined at any time by the Board or Board's designee and are subject to reconciliation. The Grantee or delegated local unit of government will maintain records relating to the receipt and expenditure of grant funds.

9. **Government Data Practices.**

The Grantee and Board must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the Board under this Grant Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this Grant Agreement. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this clause by either the Grantee or the State.

10. **Workers' Compensation.**

The Grantee certifies that it is in compliance with Minn. Stat. § 176.181, Subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

11. **Publicity and Endorsement.**

11.1. **Publicity.** Any publicity regarding the subject matter of this Grant Agreement must identify the Board as the sponsoring agency. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Grantee individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this Grant Agreement.

11.2. **Endorsement.** The Grantee must not claim that the State endorses its products or services.

12. **Governing Law, Jurisdiction, and Venue.**

Minnesota law, without regard to its choice-of-law provisions, governs this Grant Agreement. Venue for all legal proceedings out of this Grant Agreement, or its breach, must be in the appropriate State or federal court with competent jurisdiction in Ramsey County, Minnesota.

13. **Termination.**

13.1. The Board may cancel this Grant Agreement at any time, with or without cause, upon 30 days' written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

13.2. In the event of a lawsuit, an appropriation from a Clean Water Fund is canceled to the extent that a court determines that the appropriation unconstitutionally substitutes for a traditional source of funding.

13.3. The Board may immediately terminate this Grant Agreement if the Board finds that there has been a failure to comply with the provisions of this Grant Agreement, that reasonable progress has not been made or that the purposes for which the funds were granted have not been or will not be fulfilled. The Board may take action to protect the interests of the State of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.

14. **Data Disclosure.**

Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and State tax agencies and State personnel involved in the payment of State obligations. These identification numbers

may be used in the enforcement of federal and State tax laws which could result in action requiring the Grantee to file State tax returns and pay delinquent State tax liabilities, if any.

**15. Prevailing Wage.**

It is the responsibility of the Grantee or contractor to pay prevailing wage for projects that include construction work of \$25,000 or more, prevailing wage rules apply per Minn. Stat. §§ 177.41 through 177.44. All laborers and mechanics employed by grant recipients and subcontractors funded in whole or in part with these State funds shall be paid wages at a rate not less than those prevailing on projects of a character similar in the locality. Bid requests must state the project is subject to prevailing wage.

**16. Municipal Contracting Law.**

Per Minn. Stat. § 471.345, grantees that are municipalities as defined in Subd. 1 of this statute must follow the Uniform Municipal Contracting Law. Supporting documentation of the bidding process utilized to contract services must be included in the Grantee’s financial records, including support documentation justifying a single/sole source bid, if applicable.

**17. Constitutional Compliance.**

It is the responsibility of the Grantee to comply with requirements of the Minnesota Constitution regarding the use of Clean Water Funds to supplement traditional sources of funding.

**18. Signage.**

It is the responsibility of the Grantee to comply with requirements for project signage as provided in Minnesota Laws 2010, Chapter 361, Article 3, Section 5(b) for Clean Water Fund projects.

**19. Intellectual Property Rights.**

The State owns all rights, title, and interest in all of the intellectual property rights, including copyrights, patents, trade secrets, trademarks, and service marks in the Works and Documents *created and paid for under this grant*. Works means all inventions, improvements, discoveries, (whether or not patentable), databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, and disks conceived, reduced to practice, created or originated by the Grantee, its employees, agents, and subcontractors, either individually or jointly with others in the performance of this grant. Work includes “Documents.” Documents are the originals of any databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, disks, or other materials, whether in tangible or electronic forms, prepared by the Grantee, its employees, agents or subcontractors, in the performance of this grant. The Documents will be the exclusive property of the State and all such Documents must be immediately returned to the Board by the Grantee upon completion or cancellation of this grant at the Board’s request. To the extent possible, those Works eligible for copyright protection under the United State Copyright Act will be deemed to be “works made for hire.” The Grantee assigns all right, title, and interest it may have in the Works and the Documents to the State. The Grantee must, at the request of the State, execute all papers and perform all other acts necessary to transfer or record the State’s ownership interest in the Works and Documents.

*IN WITNESS WHEREOF, the parties have caused this Grant Agreement to be duly executed intending to be bound thereby.*

Approved:

Dakota SWCD

Board of Water and Soil Resources

Brian Watson

By:

(print)

(signature)

District Manager

Title:

November 10, 2021

Date:

**DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT**

**Consent Agenda**

Request for Board Action

Roll Call Vote

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Meeting Date: 11/10/2021

Prepared by: Brian Watson

**PURPOSE/ACTION REQUESTED:**

Review and accept financial audit for fiscal year 2020.

**SUMMARY:**

At the February 2021 Board Meeting, the Board of Supervisors approved entering into an engagement letter with Peterson Company, Ltd. to perform the financial audit for fiscal year ending December 31, 2020. The audit was full scope in nature, resulted in audited financial statements, provided auditor's opinion on the financial statements, and reported on internal control and compliance.

The audit has been forwarded to the Office of the State Auditor for their review and approval process

**EXPLANATION OF FISCAL/FTE IMPACT:**

The cost to complete the financial audit for fiscal year ending December 31, 2020 has been included in our annual budget.

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**Supporting Documents:**

2020 Audit Report Summary Letter from Peterson Company Ltd.

**Previous Board Action:**

Motion 21.011 on 02/11/2021  
Authorization to Perform Audit

September 17, 2021

Board of Supervisors  
4100 220<sup>th</sup> St W, Ste 102  
Farmington, MN 55024

Dear Dakota County Soil and Water Conservation District:

We have audited the financial statements of Dakota County Soil and Water Conservation District as of and for the year ended December 31, 2020, and have issued our report thereon dated September 3, 2021. Professional standards require that we advise you of the following matters relating to our audit.

**Our Responsibility in Relation to the Financial Statement Audit**

As communicated in our engagement letter dated January 4, 2021, our responsibility, as described by professional standards, is to form and express an opinion about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of Dakota County Soil and Water Conservation District solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

We have provided our findings regarding significant control deficiencies over financial reporting and material noncompliance, and other matters noted during our audit in the audit report.

**Planned Scope and Timing of the Audit**

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

**Compliance with All Ethics Requirements Regarding Independence**

The engagement team, others in our firm, as appropriate, our firm, and our network firms have complied with all relevant ethical requirements regarding independence.

The safeguards applied regarding independence are having a thorough review of the audit by the engagement partner or in-charge and having someone at the District with skills, knowledge, and education about accounting to review all of the non-attest services that we perform.

## **Qualitative Aspects of the Entity's Significant Accounting Practices**

### *Significant Accounting Policies*

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by Dakota County Soil and Water Conservation District is included in Note 1 to the financial statements. There have been no initial selection of accounting policies and no changes in significant accounting policies or their application during 2020. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

### *Significant Accounting Estimates*

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments.

The most sensitive accounting estimates affecting the financial statements are recognition of revenues.

### *Financial Statement Disclosures*

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting Dakota County Soil and Water Conservation District's financial statements relate to the risk and uncertainty of how COVID-19 will affect District in the future.

## **Significant Difficulties Encountered during the Audit**

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

## **Uncorrected and Corrected Misstatements**

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole and each applicable opinion unit. No such misstatements existed this year.

## **Disagreements with Management**

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to Dakota County Soil and Water Conservation District's financial statements or the auditor's report. No such disagreements arose during the course of the audit.

### **Representations Requested from Management**

We have requested certain written representations from management, which are included in the attached letter dated September 3, 2021.

### **Management's Consultations with Other Accountants**

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

### **Other Significant Matters, Findings, or Issues**

In the normal course of our professional association with Dakota County Soil and Water Conservation District, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, operating and regulatory conditions affecting the entity, and operational plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as Dakota County Soil and Water Conservation District's auditors.

This report is intended solely for the information and use of the Board of Supervisors, and management of Dakota County Soil and Water Conservation District and is not intended to be and should not be used by anyone other than these specified parties.

*Peterson Company Ltd*  
Waconia, MN

September 17, 2021

**DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT****Regular Agenda**

Request for Board Action

Roll Call Vote

Meeting Date: 11/10/2021

Prepared by: Brian Watson

**PURPOSE/ACTION REQUESTED:**

Adopt 2022 health and dental benefits.

**SUMMARY:**

Premiums for health and dental insurance plans are shared by participating employees and the SWCD as the employer. The same health and dental plans that were offered last year are available again this year. The Health plan premiums for 2022 are increasing approximately 4.5%. The dental insurance premiums will remain the same for 2022.

The Finance Committee met on November 4 to discuss health and dental insurance plans for 2022. It is the recommendation to retain PreferredOne for health insurance and Health Partners for dental insurance. It is also recommended that increases to employee monthly costs occur; last year no increase was made to employee costs and the HSA Plan Employee credit was increased.

The Finance Committee recommended that two medical plan options and one dental plan option be made available again in 2022 to employees:

- Preferred Health G.PIC 1500.100.25 Option (Medical)
- Preferred Health G.PIC 2800.100 HSA Option (Medical)
- Health Partners (Dental)

It is further recommended that the following health and dental benefits be provided for 2022:

<u>Health Insurance</u>	<u>Monthly Employee Cost</u>	<u>HSA Plan Employee Credit</u>
Single	\$45	\$1,400
Single Plus One (spouse)	\$225	\$2,800
Family	\$425	\$2,800
<u>Dental Insurance</u>	<u>Monthly Employee Cost</u>	
Single	\$20	
Family	\$40	

**EXPLANATION OF FISCAL/FTE IMPACT:**

Open enrollment for 2022 Health and Dental Benefits will begin in November. The results of employee enrollment will be incorporated into the 2022 budget.

**Supporting Documents:**

None

**Previous Board Action:**

N/A



**DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT**

**Regular Agenda**

Information Item

N/A

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Meeting Date: 11/10/2021

Prepared by: Brian Watson

**PURPOSE/ACTION REQUESTED:**

Review Year to Date Finance Report

**SUMMARY:**

The Finance Committee met on November 4 to review financial activity through the third quarter of 2021. The Committee is not recommending any changes to the adopted 2021 budget.

Through Q3 2021, the budget has a positive balance of \$33,293. However, based on preliminary projections, we anticipate being near a balanced budget at the end of the calendar year.

The Finance Committee also reviewed a preliminary 2022 budget. Additional work will be done on the draft budget over the next month including obtaining more reliable information on charges for service and determining how State grant funds will be used in the calendar year. The Finance Committee will meet again later in the month to further evaluate the 2022 budget.

**EXPLANATION OF FISCAL/FTE IMPACT:**

None at this time.

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**Supporting Documents:**

2021 Year to Date Finance Report

**Previous Board Action:**

Motion 20.068 on 12/10/21  
Adopt 2021 Budget

**DAKOTA COUNTY SWCD**  
**2021 Budget to Actuals**

Quarter 3, 2021 (January 1-September 30)

	2020	2021		Actual to Budget
	Actual	Budget	Q3	
<b>REVENUES</b>				
<b>State Revenues:</b>	<b>\$381,682</b>	<b>\$539,530</b>	<b>\$294,931</b>	<b>54.66%</b>
BWSR Buffer Law	\$11,962	\$20,000	\$13,962	69.81%
2018 Cost Share TA	\$1,784			
2018 Cost Share Projects	\$2,100			
2019 Cost Share TA	\$5,964			
2019 Cost Share Projects	\$9,339			
2020 Cost Share TA		\$4,800	\$1,967	40.97%
2020 Cost Share Projects		\$17,054	\$17,475	
2021 Cost Share TA		\$5,000	\$0	0.00%
2021 Cost Share Projects		\$17,054	\$0	0.00%
2019 Conservation Delivery	\$10,620			
2020 Conservation Delivery	\$13,278	\$10,620	\$7,660	72.13%
2021 Conservation Delivery		\$10,620	\$0	0.00%
2020 BWSR Easement Delivery	\$250	\$250	\$250	100.00%
2019 Local Capacity Funding	\$102,835	\$0	\$6,269	
2020 Local Capacity Funding	\$55,855	\$74,387	\$68,532	92.13%
2021 Local Capacity Funding		\$49,250	\$60,929	123.71%
CWF 2020 DC Drinking Water Protection Project TA	\$356	\$0	\$268	
CWF 2020 DC Drinking Water Protection Projects	\$73,185	\$26,495	\$0	
CWF 2019 Watershed Based Funding	\$24,165	\$20,000	\$20,196	100.98%
CWF 2019 Watershed Based Funding Projects		\$15,000	\$0	
CWF 2018 Cooperative Weed Management Area Pgm	\$5,052			
CWF 2017 Trout Brook Watershed Initiative TA	\$1,341			
CWF 2017 Trout Brook Watershed Initiative Projects	\$46,539			
CWF 2018 Trout Brook Watershed Initiative TA	\$748	\$37,000	\$47,556	128.53%
CWF 2018 Trout Brook Watershed Initiative Projects		\$50,000	\$26,061	52.12%
WBF 20-21 Cannon River		\$50,000	\$7,875	15.75%
WBF 20-21 Cannon River Projects		\$50,000	\$0	0.00%
WBF 20-21 Minnesota River South		\$10,000	\$0	0.00%
WBF 20-21 Minnesota River South Projects		\$10,000	\$0	0.00%
WBF 20-21 Mississippi River East		\$10,000	\$0	0.00%
WBF 20-21 Mississippi River East Projects		\$10,000	\$0	0.00%
WBF 20-21 Vermillion River		\$15,000	\$993	6.62%
WBF 20-21 Vermillion River Projects		\$15,000	\$0	0.00%
Met Council WOMPs	\$9,254	\$9,000	\$9,633	107.04%
MN DNR Observation Wells	\$2,550	\$3,000	\$3,090	103.00%
MDA Nitrogen Fertilizer Management Plan	\$4,503	\$0	\$2,214	
<b>County Revenues:</b>	<b>\$682,870</b>	<b>\$724,106</b>	<b>\$444,392</b>	<b>61.37%</b>
Operating Funds	\$331,302	\$331,302	\$248,477	75.00%
Environmental Resources	\$115,262	\$125,000	\$81,400	65.12%
2019 DC Capital Improvement Program TA	\$37,500			
2019 DC Capital Improvement Program Projects	\$16,530			
2020 DC Capital Improvement Program TA		\$0		
2020 DC Capital Improvement Program Projects	\$77,053	\$0	\$12,667	
2021 DC Capital Improvement Program TA		\$37,500	\$16,475	43.93%
2021 DC Capital Improvement Program Projects		\$112,500	\$0	0.00%
Parks, Fleet, Facilities Mgmt	\$46,418	\$60,000	\$29,210	48.68%
Transportation	\$6,000	\$5,000	\$3,360	67.20%
NRBG - Wetland Conservation Act Funds	\$52,804	\$52,804	\$52,804	100.00%

	2020	2021	2021	2021
	Actual	Budget	Q1	Actual to Budget
<b>REVENUES CONTINUED</b>				
<b>Revenue - Local Agencies:</b>	<b>\$413,771</b>	<b>\$412,750</b>	<b>\$358,110</b>	<b>86.76%</b>
City of Burnsville	\$3,520	\$5,000	\$11,018	220.36%
City of Eagan		\$5,000		0.00%
City of Inver Grove Heights		\$2,000		0.00%
Cannon River Watershed JPB	\$2,380	\$5,000	\$14,673	293.45%
JPO Vermillion River Watershed	\$167,043	\$94,750	\$69,238	73.07%
JPO Vermillion River Watershed Projects	\$46,105	\$49,000	\$8,303	16.94%
JPO Vermillion River Watershed LCW Projects	\$4,250	\$6,250	\$1,250	20.00%
MCD Engineering & Technical Assistance	\$9,519	\$25,000	\$16,202	64.81%
MCD Administration and Hosting	\$13,544	\$10,000	\$12,668	126.68%
MCD MN Ag Water Quality Certification Program	\$1,689	\$2,000	\$1,917	95.83%
MCD Campus Groundwater Conservation Program	\$2,625			
MCD Subwatershed Assessment	\$9,598		\$7,402	
Lower MN River WD	\$7,860	\$10,000	\$6,722	67.22%
Lower MN River WD LCW Projects	\$250			
Lower MN River WD CWF 2019 WBF	\$1,249		\$47,637	
Black Dog WMO	\$15,760	\$20,000	\$19,660	98.30%
Black Dog WMO LCW Projects	\$2,450	\$3,000	\$2,250	75.00%
Eagan-Inver Grove Heights WMO	\$25,093	\$30,000	\$21,475	71.58%
Eagan-Inver Grove Heights WMO LCW Projects/Exp	\$2,100	\$3,000	\$1,000	33.33%
Eagan-Inver Grove Heights WMO CWF 2019 WBF	\$1,651	\$2,000	\$484	24.20%
Lower Mississippi River WMO	\$52,462	\$55,000	\$59,825	108.77%
Lower Mississippi River WMO LCW Projects	\$3,250	\$5,000	\$2,500	50.00%
Lower Mississippi River WMO CWF 2016 Thompson Lake	\$5,684			
Lower Mississippi River WMO CWF 2018 Cherokee Heights	\$2,671			
Lower Mississippi River WMO CWF 2019 WBF	\$822	\$10,000	\$3,676	36.76%
North Cannon River WMO	\$23,311	\$30,000	\$19,754	65.85%
North Cannon River WMO Projects	\$4,125	\$3,000		0.00%
North Cannon River WMO LCW Projects	\$250	\$750		0.00%
North Cannon River WMO 2019 WBF	\$4,509	\$22,000	\$30,457	138.44%
North Cannon River WMO 2019 WBF Projects		\$15,000		0.00%
<b>Other Revenue:</b>	<b>\$22,320</b>	<b>\$11,500</b>	<b>\$14,774</b>	<b>128.47%</b>
Interest Earnings	\$13,201	\$4,000	\$3,516	87.90%
Landscaping for Clean Water Workshops	\$2,756	\$2,000	\$2,725	136.25%
Equipment Rental Income	\$1,839	\$2,000	\$2,983	149.13%
Other Charges For Services	\$4,525	\$3,500	\$5,550	158.57%
<b>Total Revenues:</b>	<b>\$1,500,644</b>	<b>\$1,687,886</b>	<b>\$1,112,206</b>	<b>65.89%</b>

	2020	2021	2021	2021
	Actual	Budget	Q3	Actual to Budget
<b>EXPENSES</b>				
<b>Operating Expenses:</b>	<b>\$37,483</b>	<b>\$46,100</b>	<b>\$18,444</b>	<b>40.01%</b>
Computers and Accessories	\$11,091	\$10,000	\$816	8.16%
Dues and Memberships Fees	\$10,824	\$11,000	\$10,924	99.31%
Miscellaneous Operating Expenses	\$231	\$500	\$211	42.12%
Postage	\$1,678	\$2,000	\$1,125	56.27%
Professional Services	\$3,788	\$4,100		0.00%
Public Education, Information, & Promotion	\$1,158	\$2,000	\$1,751	87.54%
Telephone and Wireless Service	\$840	\$1,500	\$630	42.01%
Vehicle Maintenance and Fuel	\$7,872	\$15,000	\$2,987	19.91%
<b>Operating Supplies:</b>	<b>\$5,729</b>	<b>\$8,500</b>	<b>\$2,564</b>	<b>30.17%</b>
Field Supplies	\$456	\$1,000	\$142	14.23%
Office Supplies	\$976	\$2,500	\$663	26.52%
Printer and Plotter Supplies	\$3,956	\$4,000	\$1,479	36.97%
Safety Equipment	\$341	\$1,000	\$280	28.00%

	2020	2021	2021	2021
	Actual	Budget	Q3	Actual to Budget
<b>EXPENSES CONTINUED</b>				
<b>Project Expenses:</b>	<b>\$319,712</b>	<b>\$352,853</b>	<b>\$142,025</b>	<b>40.25%</b>
BWSR Buffer Law			\$81	
2018 Cost Share Projects	\$2,100			
2019 Cost Share Projects	\$9,339			
2020 Cost Share Projects		\$17,054	\$17,475	102.47%
2021 Cost Share Projects		\$17,054		0.00%
2020 Local Capacity Funding			\$11,615	
CWF 2020 DC Drinking Water Protection Projects	\$73,185	\$26,495		0.00%
CWF 2109 Watershed Based Funding Expenses	\$61		\$22	
CWF 2019 Watershed Based Funding Projects		\$15,000		0.00%
CWF 2017 Trout Brook Watershed Initiative Projects	\$46,539			
CWF 2018 Trout Brook Watershed Initiative Projects		\$50,000	\$26,061	52.12%
CWF 2018 Trout Brook Watershed Initiative Expenses			\$3,600	
WBF 20-21 Cannon River Projects		\$50,000		0.00%
WBF 20-21 Minnesota River South Projects		\$10,000		0.00%
WBF 20-21 Mississippi River East Projects		\$10,000		0.00%
WBF 20-21 Vermillion River Projects		\$15,000		0.00%
Black Dog WMO LCW Projects	\$2,450	\$3,000	\$2,250	75.00%
Eagan-Inver Grove Heights WMO LCW Projects/Exp	\$2,000	\$3,000	\$1,000	33.33%
Eagan-Inver Grove Heights WMO Expenses	\$153		\$455	
Lower MN River WD LCW Projects	\$250			
Lower MN River WD CWF 2019 WBF			\$47,637	
Lower Mississippi River WMO LCW Projects	\$3,250	\$5,000	\$2,500	50.00%
Lower Mississippi River WMO Expenses	\$142		\$35	
North Cannon River WMO Projects	\$4,125	\$3,000		0.00%
North Cannon River WMO LCW Projects	\$250	\$750		0.00%
North Cannon River WMO Expenses	\$1,920		\$54	
North Cannon River WMO 2019 WBF Projects		\$15,000		0.00%
JPO Vermillion River Watershed Projects	\$46,105		\$8,303	
JPO Vermillion River Watershed LCW Projects	\$4,250		\$1,250	
JPO Vermillion River Watershed Expenses	\$21,275		\$5,502	
2019 DC Capital Improvement Program Projects	\$16,530			
2020 DC Capital Improvement Program Projects	\$77,053		\$12,667	
2021 DC Capital Improvement Program Projects	\$0	\$112,500		0.00%
County Department Expenses	\$7,756	\$0	\$507	
City Project Expenses			\$418	
MDA Nitrogen Fertilizer Management Plan	\$44			
Met Council WOMPs	\$934		\$593	
<b>Program Expenses:</b>	<b>\$6,582</b>	<b>\$15,500</b>	<b>\$2,431</b>	<b>15.68%</b>
Equipment Repairs	\$621	\$2,000	\$1,517	75.85%
Landscaping for Clean Water	\$3,949	\$2,500	\$318	12.74%
Credit Card Processing/Forms for Website			\$595	
Outdoor Education Day		\$1,000		0.00%
Misc. Project Expenses, Contracted Services	\$2,012	\$10,000		0.00%
<b>Payroll Expenses:</b>	<b>\$1,200,762</b>	<b>\$1,266,483</b>	<b>\$913,450</b>	<b>72.12%</b>
Employee Salaries Full Time Employees	\$896,226	\$905,000	\$675,301	74.62%
Employee Salaries Temporary Employees	\$2,576	\$20,000		0.00%
Annual Conversion Option			\$339	
PERA Employees (7.50%)	\$67,313	\$67,875	\$50,648	74.62%
Social Security (6.2%)	\$54,507	\$57,350	\$40,768	71.09%
Medicare (1.45%)	\$12,855	\$13,413	\$9,628	71.78%
Medical Insurance	\$134,119	\$153,700	\$111,606	72.61%
Dental Insurance	\$8,709	\$5,500	\$6,136	111.56%
Disability Insurance	\$6,331	\$6,500	\$4,855	74.69%
Employee Benefits Other (Cell Phone/Clothing Allowance)	\$4,048	\$4,000	\$2,717	67.93%
Employee Meeting Expenses and Reimbursements	\$429	\$2,500		0.00%
Employee Training, Conferences	\$583	\$5,000	\$877	17.53%
Payroll Processing, Subscription, Advertising	\$840	\$1,000	\$690	69.00%
Work Comp Insurance	\$3,400	\$6,000	\$2,227	37.12%
Supervisor Compensation	\$7,395	\$10,000	\$6,425	64.25%
Supervisors PERA (5%) & Medicare (1.45%)	\$370	\$645	\$414	64.25%
Supervisor Mileage, Mtg Exp, Reimb, Clothing	\$927	\$5,000	\$571	11.41%
Supervisor Training, Conferences	\$135	\$3,000	\$250	8.33%
<b>Total Expenses:</b>	<b>\$1,570,268</b>	<b>\$1,689,436</b>	<b>\$1,078,914</b>	<b>63.86%</b>
<b>Revenue Less Expenses</b>	<b>(\$69,625)</b>	<b>(\$1,550)</b>	<b>\$33,293</b>	