



MEETING MINUTES

BOARD OF SUPERVISORS MEETING

DAKOTA COUNTY SOIL AND WATER CONSERVATION DISTRICT

Wednesday, November 10, 2021

9:00 a.m.

4100 220th Street W, Suite 102
Farmington, Minnesota

Board Members Present:

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

SWCD Staff Present:

Brian Watson
Lana Rotty
Curt Coudron
Todd Matzke
Ashley Gallagher

Others Present:

Brad Becker, Dakota County
Chris Schmidt, NRCS

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. Nobody came forward.

4. Approval of Agenda

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

CONSENT AGENDA

5. Approval of October 14, 2021 Meeting Minutes

The October 14, 2021 Meeting Minutes were presented.

6. Approval of November 10, 2021 Accounts Payable

The November 10, 2021 Accounts Payable were presented.

7. Acceptance of October 2021 Financial Report

The October 2021 Financial Report was reviewed.

8. Cancellation of Two Contracts with Pat Maher for Establishment of Cover Crops (1-year and 3-years)

Pat Maher had two contracts for seeding cover crops in 2021. Contract 21-IPP-27 is a one-year contract for 27 acres not to exceed \$675. Contract 21-IPP-28 is a three-year contract for 75 acres not to exceed \$7,875. Both projects were in the Vermillion River Watershed. Maher was unable to seed the fields due to harvest timing and crops coming off too close to or after the October 15th seeding deadline. Maher prefers to cancel contracts and consider new contracts in 2022.

9. Authorization to Amend Grant Agreement with Eagan-Inver Grove Heights Watershed Management Organization for Administration of FY19 Watershed Based Implementation Fund Grant Services

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 planning to extend the BWSR grant agreement until December 31, 2022. Therefore, our JPA will need to be amended for continued assistance with the tasks identified in our approved work plan. The 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 work plan is \$6,208. It is anticipated that 80% of the work plan will be completed by the end of this year and the remaining tasks will be completed in 2022.

10. Authorization to Amend Grant Agreement with North Cannon River Watershed Management Organization for FY19 Watershed Based Implementation Fund Grant

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 for continued assistance with the tasks identified in our approved work plan. The 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 this year and the remaining tasks will be completed in 2022.

11. Authorization to Execute Contract with Nininger Township for Technical Services

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 their legal representative, it was recommended that we pursue our model 3-year joint powers agreement like what we have executed with other communities. This JPA would specifically reference the MRCCA but also apply to all the Townships geographical area. 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 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.

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

REGULAR AGENDA**12. Authorization to Provide Partial Payment to Jay Frandrup for Establishing Cover Crops (3-year)**

Jay Frandrup has completed the first year of his three-year contract to establish cover crops on 120 acres in Vermillion Township. The project was approved for funding at the April 8, 2021 Board meeting with an incentive payment at \$35 per acre per year over three years. A cover crop of oats following sweet corn harvest was seeded to provide temporary cover, reduce erosion, retain nutrients, and protect soil health.

Payments for additional years will be made annually when cover crop seeding has been completed, certified, and approved by the District Board.

21.101 Motion by Johnson, second by Dee to approve partial payment to Jay Frandrup (21-IPP-03) for establishment of cover crop in Vermillion Township, Vermillion River Watershed at 100 acres for a total of \$3,500 from CY21 Agreement with the Vermillion River Watershed Joint Powers Organization. Members voting in favor: Zanmiller, Skog, Johnson, Dee. Members absent: Chamberlain. Motion carried.

13. Authorization to provide Partial Payment to Peine Cattle Company for Establishing Cover Crops

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. The project was approved for funding at the June 10, 2021 Board meeting with an incentive payment at \$35 per acre per year over three years. A cover crop of winter cereal rye was seeded in 2021 to provide temporary cover, reduce erosion, retain nutrients, and protect soil health. Payments for additional years will be made annually when cover crop seeding has been completed, certified, and approved by the District Board.

21.102 Motion by Dee, second by Johnson to approve partial payment to Peine Cattle Company (21-IPP-24) for establishment of cover crop in Douglas Township, Cannon River Watershed at 100 acres for a total of \$3,500 from the FY18 Trout Brook Watershed Initiative Grant. Members voting in favor: Zanmiller, Skog, Johnson, Dee. Members absent: Chamberlain. Motion carried.

14. Authorization to Provide Final Payment to Charles Schaffer for Installation of Water and Sediment Control Basins

Charles Schaffer has completed the installation of five water and sediment control basins in Hampton Township. 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. 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 \$37,767.99 and increase the 75% cost share as well from \$27,150 to \$28,325.99.

21.103 Motion by Johnson, second by Dee to approve amending existing contract and providing final payment to Charles Schaffer (21-IPP-04) for installation of five water and sediment control basins in Hampton Township, Vermillion River Watershed at \$28,325.99 from the CY21 Agreements with Dakota County and Vermillion River Watershed Joint Powers Organization. Members voting in yes: Skog, Johnson, Dee, Zanmiller. Members absent: Chamberlain. Motion carried.

15. Authorization to Provide Final Payment to Maureen J Fasbender Trust for Grade Stabilization Structure

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 a professional engineer at Rehder and Associates. Final construction costs for the project were \$102,063. A drone video prepared by staff was presented showing the construction project.

21.104 Motion by Dee, second by Johnson to approve final payment to Maureen J Fasbender Trust/G.F. Jedlicki Inc. (21-IPP-35) for installation of a grade stabilization structure in Douglas Township, Cannon River

Watershed at \$91,856.70 from FY18 Trout Brook Watershed Initiative Grant. Members voting in favor: Johnson, Dee, Zanmiller, Skog. Members absent: Chamberlain. Motion carried.

16. Authorization to Provide Final Payment to Square Deal Dairy for Installation of Water and Sediment Control Basins

Square Deal Dairy (Blake Otte) has completed the installation of three water and sediment control basins in Hampton Township. The project was approved for funding at the September 9, 2021 Board meeting at 75% cost share based on a cost estimate of \$41,450. Final construction costs of the project were \$45,100. Staff presented a drone video of the construction project.

21.105 Motion by Johnson, second by Dee to approve final payment to Square Deal Dairy (21-IPP-39) for installation of three water and sediment control basins in Hampton Township, Cannon River Watershed at \$31,125 from FY19 North Cannon River Watershed Management Organization Watershed Based Funding Grant. Members voting in favor: Dee, Zanmiller, Skog, Johnson. Members absent: Chamberlain. Motion carried.

17. Authorization to Execute Agreement with North Cannon River Watershed Management Organization for 2022 Services

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 include 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. The 2022 work plan includes a total not to exceed amount of \$42,033. The NCRWMO Board approved the 2022 work plan and budget at their October 6, 2021 meeting.

21.106 Motion by Dee, second by Johnson to authorize execution of the 2022 Agreement for services with the North Cannon River Watershed Management Organization. All members voting in favor. Motion carried.

18. Authorization to Execute Agreement with Eagan-Inver Grove Heights Watershed Management Organization for 2022 Services

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 include 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 not to exceed amount of \$33,235. The E-IGHWMO Board approved the 2022 work plan and budget at their October 19, 2021 meeting.

21.107 Motion by Johnson, second by Skog to authorize execution of the 2022 Agreement for Services with the Eagan-Inver Grove Heights Watershed Management Organization. All members voting in favor. Motion carried.

19. Authorization to Execute Agreement with Lower Mississippi River Watershed Management Organization for 2022 Services

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 include 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 includes a total not to exceed amount of \$84,930. The LMRWMO Board approved the 2022 work plan and budget at their October 13, 2021 meeting.

21.108 Motion by Dee, second by Johnson to authorize execution of the 2022 Agreement for Services with the Lower Mississippi River Watershed Management Organization. All members voting in favor. Motion carried.

20. Authorization to Execute FY22 Grant Agreement with Minnesota Board of Water and Soil Resources for Buffer Law Implementation and Local Capacity Services

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. The proposed work plan for Buffer Implementation includes: Administration \$1,000, Compliance reviews and mapping \$4,000, Installation \$4,000, Landowner outreach and communication \$8,000.

The proposed workplan for Local Capacity Services includes: Administration \$1,716, Advance Staff Credentials (JAA) \$7,000, Compliance Inspections \$15,000, Program Development and Outreach \$30,000, Technical Assistance \$80,000.

21.109 Motion by Johnson, second by Skog to approve the workplan and execution of FY22 grant agreement with the Minnesota Board of Water and Soil Resources for Buffer Law Implementation and Local Capacity Services Grant. All members voting in favor. Motion carried.

21. Accept 2020 Financial Audit Report

At the February 2021 Board Meeting, the Board of Supervisors approved 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, and found no changes to the financial reports. The audit has been forwarded to the Office of the State Auditor for their review and approval process.

21.110 Motion by Dee, second by Johnson to accept the Year Ending December 31, 2020 Financial Audit as prepared Michael Peterson Ltd. Members voting in favor: Zanmiller, Skog, Johnson, Dee. Members absent: Chamberlain. Motion carried.

22. Adopt 2022 Health and Dental Benefits

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 medical insurance (PreferredOne G.PIC 1500.100.25 Option and the PreferredOne G.PIC 2800.100 HSA Option) and Health Partners for dental insurance (Distinctions 4). 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.

Employee Cost and Credit:

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

21.111 Motion by Dee, second by Johnson to select PreferredOne (Medical) and Health Partners (Dental) as insurance providers for 2022, with the employee costs listed above. Members voting in favor: Zanmiller, Skog, Johnson, Dee. Members absent: Chamberlain. Motion carried.

23. Review Year to Date Finance Report

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. Watson added that services to provide services under the Minnesota Wetland Conservation Act (WCA) have increased nearly 25% due to workload in 2021.

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.

Announcements and Reports

Natural Resources Conservation Service

The NRCS report was provided by Chris Schmidt. He stated they have hired a Soil Conservationist for the Farmington Office, Matthew Lundberg and he started October 25. He studied at the University of Minnesota and will be attending the December Board meeting. Unfortunately, the last day for Tanner Clementz a Soil Conservationist working in Faribault was October 22. The Conservation Stewardship Program (CSP) deadline was April 7, they received two renewal applications, one was high priority but cancelled their application. He noted the deadline for CY21 Conservation Stewardship Program payment is December 15. They have five active contracts and some landowners have indicated if they would like to defer their certification to 2022. For the 2021 Environmental Quality Incentive Program 15 contracts have been obligated and this includes late pre-approvals in September. The Area team saw a total of 42 approved contracts this year. The deadline for FY22 funding was November 19. They received 36 applications, 32 were unfunded from last year that will carry over, adding 4 new applications. They also received one application for the RCCP with Minnesota Department of Agriculture for the Minnesota Ag Water Quality Certification Program and unfortunately that was not pre-approved, and the funding will carry over to next year. He is also working on FY22 staff performance plans. Supervisor Dee expressed appreciation for the report and attending the meeting.

Dakota County

The Dakota County report was provided by Brad Becker, Environment Resources Department. He stated that the 2022 budget process began in June and will end at the County Board of Commissioner's December meeting. With COVID protocols in place, the Department Directors provided presentations. This included operations and the Capital Improvement Program, and with their department, there were no concerns expressed by the County Board. Brad indicated that he feels the County Board is very appreciative of the working partnership including the ditch inspection work, Aquatic Invasive Species, and projects installed under the Capital Improvement Program (CIP). The SWCD will receive and \$100,000 increase in CIP in 2022.

Becker provided an overview of the two public ditches in Dakota County and noted that the Public Ditch Law requires ditch inspections every five years. The SWCD has recently completed the field work and are currently working on the ditch inspection report. Items Dakota County is looking for in the ditch inspection reports include erosion, new culverts, sluffing, etc. Becker indicated that the Attorney's Office is asking them to create a permit process for work in Public Ditches. This would include amending the Shoreline and Floodplain Ordinance to establish the permitting process. This is slated to happen next spring.

Becker also provided an update on the City of Randolph septic system improvements. The City gave their septic system authority to Dakota County approximately 6 years ago. They began inspections and found a large percentage of existing septic systems were failing. Through State Bond funding a municipal treatment center will be installed, and they anticipate completion by 2023. After the center is complete,

pipes will be installed to the individual properties. When offered to connect, the County will be involved. If they do not agree to connect, the county will step in on enforcement. Becker also stated that some COVID recovery funding may be available to assist low income homes to be connected to the system.

With the Lake Byllesby Dam, he stated that the old powerhouse and turbines have been removed leaving just a bare floor. The dam is not producing power currently and they are managing the water from shore. The new turbine installation should be complete in 2022 and Dakota County hopes to produce twice as much power as was capable with the old turbines.

Vermillion River Watershed Joint Powers Organization

There was no Vermillion River Watershed Joint Powers Organization report.

Cannon River Watershed Joint Powers Board

There was no meeting and therefore no Cannon River Watershed Joint Powers Board report.

Metropolitan Conservation Districts Joint Power Board

Watson stated the next meeting of the Metropolitan Conservation District Joint Powers Board (JPB) is scheduled for November 17.

Minnesota Association of Soil and Water Conservation Districts

Watson reminded the Board of Supervisors that the Annual Convention is December 12-14 with registration due on December 1. He requested Supervisors let Diane know what they are planning to attend.

District Manager Reports

Watson stated that all items were previously discussed.

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.

Dee asked if we could hold a date for a second December meeting. Thursday, December 30 at 9:00 a.m. was reserved for a second meeting, if needed.

Zanmiller stated that Dakota County farmer and past SWCD Outstanding Conservationist Greg Stoffel was featured in a State's Grasslands Uprooted article of the Minneapolis Star Tribune. The Hastings School District acquired 56 acres of his restored grasslands on the Vermillion River through an easement. Stoffel was quoted that he is happy seeing students and bird watchers flock to his former fields along with all the wildlife that has returned. With that, it was also reported that Minnesota's grasslands continue to disappear, nearly 2 million acres of grassland have been lost to crops from 2012 to 2019.

20. Upcoming Events

The upcoming events were reviewed.

21. Adjourn

21.112 Motion by Johnson, second by Dee to adjourn. All members voting in favor. Motion carried.

The meeting was adjourned at 10:25 a.m.

Respectfully submitted,

Chelsea Skog
Secretary