



Agenda

Vermillion River Watershed Planning Commission

January 11, 2023 – 4:30 p.m., In-person and Teleconference via MSTeams

1. Call to Order
2. Roll Call
3. Audience Comments on Items Not on the Agenda
(please limit audience comments to five minutes)
4. Election of Officers Action
5. Approval of Agenda Action
6. Approval of Minutes from November 16, 2022, Meeting Action
7. Business Items
 - a. Presentation of 2023 VRWJPO Communications Plan Information
 - b. Recommend Execution of an Agreement with the Minnesota Board of Water and Soil Resources for a Fiscal Year 2023 Clean Water Fund Grant Action
 - c. Recommend Execution of a Joint Powers Agreement with the City of Lakeville for the East Lake Rough Fish Barrier and Rough Fish Removals Project Action
 - d. Recommendation to Execute a Joint Powers Agreement with Dakota County Soil and Water Conservation District for Services in 2023 Action
 - e. Recommendation to Execute a Joint Powers Agreement with Scott Soil and Water Conservation District for Services in 2023 Action
7. Updates
 - a. Chairperson's Report
 - b. Staff Updates
8. Adjourn Action

Please note, the January 11, 2023 Watershed Planning Commission meeting will take place **in-person** in Conference Room A at the Extension and Conservation Center, 4100 220th Street West, Farmington Minnesota **and via teleconference** on the web-based application, Microsoft Teams.

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 237 129 124 29

Passcode: bQyJPC

[Download Teams](#) | [Join on the web](#)

Vermillion River Watershed Joint Powers Organization

4100 220th Street West, Suite 103, Farmington, Minnesota 55024



Or call in (audio only)

+1 [651-273-3070](tel:+16512733070), [883663989#](tel:+16512733070) United States, St. Paul

Phone Conference ID: 883 663 989#

[Find a local number](#) | [Reset PIN](#)

Other Information

Next Meeting Date: **February 8, 2023** at 4:30 p.m.

Please confirm your attendance by contacting Mark Zabel at mark.zabel@co.dakota.mn.us

You will be notified if the meeting is cancelled due to an anticipated lack of quorum.



Minutes

Vermillion River Watershed Planning Commission Meeting

November 16, 2022 – 4:30 p.m.

In-person and Microsoft Teams Videoconference

WPC Members in Attendance

Mark Henry James Kotz
Josh Borton Andy Riesgraf
Linda Larson Steve Hamrick
Chuck Clanton

Staff in Attendance

Mark Ryan, VRWJPO
Brita Moore-Kutz, VRWJPO
Mark Zabel, VRWJPO
Travis Thiel, VRWJPO

Others in Attendance

Curt Coudron, Dakota County SWCD

1. Call to Order

The meeting was called to order at 4:31 p.m.

2. Roll Call

All members present.

3. Audience Comments on Items Not on the Agenda

None.

4. Approval of Agenda

Chair Henry asked for approval of the agenda.

Motion by Commissioner Borton, second by Commissioner Larson, to approve the agenda as distributed. The agenda was approved by a 7-0 vote.

5. Approval of Minutes from the September 14, 2022 Meeting

Chair Henry requested any adjustments to the minutes as presented.

Motion by Commissioner Clanton, second by Commissioner Kotz, to approve the minutes of the September 14, 2022 meeting, as presented. The minutes were approved by a 7-0 vote.

6. Business Items

- a. **Recommend Adoption of the Vermillion River Watershed Joint Powers Organization 2023 Final Draft Budget and Watershed Management Tax District Levy**

Mark Zabel presented the 2023 Final Draft Budget and Watershed Management Tax District Levy. Mark noted that there were no changes to the draft as it was presented in August with the exception of the Wetland Bank line item which has accrued \$189,800 from sales of wetland bank credits. Additional sales of wetland bank credits since September results in an increase to the overall budget to a total of \$3,321,830.

Motion by Commissioner Kotz, second by Commissioner Borton, to recommend approval of the VRWJPO 2023 Final Draft Budget totaling \$3,421,830 and recommend a Vermillion River Watershed Management Tax District Levy of \$1,000,000 (\$35,100 in the Scott County portion of the watershed and \$964,900 in the Dakota County portion of the watershed). The motion was approved by a 7-0 vote.

b. Recommendation to Execute a Grant Agreement with the Minnesota Board of Water and Soil Resources for Fiscal Year 2023 Watershed-Based Implementation Funding

Travis Thiel presented a brief summary of the development of projects, along with stakeholder partners, for application under the Minnesota Board of Water and Soil Resources (BWSR), Watershed Based Implementation Fund (WBIF) program. A list of potential projects was submitted to BWSR for consideration. BWSR staff approved the list of projects as acceptable for application. The list of projects was submitted to BWSR for further evaluation and fund approval. Two of the projects listed are being managed by the VRWJPO; the Middle Creek Stream Restoration Project and a Feasibility Study on Alum Treatment in Alimagnet Lake. Commissioner Clanton asked about the address listed for the Chair of the VRWJPB and if that address was appropriate for the agreement. Travis indicated that he would follow up to make sure that the correct address is applied.

Motion by Commissioner Clanton, second by Commissioner Hamrick, to recommend approval of the Vermillion River Watershed Joint Powers Board authorizing its chair to execute a Grant Agreement with the Board of Soil and Water Resources in an amount not to exceed \$396,000 for Watershed Based Implementation Funding for projects and studies in the Vermillion River Watershed. The motion was approved by a 7-0 vote.

c. Recommendation to Execute a Joint Powers Agreement with the City of Lakeville for the Middle Creek at Dodd Boulevard Stream Restoration Project

Travis Thiel identified that this is one of the projects identified in the WBIF Grant approved in the previous item. This agreement provides up to \$360,000 to the City of Lakeville to implement the project while staff of the VRWJPO will be responsible for grant administration and fiscal management as an in-kind contribution to the project. Mark Ryan added that the City of Lakeville would be responsible for engineering design and construction of the project. Commissioner Kotz asked if VRWJPO would be performing project oversight. Travis commented that VRWJPO staff would be on site for additional oversight. Commissioner Clanton asked if VRWJPO is satisfied with project maintenance commitment with these projects. Travis stated that VRWJPO is satisfied with the commitment to project maintenance. Mark Zabel added that BWSR has also required issuance of a letter by the VRWJPO identifying a financial surety for maintenance for these

types of projects. Travis noted that the letter requested by BWSR is limited to projects like stream restorations where there is some additional risk. Mark Ryan also noted that well designed and performing stream restorations may require little or no maintenance.

Motion by Commissioner Clanton, second by Commissioner Hamrick, to recommend approval of the Vermillion River Watershed Joint Powers Board authorizing its chair to execute a Joint Powers Agreement with the City of Lakeville in an amount not to exceed \$360,000 for the Middle Creek at Dodd Boulevard project. The motion was approved by a 7-0 vote.

d. Approve the 2023 Vermillion River Watershed Planning Commission Meeting Dates

There was some discussion of meeting time of 4:30PM. Members agreed to keep meeting time of 4:30PM. Commissioner Larson asked how many members were required to attend meetings to make a quorum. Mark Zabel indicated that currently five members are required to be in attendance.

Motion by Commissioner Borton, second by Commissioner Kotz, to approve the meeting dates for 2023 as follows: the VRWPC will meet on the second Wednesday of the month (except in November and December) at 4:30 p.m., according to the following schedule:

- *January 11*
- *February 8*
- *March 8*
- *April 12*
- *May 10*
- *June 14*
- *July 12*
- *August 9*
- *September 13*
- *October 11*
- *November 15*

The motion was approved by a 7-0 vote.

e. Update on Vermillion River Watershed Planning Commission Member Terms and Status

Mark Zabel began by presenting a spreadsheet that shows members information for their appointment date, terms of eligible service and date when eligibility ends. Cells were highlighted indicating status for certain members whose terms had expired or will be expiring at the end of the year. Two previous members (Tony Wotzka and Carolyn Miller) did not choose to continue after their terms expired on December 31, 2021, and those seats remain to be filled (One for Dakota County and one for Scott County). Sandra Weber has applied for service, and with appointment, would fill a Dakota County member position (Tony Wotzka's seat). Two members' (Chuck Clanton and Mark Henry) terms expire at the end of this year, December 31, 2022, and have fulfilled their eligibility. Those seats will be

open with the new year. One member's (Joshua Borton) term ends at the end of this year, but has eligibility to serve another term. Commissioner Henry mentioned that former member Ken Betzold might be willing to serve again although he spends the Winter season out-of-state, if virtual attendance is acceptable, he could be a candidate. Mark mentioned that he would need to check with counsel as to whether virtual attendance is allowed for voting on decisions as it was previously indicated that virtual meetings were allowed only during the emergency declaration period for the pandemic. A question is whether the Watershed Planning Commission in its capacity as an advisory committee to the Joint Powers Board must meet the same requirements as the Joint Powers Board since it does not have direct power of action on decisions. Commissioner Larson asked what might happen if there was a storm that prevented travel? Mark indicated that we would have to cancel the meeting. Commissioner Clanton mentioned that Lance Tweedt might be another candidate for return to the Commission if asked. Commissioner Kotz asked if Commissioners Clanton and Henry would like to continue to serve if they were allowed. Both commented that they would be willing to continue if there were no others applying to the position to continue the work of the Commission.

f. Options for Consideration for Changes to Watershed Planning Commission Membership and Scheduling

The discussion transitioned directly from the previous item into the discussion covered in this item. Mark Zabel began discussion by reference to language in the empowering Joint Powers Agreement (JPA) forming the VRWJPO. The JPA stipulates the number of members on the WPC, their residency requirements, their length of terms, and the limitation to serving two terms. The language of the JPA is the control for the membership on the WPC. Mark then referred to Minnesota Statutes 103D.331 which provides direction for membership on the advisory committee for a watershed district. Direction provided in that statute reference would provide more flexibility than is provided in the JPA. Mark noted that he had brought this to the Joint Powers Board for some discussion at their October meeting and that discussion would continue at future meetings. Mark mentioned that if there was to be a change to the JPA to provide more flexibility it would require an amendment to the empowering JPA which would need to be approved by each of the partners to the agreement, i.e., each of the County Boards. Mark then indicated a number of questions that should be considered if we want to change the make up of the participant members on the WPC that would be incorporated into the amendment to the JPA. Commissioner Riesgraf asked if there would be a better chance of maintaining a quorum if the WPC was made up of less members. Mark Ryan noted that the quorum requirement is a majority of the membership and that when considering on a percentage basis the need for attendance for members doesn't change a lot. Mark Henry noted that some Non-government Organizations (NGO) with interest might be a good addition. Commissioner Clanton commented that he likes the current focus on the Commission being a citizen membership. Brita noted that people that are active in some NGOs also may have an interest in serving on the WPC and so that representation is achieved informally. Commissioner Clanton suggested that more outreach and further recruiting efforts be undertaken before making any drastic changes. Mark Zabel then noted that there are

several other actions that can be considered without having to amend the JPA. Commissioner Kotz suggested that term limits be eliminated. Further discussion focused on the difficulties with recruiting members. Commissioner Kotz commented that if there were applicants in the offing he would be willing to vacate his seat, but the problem has been that there isn't a ready list of applicants.

Commissioner Kotz moved, second by Borton to recommend elimination of term limits for members on the WPC. The motion was approved by a 6-0 vote, with one abstention.

Commissioner Riesgraf commented that he thinks set terms are a good idea but that he is not strongly opposed to eliminating term limits given the points brought up in discussion. Members discussed further and Mark Ryan suggested that members had indicated a willingness to consider ending a term if there were new applicants and if there is a way to structure that approach. Mark Zabel indicated that there is a mechanism within Minnesota Statutes 103D for the appointment of Managers to Watershed District Boards. In that process there is no term limit but there is a term with a requirement that a notice is provided recruiting applicants and so an appointment of the incumbent or a new applicant could be appointed.

Motion by Clanton, Second by Riesgraf, to recommend eliminating term limits and retain three-year terms with a requirement to provide notice for new applicants for Board consideration of appointment of an incumbent member or a new applicant. The motion was approved by a 7-0 vote.

g. Minnesota Board of Water and Soil Resources Performance Review and Assistance Program Report

Mark Zabel provided a summary overview of the process and results of the Organizational Assessment completed by staff of the Minnesota Board of Water and Soil Resources (BWSR) under their Performance Review and Assistance Program (PRAP). Key findings in the report acknowledges and commends the VRWJPO's outreach efforts, having strong technical capacity, and implementation of projects within the Watershed Management Plan. BWSR staff provided three recommendations; create and distribute a customer service survey to implementors, develop orientation and continuing education plans for Board members and staff and keep records of trainings attended, evaluate needs of partner municipalities. Overall the report was very positive and BWSR staff provided complimentary and supportive comments.

7. **Updates**
 - a. **Chairperson's Report**

Chair Henry mentioned his history in the watershed having grown up in the area and having enjoyed the outdoors. He has very much enjoyed his service on the WPC and complimented the VRWJPO as an organization and the staff.

b. Staff Updates

Brita Moore-Kutz reported that she presented at Lakeville North High School for the AP Environmental Science class specifically talking about watersheds and using the Enviroscape Model. Brita mentioned the “We Are Water” exhibit and activities scheduled for Lebanon Hills Regional Park for “Black Friday”.

Curt Coudron of the Dakota County Soil and Water Conservation District reported that Dakota SWCD will receive funding for several projects through Watershed Based Implementation Fund and are completing agreements for that funding. SWCD staff are working on completing project implementation for several projects including prairie seedings and several structural projects that are temporarily on hold waiting for improved weather conditions. There was some discussion about “snow seeding” as a practice, its applicability and success rate. Curt mentioned that it is a viable and often used practice that has a good success rate when properly applied.

Mark Ryan reported that repairs had been completed in the nitrate treatment wetland project in Castle Rock Township. Mark also mentioned that Travis has been managing a vegetation management contract for the nitrate treatment wetland project as well, which has included mowing, spraying, and burning in the project area. Mark has been doing work on several other implementation projects and regulatory activities associated with ordinance updates and permitting.

Travis Thiel reported two projects having been completed in Ravenna Township. The Almquist Basins project restores functionality of water and sediment control basins that were constructed in 1970 and had filled with sediment. Working with the landowner and managing excavated sediment on site helped to keep costs low. This project helps to prevent sediment delivery in the Etter area and to the Lower Vermillion River downstream.

Commissioner Larson reported that she attended the “We Are Water” exhibit launch event and said it was a wonderful event.

8. Adjourn

Motion by Commissioner Kotz, second by Commissioner Borton, to adjourn the meeting at 6:16 p.m. The motion passed on an 7-0 vote.

VERMILLION RIVER WATERSHED PLANNING COMMISSION

7a. Presentation of 2023 VRWJPO Communications Plan

Meeting Date: 1/11/2023
Item Type: Information
Contact: Brita Moore-Kutz
Telephone: 952-891-7967
Prepared by: Brita Moore-Kutz



PURPOSE/ACTION REQUESTED

Presentation of 2023 VRWJPO Communications, Outreach, and Engagement Plan

SUMMARY

Each year, the VRWJPO Communications and Outreach Specialist is responsible for updating the Communications, Outreach, and Engagement Plan. The word “Engagement” was added to the plan’s title this year. The plan contains the Specialist’s duties and descriptions, providing context with the watershed’s demographics, environmental resources, and structure. It lays out the Communications initiatives as described in the Watershed Plan and WRAPs and the resources available to help us reach our goals.

Some key points from the Communications Plan:

- The JPO’s work is completed almost entirely in partnership with others, including communications. Networks within Dakota County and externally are vital to our success.
- Measurable outcomes provided in the Watershed Plan are now incorporated.
- Like in the Watershed Plan Midpoint Evaluation we did in 2021, many of the Communications tasks are ongoing, quantified in the Measurable Outcomes report each year and evaluated internally by staff.

With frequent changes in technological trends and citizen attitudes about environmental issues, the Communications Plan is intended to be a living document, with updates at the end of every calendar year and throughout the year as needed. The Communications and Outreach Specialist will refer to this plan regularly to guide activities.

We welcome feedback and suggestions for Communications and Outreach work.



Communications, Outreach, and Engagement Plan 2023



Figure 1. The South Branch Vermillion River Aquatic Management Area.

BRITA MOORE-KUTZ, COMMUNICATIONS & OUTREACH SPECIALIST

VERMILLION RIVER WATERSHED JOINT POWERS ORGANIZATION

FARMINGTON, MINNESOTA

Contents

Mission Statement 2

Setting the scene..... 2

Watershed Governance 3

 Current Watershed Plan 3

Communications Overview 4

 Objectives 4

 Attitudes and perceptions in the watershed 5

Strategy 7

 Desired Outcomes..... 7

 Target Audiences 8

 2023 Budget 10

 Integrating tools & objectives..... 11

 Measurable Outcomes..... 17

Reference Materials..... 17

Mission Statement

The mission of the Vermillion River Watershed Joint Powers Organization (VRWJPO) is to collaboratively provide education, science, and support to restore and protect the Vermillion River Watershed's natural resources for all who live, work, and play within its boundaries.

Setting the scene

The Vermillion River Watershed, the area where the river and other water resources drain, encompasses southeastern Scott County and central Dakota County over 335 square miles. Geographically, it is the largest watershed in the seven-county Twin Cities metro area. The headwaters of the Vermillion River are in New Market Township, Scott County. The river flows across central Dakota County and into the Mississippi River near Red Wing in Goodhue County. Its main tributaries are the South Branch, North Creek, Middle Creek, and South Creek. Eight subwatersheds comprise the watershed: North Creek, Lower Mainstem, Mississippi Direct, Middle Creek, Middle Mainstem, South Branch, South Creek, and Upper Mainstem.

The name Vermillion River was likely derived from the bright red and orange-colored ocher obtained by the Dakota Indigenous people in the seams of Chimney Rock in Marshan Township, and of other outcrops of the St. Peter sandstone beside or near the course of this river. (from *Minnesota Place Names: A Geographical Encyclopedia* by Warren Upham, MN Historical Society Press)

Twenty communities, including all or portions of Apple Valley, Burnsville, Castle Rock Township, Coates, Douglas Township, Elko New Market, Empire, Eureka Township, Farmington, Hampton, Hampton Township, Hastings, Lakeville, Marshan Township, New Market Township, Nininger Township, Ravenna Township, Rosemount, Vermillion, and Vermillion Township reside within the political boundaries of the Vermillion River Watershed.

About 49 stream miles of the Vermillion River's main stem and tributaries are designated trout streams, making the river a unique natural resource in a growing metropolitan area. Preserving the river's water quality and cool temperatures are essential for trout sustainability and the recreational opportunities for those who enjoy fishing here.

The Minnesota Pollution Control Agency (MPCA) lists several reaches of the Vermillion River and its tributaries as impaired (not meeting water quality standards) due to E. coli bacteria, phosphorus, excess sediment, turbidity, low dissolved oxygen, aluminum, and poor quality or quantity of fish and macroinvertebrates. Some portions of the river and its tributaries, as well as groundwater, have concentrations of nitrate and chloride that are concerning, and the concentrations have increased over time. Downstream of the falls in Hastings, the river shares a floodplain with the Mississippi River and is

polluted with excess sediment, polychlorinated biphenyls (PCBs), and mercury. The state updates its impaired waters list every two years and submits it to the U.S. Environmental Protection Agency (EPA).

The Vermillion River Watershed's population has been growing steadily, currently about 170,000, which brings increased development and residential impact on the Vermillion River's water quality and quantity. The predominant land use in the watershed is still agricultural, which will remain so into the foreseeable future, though residential suburban and business development land uses are growing. Land management decisions in the watershed profoundly affect water resources.

Watershed Governance

In 1984, the 20 communities listed above organized to manage the watershed together but struggled to fulfill the conditions required by the Metropolitan Surface Water Management Act (MN Statute 103B). In August 2000, that organization dissolved, and Dakota and Scott counties signed a Joint Powers Agreement (JPA) to manage the watershed together in 2002. The two counties jointly fund activities of the VRWJPO and are statutorily responsible for management. The JPA allows for a three-member Joint Powers Board (JPB), comprised of two Dakota County Commissioners and one Scott County Commissioner. A nine-member citizen advisory Watershed Planning Commission (WPC) supports the JPB, consisting of eight Dakota County residents and one Scott County resident. A Technical Advisory Group (TAG) provides informal technical consultation and consists of city partners, state partners, non-governmental organizations, County staff, Soil and Water Conservation District staff, and engineering advisors.

Current Watershed Plan

VRWJPO's activities are governed by a Watershed Plan, which must be updated at least every ten years per state statute. The current Watershed Plan is in effect through 2025. At the time of this writing, VRWJPO is preparing to kick off discussion for the next iteration of the Watershed Plan, scheduled to go into effect in 2026. Updating the Watershed Plan requires engagement with communities across the watershed. We hope to hear from diverse voices and create a Plan that reflects local and regional concerns.

In constructing the 2016-2025 Watershed Plan, VRWJPO spoke with residents and partners about the issues they noticed. The top concerns were:

1. Surface water quality is threatened or impaired.
2. Water quality improvement competes with other public, private, and individual priorities. There is a perception that costs of improving water quality are not allocated fairly.
3. Groundwater quality is at risk, with known concentrations above health risk limits for nitrate in some areas.
4. Increasing consumption of groundwater threatens the future water supply.

5. Changing precipitation patterns, decreased rainwater infiltration, and increased stormwater runoff have contributed to more intense fluctuations in river flow rate and volume.
6. Public awareness and specific knowledge on the impacts of daily activities and appropriate stewardship is lacking.
7. Several federal, state, and local agencies manage specific aspects of water protection, and limited coordination and communication among these agencies can create inefficiencies and cause confusion.
8. Minnesota's climate is getting warmer and wetter, which poses a threat to water quality, wildlife, and infrastructure.
9. VRWJPO is a "young" organization in a dynamically changing landscape and has not always been able to fill gaps and address new opportunities.
10. Sensitive biological resources -- plants, fish, insects, and wildlife -- in the Vermillion River are not as healthy as those in reference rivers.

The Plan's Section 6 lists seven goals to address these issues through the roles of Administration & Operations, Coordination & Collaboration, Land & Water Treatment, Monitoring & Assessment, Public Communication & Outreach, Regulation, and Research & Planning:

- A. Protect or restore water quality in lakes, streams, and wetlands
- B. Protect and restore groundwater quality
- C. Maintain a sustainable water supply
- D. Address more intense fluctuations in river flow rate and volume
- E. Improve public awareness and stewardship of water resources
- F. Improve watershed resilience to changing precipitation and temperature patterns
- G. Protect or restore sensitive biological resources, such as plants, fish, insects, and wildlife

Communications Overview

Objectives

The Plan goal most pertinent to Public Communication & Outreach is Goal E, "Improve public awareness and stewardship of water resources." However, the others require community engagement to meet each goal. The VRWJPO typically works in partnership with others to achieve its goals, including cities, counties, Soil and Water Conservation Districts, nonprofits, and interested residents. This means our strategies involve building relationships to complete projects and benefit people in the watershed.

The Communications & Outreach role is to promote education and civic engagement around water resources, leading to widespread adoption of BMPs, a healthier environment, and greater enjoyment of recreational opportunities in the Vermillion River Watershed. Communications also has a significant role in improving accessibility of watershed digital resources.

This Communications, Outreach, and Engagement Plan integrates objectives from the 2016-2025 Vermillion River Watershed Management Plan and 2013 Civic Engagement Plan for the Watershed Restoration and Protection Strategy (WRAPS). It is a working document revised annually.

The following are these integrated objectives:

- Increase public appreciation of the resources of the Vermillion River Watershed, including abundant clean water, recreational [opportunities](#), [healthy and productive soils](#), wildlife, and aesthetic beauty.
- Lead public education and civic engagement in the watershed and support partners in education on water and natural resource [improvement and](#) protection.
- Engage a wide range of groups in reviewing and improving watershed roles, authorities, standards, plans and policies, and volunteerism.
- Promote practices that restore polluted waters, protect waters that are not impaired, conserve water, and [address or](#) build resilience to climate change
- Assist communities and individuals to access water resource BMP funding, get technical assistance, and connect with government agencies
- Recognize and celebrate stewardship in the watershed
- Track and share issues, legislation, trends, and technologies with potential [water resource](#) impact

Attitudes and perceptions in the watershed

A team from the University of Minnesota (UMN) surveyed landowners in the Vermillion River Watershed in 2011 and 2021 to provide a social science-based assessment of water resource beliefs and conservation behavior. They received 253 responses, the majority of whom (59%) reported that their property borders streams or ditches or has streams/ditches running through it. Fifty-nine percent of respondents identified as male, 90% as white, and with a median age of 60. The results indicated some prevalent conditions that may be obstacles to behavior change, including:

- Low levels of civic engagement around protecting water resources, outside of individual practices. Less than half of respondents indicated intention to talk to others about conservation, and even fewer to work with community members to protect the environment or attend meetings about water.
- Low levels of trust in local government around conservation (44%)
- Lack of familiarity with specific conservation practices, such as streamside buffers, wetland restoration, rain barrels, rain gardens, and temporary flood easements

Fortunately, the survey also indicated several favorable understandings among most landowners that can further behavior changes:

- Almost all respondents (91%) said clean rivers, streams, and lakes and access to aesthetically pleasing landscapes/views are very important or extremely important qualities for their communities
- Nearly 80% agreed that water resources in Minnesota need better protection and that the effects of water pollution on public health are worse than we realize
- Nearly all respondents (93%) said they feel a personal obligation to do whatever they can to prevent water pollution and 86% to use conservation practices on their land
- Nearly all respondents (97%) place high importance on safe, clean drinking water and protecting the resource for future generations (96%)
- Strong trust in Soil and Water Conservation Districts (76%) and local watershed management organizations (64%)
- Many said they read publications by environmental groups (66%)
- The majority (61%) support engaging more citizens in local land use and water resource decisions

While most results from the 2021 survey were not drastically different than the 2011 survey, it's worth noting that civic engagement levels did increase by a small amount over the ten years. Generally, both surveys showed that landowners are more interested in taking individual actions to protect water than civic ones. (The 2021 survey did not inquire about the possible effects of the COVID-19 pandemic on civic engagement.)

Based on the results, the researchers recommended the following for planning, programming, and communication in the watershed:

- Encourage personal commitment to conservation, and engage landowners
 - Benchmarking
 - Goal setting
 - Commitment
 - Connection between water and community issues
 - Ecological and community benefits of conservation
 - Knowing more about practice benefits likely to motivate adoption
- Emphasize ecological and community benefits of conservation
 - Link conservation to community benefits
 - Tailored information
 - Landowners trust multiple individuals and organizations
- Engage trusted individuals and organizations
 - Outreach through trusted groups
 - Consistent messaging
 - Build trust

Strategy

Effective communication is consistent and uses a full spectrum of media. From word-of-mouth invitations to news releases to tweets, inspiring behavior change isn't a one-stop shop.

The problem: Research has shown that handing out brochures, advertising, or posting on the website or social media doesn't lead to increased behavior changes on their own. Even if people know about environmental challenges, things they can do to help, or the economic benefits of sustainability, it doesn't spur action. And that doesn't begin to address when people choose to believe disinformation.

Advancing behavior change is most effective when undertaken with direct contact and knowledge of the community, and an understanding of possible roadblocks to change. Community-Based Social Marketing (CBSM) provides pathways for communication and outreach that result in desired behavioral change. CBSM is mentioned specifically in the online curriculum for Minnesota Water Steward candidates.

As CBSM founder Dr. Doug McKenzie-Mohr put it, "We are going to the wrong people (communication firms) and getting the wrong advice, and consequently, we are underestimating the challenges of changing behavior. Who should we be turning to for assistance? Behavioral scientists and social marketers."

Our communications goals must go beyond how many Facebook posts we make per day or how many brochures we hand out at events. CBSM can help us engage our target audiences through five steps:

1. Choose behaviors to promote
2. Identify barriers and benefits
3. Develop strategy
4. Pilot strategy
5. Implement broadly and evaluate

CBSM requires communicators to rethink how they measure results – we need to move from outputs to outcomes.

Desired Outcomes

- People will take personal responsibility for protecting the Vermillion River Watershed by implementing BMPs and volunteering as they can.
- Residents will understand the VRWJPO's role in water management.
- Stakeholders will take the lead in civic education and engagement surrounding water resources, bringing in others in their networks.
- Stakeholders will understand the effects of business practices, agriculture, urbanization, and residences on the health of the river.
- Stakeholders will enjoy the recreational opportunities in the Vermillion River Watershed.

Target Audiences

Primary Stakeholders

Our primary stakeholder group consists of residents, elected officials, and those who own or manage land, businesses, and other enterprises within the watershed.

- People living, working, and playing in the watershed
 - private landowners
 - shoreline landowners
 - farmers
 - businesses
 - suburban and urban residents
 - recreational fishers, hunters, canoers, kayakers, birders, hikers, campers, and other outdoor enthusiasts
 - volunteers
 - real estate developers and agents
- Vermillion River Watershed Joint Powers Board, Planning Commission, Technical Advisory Group
- Dakota and Scott County boards
- City and township governments in the watershed
 - Environmental commissions and task forces
- Dakota & Scott County Soil and Water Conservation District Supervisors
- State legislators representing communities in the watershed (2023-24 legislative session)

Media

A goal mentioned multiple times in the 2016-25 Watershed Plan is to get more media coverage about the watershed. This will take effort to pitch story ideas to local media and pursue paid media opportunities, including but not limited to:

- Minneapolis Star Tribune
- St. Paul Pioneer Press
- Sun ThisWeek – Lakeville, Burnsville-Eagan
- Dakota County Tribune – Apple Valley-Farmington-Rosemount
- Hastings Journal
- Minnesota Outdoor News
- Scott County Scene
- Agweek (formerly Agri News)
- The Land Magazine
- The Farmer
- Minnesota Public Radio
- MinnPost
- Minnesota Conservation Volunteer

- Minnesota Reformer

Additional partners

These partners are likely to help promote our messages.

- Dakota and Scott County staff
 - Environmental Resources
 - Parks
 - Libraries
 - Communications
- Soil and Water Conservation Districts
- City and township staff
- UMN
 - Extension
 - Water Resources Center
 - Turfgrass team
- Prairie Island Dakota Community
- Federal, state, regional agencies
 - U.S. Environmental Protection Agency
 - U.S. Fish and Wildlife
 - U.S. Geological Survey
 - U.S. Department of Agriculture
 - U.S. Army Corps of Engineers
 - U.S. Natural Resources Conservation Service
 - U.S. Farm Service Agency
 - MN Board of Water and Soil Resources
 - MN Department of Agriculture
 - MN Department of Natural Resources
 - MN Pollution Control Agency (WRAPS funder)
 - MN Department of Transportation
 - MN Environmental Quality Board
 - MN Department of Health
 - Metropolitan Council
 - MN Clean Water Council
- School districts in the watershed: IDS 192, 194, 196, 199, 200
 - AP Environmental Science classes
 - School of Environmental Studies
 - Private Schools
- Environmental groups/nonprofits (including but not limited to)
 - Hastings Environmental Protectors
 - Freshwater Society
 - The Nature Conservancy MN

- Minnesota Land Trust
- The Trust for Public Land
- Citizens' Climate Lobby of Dakota County
- Sierra Club
- Women's Environmental Network
- Conservation MN
- Friends of the Mississippi River
- Lakeville Friends of the Environment
- Agricultural organizations
 - Minnesota Farm Bureau
 - Minnesota Farmers Union
 - Hmong American Farmers Association
 - Land Stewardship Project
 - Sustainable Farming Association MN
 - Minnesota Ag and Water Resources Coalition
- Youth organizations
 - Girl and Boy Scouts of America
 - 4-H
 - National Honor Society
 - Future Farmers of America
 - religious-based youth groups
- Sporting and recreational groups, such as Ducks Unlimited, Minnesota Waterfowl Association; Southern Dakota County Sportsmen's Club; Pheasants Forever; Trout Unlimited; National Wild Turkey Federation

The Communications and Outreach Specialist will update the media and mailing list to include those named above and others.

2023 Budget

Per the 2023 VRWJPO budget, the following are allocated to communications & outreach activities:

- \$100,000 for staff time
- \$6,000 for Vermillion River Watch
- \$2,250 for outreach efforts in Scott County
- \$10,000 for project signage and map updates
- \$10,000 for the newsletter, mailings, website, and general communication materials
- \$30,400 for the Landscaping for Clean Water Program
- \$4,000 for K-12 classroom presentations through the Dakota County SWCD
- \$3,500 for local standards/ordinance and turf/salt workshops
- \$600 in support of the Metro Children's Water Festival
- \$5,000 for Metro Watershed Partners

- \$5,000 for Minnesota Water Stewards

Integrating tools & objectives

Increase public appreciation of the Vermillion River Watershed, including clean water, recreation, wildlife, and aesthetic beauty.

- **Website:** Information on the VRWJPO website includes an interactive map of Capital Improvement Projects (CIPs) and their fact sheets, upcoming events and recreational opportunities, compelling news items with new data and initiatives, and stewardship behaviors, choices, and recognition. Site visitors can find minutes, agendas, and meeting information for the JPB and WPC. Watershed rules and regulations can be found here as well.
 - Complete Annual Reports by April 30 each year to submit to BWSR and the website. Annual Report should compile pertinent information in a succinct way.
 - Coordinate with Dakota County SWCD to complete an executive summary fact sheet of Vermillion River Monitoring Network data to go on the website and social media.
- **Social media:** Information on the social media pages will highlight compelling news, promote incentives and BMPs, invite people to events and committees, and highlight photos from around the watershed. Focus on Facebook and Instagram.
 - Use graphic creation tools such as Canva and Adobe to share information in visually appealing ways.
- **Email newsletter:** We publish an electronic newsletter twice a year through Mailchimp, as well as short email announcements as needed. People can sign up for the newsletter on our website and at community events. We continually update the recipient list to stay current with staff changes at partner organizations. The electronic newsletter includes information on projects, upcoming events, stories recognizing stewardship, and BMP ideas that are easy for people to use. The electronic newsletter will be published at least two times per year, in March and September.
- **CIP interpretive signage:** Interpretive signs at completed CIPs educate and create buy-in from residents about the watershed, the Vermillion River, and its tributaries and identify what they can do to protect water resources. VRWJPO completed six new signs with Tuhura Design in 2022.
 - Assess interpretive sign needs upon completion of new projects.
- **Media outreach:** Work with media outlets to provide public education and information about the watershed, including CIPs and VRWJPO events.
 - **Partner publications:** The VRWJPO will submit stories and articles on the watershed and its activities to publications of partners, such as the MPCA Water Line, Scott County Scene, Dakota County SWCD newsletter, Scott SWCD website, Minnesota Conservation Volunteer, city blogs, and other relevant sources.
 - **Work with nontraditional media such as bloggers, podcasters, social media influencers, as well as traditional media like newspapers, radio, TV.**

- **Fact sheets:** Fact sheets for the Vermillion River Watershed’s key messages provide in-depth information on the watershed, the river, and its tributaries, and CIPs completed by VRWJPO.
- **Maps:** Update print and digital maps of the watershed to distribute publicly. Work with Dakota County GIS and SWCD to provide details for completed projects.
- **Photography:** Take seasonal photos of the Vermillion River and tributaries, as well as project locations, parks, and volunteer activities. Encourage residents to share their photos of the area on social media and consider running a photo contest.

Lead public education and civic engagement in the watershed and support partners in education initiatives.

- **Volunteer Opportunities:** Promote volunteer opportunities on targeted watershed priorities through programs such as Dakota County Wetland Health Evaluation Program, Minnesota Water Stewards, Adopt-a-Drain, Adopt a River, Vermillion River Watch, and other local programs by municipal partners. Include service-learning projects such as volunteer stream monitoring, adopting road ditches, river clean-up events, and raking leaves from storm drains.
- Host tours of watershed projects to highlight demonstrations of innovative technology, successful water quality and quantity improvement practices, and restoration activities within the watershed. A watershed tour for local elected officials and experts in the water resources field will be held every other year in years ending in odd numbers. Other tours of completed VRWJPO projects or sites will be considered and coordinated as needed.
- **We Are Water MN:** Dakota County hosted the We Are Water MN exhibit in fall 2022. The County got to keep the parts of the exhibit that contain local stories. These will be useful tools for sharing stories of the watershed at events. We also have access to the audio stories used in the exhibit.
- **Community Events:** Maintain a presence at community events where information on water resources and recreation is most relevant. These include Earth Day events, Metro Children’s Water Festival, clean-up events, lake association meetings, community festivals, park openings, County Fairs.
- **Targeted education:** The VRWJPO will help implement and promote targeted education and outreach programs on the watershed, the Vermillion River and its tributaries, and ways stakeholders can promote environmental stewardship. Potential topics include:
 - flood and storm resilience
 - habitat restoration
 - irrigation water management
 - alternative turf grass systems/turf management
 - Smart Salting
- **Interactive Display Checkout:** Interactive tools can be an important way to educate children and adults alike. Displays are available for checkout to communities, schools, and other groups. Available displays include:
 - Pollute or Protect
 - Enviroscope

- Pollution jars
- Smart Salt
- Streets to Streams
- Your Street Connects to Lakes and Rivers
- Watershed Game (requires trained facilitator)
- **Landscaping for Clean Water:** Promote and support the Dakota County SWCD's Landscaping for Clean Water program to learn about, design, cost-share, and install native species plantings, residential raingardens, and shoreline restorations.
- **Subwatershed Reach Profiles:** In 2013, VRWJPO staff compiled a Briefing Book to guide civic engagement for the Watershed Restoration and Protection Plan (WRAPP). The subwatershed reach profiles should continue in the same vein, with stories about people living in the respective subwatersheds and cultural exploration, as well as each subwatershed's unique physical characteristics. These should also update information from the 2016 subwatershed fact sheets posted on the website.
- Collaborate with county and city parks on programs, classes, and activities that focus on fish, macroinvertebrates, plants, and wildlife in the watershed.
- Promote and participate in Dakota County SWCD's Outdoor Education Days.
- Collaborate with educators and stakeholders, including DNR's Project WET, to determine an appropriate role for the VRWJPO in K-12 water education.
 - Coordinate with the Dakota County SWCD on educational opportunities with the Watershed Game.
 - Communicate with schools teaching AP Environmental Science courses, which contains a watershed unit.
- Assist science teachers conducting field education classes or projects in the watershed.
- Support and participate in the Scott Clean Water Education Program.
- Seek pledges to change or maintain practices that support a healthy river system.
- Promote lesson plans used at Hastings High School (local river conditions education, outdoor classroom, and field trips) as a model for high school science instructors.
- Support local communities, schools, civic groups, non-profits, etc. on their projects that help people understand the importance of protecting water resources and what they can do to keep them clean.
- Show how BMPs work with graphics, statistics, and images.
- Assess public outreach and communication needs of MS4 permit holders and identify gaps or opportunities for collaboration.
- Provide materials for partner websites as appropriate.

Engage a wide range of people in discussing watershed roles, authorities, standards, plans, policies, and opportunities to foster greater cooperation for protecting water and environmental resources.

- Develop contacts and networks spanning ages, races, cultural backgrounds, education levels, economic status, physical abilities, and religious affiliations to participate in watershed planning, policies, events, and initiatives.
- Track demographics throughout the watershed using U.S. census data.
- Identify and suggest partnerships with organizations or community leaders representing socially disadvantaged groups (i.e., racial minorities, LGBTQIA+ communities, disability communities) who live and work in the watershed for public input and representation on the WPC and TAG.
 - Include Prairie Island Indian Community in communications about meetings and news.
- Collaborate with park agencies to identify how different people/ groups use public natural resources for fishing, swimming, or recreation.
- Use trainings from Dakota County, the State of Minnesota, and federal guidance to make VRWJPO public-facing resources accessible to people of all ability levels. This includes translation into languages other than English.
 - Regularly assess website accessibility.
 - Include alternative text on photos shared online.
- Learn from local water resource networks about their diversity, equity, and inclusion efforts in community engagement.
- Encourage neighbors helping neighbors by pooling resources, such as time, equipment, tools, etc. to install best management practices.
- Provide maps and information to townships that will assist them in knowing where and when permits are required.
- Build partnerships with farmers, crop advisors, agronomists, businesses, and farm organizations to improve water quality and civic engagement.
- Build partnerships with professionals engaged in land-use change (developers, planners, environmental consultants, lenders, builders, real estate agents, development agencies, and others) to achieve water quality improvements in development that add value or benefit to property.
- Seek partnerships to develop and implement collaborative groundwater projects and programs.
- Build capacity among individuals and groups interested in watershed protection to participate in, lead, and develop civic actions.

Promote practices that restore polluted waters, protect waters that are not impaired, conserve water, and build resilience to climate change.

- Work with partners to develop a watershed-wide education and outreach effort on how people can make their properties more resilient to intense storms and flooding.
- Facilitate a watershed-wide outreach campaign to increase awareness about land use contributions to groundwater nitrate contamination.

- Work with partners on a campaign to promote practices that mitigate the impacts from droughts.
- Promote land conservation initiatives, such as Dakota County’s Land Conservation Easement Program.
- Promote the benefits of practices to prevent shoreline erosion, including (but not limited to) buffers and filter strips for water quality improvement and watershed resilience among landowners along the river and tributaries.
- Promote water-use assessment/audits to help permitted high-volume users identify strategies that conserve water and save them money.
 - Promote positive cost outcomes of VRWJPO’s Irrigation Audit program.
- Collaborate with partners to promote soil health, nutrient management, and irrigation practices that protect water resources while maintaining agricultural production and urban landscapes.
 - Participate in and promote Dakota & Scott County agricultural outreach that focuses on nitrogen management and implementing Dakota County’s Agricultural Chemical Reduction Effort (ACRE).
 - Assist with outreach on nutrient management and alternative landscaping options to turf-intensive developments.
 - Promote consultations between producers using irrigation and the UMN Extension irrigation specialist on technological advances in irrigation management and scheduling.
 - Work with urban communities to implement irrigation system that use captured stormwater as the primary source of water.

Assist communities and individuals to access water resource BMP funding, technical assistance, and government agencies.

- Promote conservation programs, such as Reinvest in Minnesota (RIM), Conservation Reserve Program (CRP), Conservation Stewardship Program (CSP), Conservation Reserve Enhancement Program (CREP), Environmental Quality Incentives Program (EQIP), Dakota County Land Conservation, Wildlife Habitat Incentives Program (WHIP), and others as appropriate.
- Promote Stewardship Grants to help cities or local groups undertake one-time water quality improvement projects that would help in meeting MS4 permit requirements. (Note: The Stewardship Grants program is currently not active, but there’s interest in reviving it.)
- Provide information on how to navigate the multiple layers of water governance.
- Update water resource management governance diagram to illustrate the roles of various government agencies.
 - Develop a “by-topic” web-based tool to refer stakeholders to the appropriate organization to answer questions about regulations, permits, or resources for specific issues.
- Develop cost-share incentives and outreach activities for homeowners, homeowners’ associations, and businesses in areas without stormwater controls to install stormwater rate and volume control BMPs, such as retrofits.

- Provide cost-share incentives and outreach to targeted audiences, including cities, townships, homeowners' associations, developers, residential landowners, businesses, and farmers to implement BMPs that:
 - infiltrate stormwater and replenish groundwater where feasible and do not threaten groundwater quality,
 - use stormwater for irrigation of urban landscapes, or
 - disconnect stormwater from impervious surfaces.
 - Use less groundwater for practices not considered vital for groundwater sustainability

Recognize and celebrate stewardship in the watershed.

- Provide direct encouragement to promote positive attitudes and social support around water resource improvements.
- Consult with local community leaders on appropriate methods to build community pride in water quality achievements.
- Promote and support Dakota County, cities, townships, and individuals participating in the Wetland Health Evaluation Program and other programs from municipalities.
- Promote a coordinated volunteer program (name to be determined) to raise awareness of the importance of watershed protection; involve community members in stewardship and education activities; and provide a recognition program for volunteers.
- Publish stories recognizing stewardship activities online, in the newsletter, press releases, on the Clean Water MN website, story pitches to media, and other public venues.
 - Issue press releases for print and web reporting percentage of landowners with buffers, raingardens, or other practices that benefit the river.

Track and share issues, legislation, trends, and technologies with potential water resource impact.

- Collaborate with partners to develop consistent messages on groundwater protection, groundwater/surface water interaction, and protecting areas sensitive to groundwater contamination from land-use impacts and practices.
- Use communication tools to update stakeholders about groundwater issues of importance to the watershed.
- Provide information to municipalities regarding the hydrologic cycle, groundwater/surface water interactions, groundwater recharge areas, and groundwater conservation.
- Maintain contacts with agencies developing or revising statutes or rules, pollutant standards, detection limits, testing recommendations, grant opportunities, and information resources.
- Maintain contact with educational institutions and professional water management networks studying issues and trends, developing new technologies, and hosting conferences, demonstrations, and trainings.
- Maintain contact with environmental education, communication, civic engagement, and survey research professionals to be more informed about effective approaches.

- Metro Watershed Partners
- Confluence for Watershed Leaders (multi-state online organization)
- Dakota County Community Engagement workgroup
- Apolitical (global network for public servants)
- BWSR Academy
- Dakota County Groundwater/Surface Water Collaborative
- Dakota County We Are Water MN collaborative group (ERD, SWCD, Parks, Libraries, Communications)
- Maintain existing public information and education materials on groundwater, private well testing, and the connection between land use and groundwater quality.
- Assist Dakota and Scott counties with landowner awareness of well information and participation in well testing and sealing programs.
- Consider outreach to real estate agents to distribute the MDH well-owner’s handbook to purchasers of property with a private well.
- Consider outreach to visitors’ bureaus and “welcome” organizations to provide information for new homeowners with a private well.

Measurable Outcomes

- Surveys measuring awareness of the river, tributaries, and other waterbodies in the watershed on a regularly scheduled basis (last done 2021)
- Annually track the public use of the website, social media, and email newsletter
- Complete an annual update to the communications plan
- Report communications plan outcomes on an annual basis
- Track the number of different types of outlets used to convey messages
- Annually track the number and type of community events and the number of participants engaging with VRWJPO at each event (as possible)
- Annually track the number and type of events, groups, and participants engaged in VRWJPO-supported activities
- Annually track projects implemented in the VRW by Landscaping for Clean Water Participants
- Statistics from partner agencies measuring adoption of BMPs, such as MDA’s tracking of nitrate BMPs and SWCD cover crop implementations

Reference Materials

2016-25 Vermillion River Watershed Management Plan & Midpoint Implementation Evaluation Report

2013 Watershed Restoration and Protection Strategy Civic Engagement Plan

2019-22 Dakota County Soil & Water Conservation District Education & Outreach Plan

Past VRWJPO Communications Plans

2021 Scott SWCD Clean Water Education Program Work Plan

Dakota County Guide to Creating Accessible Documents and Learning Center course on accessibility

Community-Based Social Marketing presentation by Dr. Doug McKenzie-Mohr

2011 and 2021 surveys of Vermillion River Watershed landowners by the University of Minnesota

Dakota County Groundwater Plan 2020-30

VRWJPO Annual Report and Measurable Outcomes Report

Minnesota Impaired Waters List (MPCA)

Angie Hong/East Metro Water Resource Education Program

7b. Recommend Execution of an Agreement with the Minnesota Board of Water and Soil Resources for a Fiscal Year 2023 Clean Water Fund Grant

Meeting Date: 1/11/2023
Item Type: Regular-Action
Contact: Travis Thiel
Telephone: 952-891-7546
Prepared by: Travis Thiel
Reviewed by: N/A

N/A



PURPOSE/ACTION REQUESTED

- Recommend execution of an agreement with the Minnesota Board of Water and Soil Resources (BWSR) for a fiscal year 2023 Clean Water Fund (CWF) Grant

SUMMARY

The Vermillion River Watershed Joint Powers Organization (VRWJPO) staff requests the Vermillion River Watershed Planning Commission (WPC) recommend execution of a CWF Grant with the BWSR for funding assistance for the East Lake fish barrier (barrier) and fish removal project in the Vermillion River Watershed.

In 2022, the BWSR requested applications for projects and practices that addressed water quality improvement for CWF Grant consideration. A Grant application was submitted to install a low-voltage electric fish barrier near the outlet of East Lake to prevent rough fish movement into and out of the lake and subsequently remove rough fish from East Lake. CWF Grants are a competitive process with other projects throughout Minnesota. The application was selected and approved for funding through that process.

The barrier and rough fish removals are estimated to cost \$375,000, which includes costs for engineering, fabrication, installation, construction, and rough fish removals. The Grant will provide \$300,000 toward the project cost of the barrier. The Grant has a 25-percent local match requirement that is being met using a combination of City and VRWJPO funding. The City and VRWJPO will each provide up to \$37,500 in local match for rough fish removals, installation, and construction.

VRWJPO staff request the WPC recommend execution of an agreement with the Minnesota Board of Water and Soil Resources for a fiscal year 2023 CWF Grant in an amount not to exceed \$300,000.

EXPLANATION OF FISCAL/FTE IMPACT

The VRWJPO will provide up to \$37,500 from the Capital Improvement Projects portion of the VRWJPO Budget and CWF Grant administration services.

RESOLUTION

7b. Recommend Execution of an Agreement with the Minnesota Board of Water and Soil Resources for a Fiscal Year 2023 Clean Water Fund Grant

WHEREAS, in 2022 the BWSR requested applications for projects and practices that addressed water quality improvement for CWF Grant consideration; and

WHEREAS, a Grant application was submitted to install a fish barrier near the outlet of East Lake to prevent rough fish movement into and out of the lake and subsequently remove rough fish from East Lake; and

WHEREAS, the application was selected and approved for grant funding through that process; and

WHEREAS, the barrier and rough fish removals are estimated to cost \$375,000, which includes costs for engineering, fabrication, installation, construction, and rough fish removals; and

WHEREAS, the Grant will provide \$300,000 toward the project cost of the barrier; and

WHEREAS, the Grant has a 25-percent local match requirement that is being met using a combination of City and VRWJPO funding; and

WHEREAS, the City and VRWJPO would each provide up to \$37,500 in local match in the form of costs for rough fish removals, installation, and construction.

NOW, THEREFORE, BE IT RESOLVED, that the Vermillion River Watershed Planning Commission recommends execution of an agreement with the BWSR in an amount not to exceed \$300,000 for a CWF Grant; subject to approval as to form by the Dakota County Attorney's Office.

7c. Recommend Execution of a Joint Powers Agreement with the City of Lakeville for the East Lake Rough Fish Barrier and Rough Fish Removals Project

Meeting Date: 1/11/2023
Item Type: Regular-Action
Contact: Travis Thiel
Telephone: 952-891-7546
Prepared by: Travis Thiel
Reviewed by: N/A

N/A



PURPOSE/ACTION REQUESTED

- Recommend execution of a Joint Powers Agreement with the City of Lakeville for the East Lake rough fish barrier and rough fish removals project

SUMMARY

The Vermillion River Watershed Joint Powers Organization (VRWJPO) staff requests a recommendation to execute a Joint Powers Agreement (JPA) with the City of Lakeville (City) to convey funding from a Clean Water Fund (CWF) Grant and the VRWJPO to the City for an East Lake rough fish barrier and rough fish removals project (Attachment A).

The City has been monitoring the water quality in East Lake for over a decade. East Lake is on the EPA’s 303d Impaired Waters List for excess nutrients, which is the result of having too much phosphorus. Detailed studies of the causes of the excess phosphorus loading has indicted that the phosphorus release from the lake bottom sediments (internal loading) are a significant cause of the poor water quality. Rough fish, including carp and goldfish, are present in significant quantities in the lake and these species are aggressive bottom feeders stirring up the lake bottom sediments and releasing excess phosphorus into the water column resulting in algae blooms. Carp tracking has shown that carp inhabit East Lake, but also travel to and from North Creek. A fish barrier in the channel between East Lake and North Creek would prevent rough fish movement between North Creek and East Lake, which provides the opportunity to remove rough fish from East Lake and improve water quality.

In 2022, the BWSR requested applications for projects and practices that addressed water quality improvement for CWF Grant consideration. A CWF Grant application was submitted to install a low-voltage electric fish barrier near the outlet of East Lake to prevent rough fish movement into and out of the lake and subsequently remove rough fish from East Lake. CWF Grants are a competitive process with other projects throughout Minnesota. The application was selected and approved for funding through that process.

The estimated cost for the rough fish barrier and rough fish removals project is \$375,000. The CWF Grant would provide \$300,000 in financial assistance toward the barrier. The Grant has a 25-percent local match requirement that will be met using a combination of City and VRWJPO funding. The City and VRWJPO will each provide up to \$37,500 in local match for rough fish removals, installation, and construction. The VRWJPO will convey CWF Grant funding and the VRWJPO’s portion of local match to the City for project engineering, installation, construction, and fish removals.

VRWJPO staff requests the Vermillion River Watershed Planning Commission recommend the execution of a JPA with the City for the East Lake rough fish barrier and rough fish removals project in an amount not to exceed \$337,500.

EXPLANATION OF FISCAL/FTE IMPACT

The VRWJPO will receive \$300,000 in revenues from the BWSR under the CWF Grant. The VRWJPO will pass through the CWF Grant funding to the City of Lakeville and will provide up to \$37,500 in local match from the Capital Improvement Projects portion of the VRWJPO Budget.

RESOLUTION

7c. Recommendation to Execute a Joint Powers Agreement with the City of Lakeville for the East Lake Rough Fish Barrier and Rough Fish Removals Project

WHEREAS, the City has been monitoring the water quality in East Lake for over a decade, and East Lake is on the EPA’s 303d Impaired Waters List for excess nutrients, which is the result of having too much phosphorus; and

WHEREAS, detailed studies of the causes of the excess phosphorus loading has indicted that the phosphorus release from the lake bottom sediments are a significant cause of the poor water quality; and

WHEREAS, rough fish, including carp and goldfish, are present in significant quantities in the lake and these species are aggressive bottom feeders stirring up the lake bottom sediments and releasing excess phosphorus into the water column resulting in algae blooms; and

WHEREAS, to prevent rough fish migration into and out of East Lake, a rough fish barrier is needed in the channel between East Lake and North Creek and subsequent rough fish removals are needed to improve water quality; and

WHEREAS, the estimated cost for the rough fish barrier and rough fish removals project cost is \$375,000; and

WHEREAS, the VRWJPO applied for and was awarded a \$300,000 Clean Water Fund (CWF) Grant for the rough fish barrier; and

WHEREAS, the Grant has a 25-percent local match requirement that is being met using a combination of City and VRWJPO funding; and

WHEREAS, the City and VRWJPO would each provide up to \$37,500 in local match in for rough fish removals, installation, and construction.

WHEREAS, the VRWJPO would convey the CWF Grant and the VRWJPO’s portion of local match to the City for project implementation.

NOW, THEREFORE, BE IT RESOLVED, that the Vermillion River Watershed Planning Commission recommends the execution of a Joint Powers Agreement with the City for the East Lake rough fish barrier and rough fish removals project in an amount not to exceed \$337,500; subject to approval as to form by the Dakota County Attorney’s Office.

**JOINT POWERS AGREEMENT FOR
THE EAST LAKE ROUGH FISH BARRIER AND ROUGH FISH REMOVALS PROJECT
BETWEEN THE VERMILLION RIVER WATERSHED JOINT POWERS ORGANIZATION
AND
THE CITY OF LAKEVILLE
CITY PROJECT 23-58**

WHEREAS, Minn. Stat. § 471.59 authorizes local governmental units to jointly or cooperatively exercise any power common to the contracting parties; and

WHEREAS, the Vermillion River Watershed Joint Powers Organization is a watershed management body consisting of Dakota and Scott Counties (VRWJPO) governed by the Vermillion River Watershed Joint Powers Board (VRWJPB) and is charged with carrying out the duties set forth in Minn. Stat. § 103B.211 to 103B.255 and as otherwise provided by law; and

WHEREAS, the City of Lakeville (City) is a governmental and political subdivision of the State of Minnesota; and

WHEREAS, East Lake is a recreational lake within the Vermillion River Watershed; and

WHEREAS, East Lake is identified on the EPA's 303d Impaired Waters List for excess nutrients, namely phosphorus; and

WHEREAS, release of phosphorus from the lake bottom sediment is a contributor to the water quality problems; and

WHEREAS, rough fish like carp and goldfish are present in the lake and their aggressive bottom feeding results in additional phosphorus release from the lake bottom sediments; and

WHEREAS, restoration strategies in the WRAPS report identify the need for fish barriers and rough fish removals; and

WHEREAS, blocking movement of rough fish to their spawning areas and limiting fish recruitment while also removing rough fish from East Lake will result in improved water quality; and

WHEREAS, a fish barrier and fisheries management were identified in the Vermillion River Watershed Management Plan's Implementation Section; and

WHEREAS, a rough fish barrier and subsequent rough fish removals (Project) will be completed to address the water quality problem; and

WHEREAS, the estimated Project cost is \$375,000; and

WHEREAS, the VRWJPO was awarded a \$300,000 Clean Water Fund (Grant) from the Minnesota Board of Water and Soil Resources (BWSR) for the barrier portion of the project; and

WHEREAS, the Grant has a minimum match requirement equal to 25% of the amount of Grant monies received, either in the form of cash or in-kind services; and

WHEREAS, the City and VRWJPO have included cash match of at least 25% of the Grant amount used for Project costs in their Capital Improvement Plan and will participate in rough fish removals or the installation and construction of the fish barrier after applying Grant monies; and

WHEREAS, the VRWJPO, and as a result of this Joint Powers Agreement, the City will follow all applicable BWSR Grant policies and requirements that are relevant to each party.

NOW, THEREFORE, in consideration of the mutual promises and benefits that the City and the VRWJPO shall derive from this Agreement, the VRWJPO and the City hereby enter into this Agreement for the purposes stated herein.

ARTICLE 1 PURPOSE

The purpose of this Agreement is to define the Project responsibilities and Project cost-sharing obligations of the VRWJPO and the City.

ARTICLE 2 PARTIES

The parties to this Agreement are the VRWJPO and the City.

ARTICLE 3 TERM

This Agreement shall be effective the date of the signatures of the parties to this Agreement and shall remain in effect until December 31, 2025, or until completion by the parties of their respective obligations under this Agreement, whichever occurs first, unless earlier terminated by law or according to the provisions of this Agreement.

ARTICLE 4 COOPERATION

The VRWJPO and City agree to cooperate and use their reasonable efforts to ensure prompt implementation of the various provisions of this Agreement and to, in good faith, undertake resolution of any dispute in an equitable and timely manner.

ARTICLE 5 TECHNICAL AND QUALITY ASSURANCE

The VRWJPO and City or their representatives will provide technical and quality assurance for the rough fish barrier portion of the Project. Any engineer providing technical and quality assurance on earthwork for the barrier must be a licensed Professional Engineer in the State of Minnesota. Earthwork for the barrier will be designed using appropriate practice standards for design, construction, operation, and maintenance. Appropriate practice standards from the United States Department of Agriculture's Natural Resources Conservation Service Field Office Technical Guide, Minnesota Stormwater Manual, or other scientifically appropriate and applicable standards can be used. If vegetative practices are needed as part of earthwork, they must follow the BWSR Board adopted Native Vegetation Establishment and Enhancement Guidelines.

An engineer must be licensed in the State of Minnesota if they provide technical and quality assurance specific to the rough fish barrier. If an engineer is not used for technical and quality assurance, the installer providing technical and quality assurance must have previously documented experience with the installation, operation, and maintenance of the barrier; or must be an employee of the barrier manufacturer and have experience with the installation, operation, and maintenance of the barrier. The Engineer and/or barrier installer providing technical and quality assurance will certify that the barrier was installed or constructed in accordance with the applicable plans and specifications, including approved modifications, prior to authorization for payment by the VRWJPO. An as-built plan set will be provided to the VRWJPO by the Engineer and/or installer immediately following barrier completion as part of the required Project certification.

Rough fish removals will be performed by a commercial fisherman licensed and approved for fish removals for this portion of the State.

**ARTICLE 6
PROJECT PLANS AND SPECIFICATIONS**

The City is the lead agency for design and construction administration of the barrier portion of the Project, effective upon execution of this Agreement by both parties. The VRWJPO and City shall approve the plans and specifications (Barrier Plans) prior to advertising for bids. The City is the lead agency for implementation of the rough fish removals.

**ARTICLE 7
PAYMENT**

7.1 The City will administer the contracts and act as the paying agent for all payments to the contractor(s).

7.2 The Grant will reimburse activities up to \$300,000 related to the engineering, permitting, bidding, installation, construction of the barrier (City eligible).

7.3 The Grant has a match requirement to the amount of monies received. The match shall be provided by the City and the VRWJPO in the amount of up to \$75,000 in cash match. The match will be evenly split between organizations with each providing up to \$37,500 that will pay for rough fish removals and/or barrier construction. The VRWJPO's portion of its match will be conveyed to the City for Project implementation.

7.4 The VRWJPO will contribute in-kind Grant administration services for the project.

7.5 The City's maximum eligible reimbursement is up to \$337,500.

7.6 No payment shall be made prior to approval of the Barrier Plans by both the VRWJPO and City.

7.7 The VRWJPO shall pay the City for engineering and construction costs on a reimbursement basis. Under the terms of the Grant, the VRWJPO will receive funds in the following disbursements: (a) 50% after execution of the Grant; (b) 40% after the first 50% has been expended and Grant reporting requirements are met; and (c) 10% after final Grant requirements are met. The VRWJPO will make progress payments to the City, if requested, on a reimbursement basis, contingent upon the VRWJPO's receipt of adequate Grant disbursements to make City requested payments. Ten percent (10%) of the Agreement maximum shall be withheld until the VRWJPO has verified that the barrier has been installed in accordance with this Agreement and the Barrier Plans. All requests for payment shall be supported by itemized Project receipts and invoices determined by the VRWJPO to be practical and reasonable for completion of the Project.

7.8 The VRWJPO may refuse to pay claims not specifically authorized by this Agreement. Payment of a claim shall not preclude the VRWJPO from questioning the propriety of the claim. The VRWJPO reserves the right to be repaid for any overpayment or disallowed claim.

7.9 All services provided by the VRWJPO under the BWSR Grant Agreement, attached and incorporated herein as Exhibit 1, and services provided by the City to the VRWJPO through this Joint Powers Agreement must be performed to the State's satisfaction, as set forth in Exhibit 1 and in the BWSR approved work plan.

**ARTICLE 8
CITY OBLIGATIONS**

8.1 AUTHORIZED PURPOSE. The funds provided under the terms of this Agreement may only be used by the City for the payment of costs directly related to the Project.

8.2 CONSTRUCTION REQUIREMENTS. The barrier shall be constructed in accordance with the Barrier Plans. The VRWJPO and City shall approve any modifications to the Barrier Plans.

8.3 CONSTRUCTION AND DESIGN FAILURES. Any failure related to construction or design of the barrier shall be addressed in the contracts with the construction firm or professional services firm.

8.4 RIGHT-OF-ENTRY. The City hereby permits the VRWJPO, its employees, duly authorized

representatives and agents to enter upon and have rights of ingress and egress over and access at reasonable times to the real property where the Project will be located for the purpose of inspecting the construction or implementation of the Project.

8.5 OPERATION AND MAINTENANCE. Dakota County will be responsible for the for on-going maintenance of the barrier through a separate agreement with the City and VRWJPO upon completion for a minimum of 10 years unless necessitated by a failure due to Acts of God or Force majeure.

8.6 COMPLIANCE WITH LAWS/STANDARDS. The City shall abide by all federal, state, or local laws, statutes, ordinances, rules, and regulations in constructing or implementing the Project, including obtaining all necessary permits to construct or implement the Project.

8.7 PUBLICITY. The City hereby permits the VRWJPO to take and disclose photographs of the Project for use in publications or promotional material or on its website to highlight the VRWJPO's programs. The City shall appropriately acknowledge the funding provided by the VRWJPO, the State of Minnesota, and the Clean Water, Land, and Legacy Amendment in any promotional materials, signage, reports, publications, notices, and presentations related to the Project. This section shall survive the expiration or termination of this Agreement.

ARTICLE 9 INDEMNIFICATION

Each party to this Agreement shall be liable for the acts of its officers, employees or agents and the results thereof to the extent authorized by law and shall not be responsible for the acts of the other party, its officers, employees or agents. The provisions of the Municipal Tort Claims Act, Minn. Stat. Ch. 466 and other applicable laws govern liability of the VRWJPO and the City. Each party warrants that they are able to comply with the aforementioned indemnity requirements through an insurance or self-insurance program and that each has minimum coverage consistent with liability limits contained in Minn. Stat. Ch. 466. In the event of any claims or actions filed against either party, nothing in this Agreement shall be construed to allow a claimant to obtain separate judgments or separate liability caps from the individual parties. This section shall survive the expiration or termination of this Agreement.

ARTICLE 10 AUTHORIZED REPRESENTATIVES AND LIAISONS

10.1 AUTHORIZED REPRESENTATIVES. The following named persons are designated the authorized representatives of the parties for purposes of this Agreement. These persons have authority to bind the party they represent and to consent to modifications, except that the authorized representative shall have only the authority specifically or generally granted by their respective governing boards. Notice required to be provided pursuant to this Agreement shall be provided to the following named persons and addresses unless otherwise stated in this Agreement, or an amendment of this Agreement:

TO THE VRWJPO: Mike Slavik or successor, Chair
Vermillion River Watershed Joint Powers Organization
14955 Galaxie Avenue
Apple Valley, MN 55124
Telephone: (952) 891-7030

TO THE CITY: Justin Miller, City Administrator, or successor
City of Lakeville
20195 Holyoke Avenue
Lakeville, MN 55044
Telephone: (952) 985-4400

In addition, notification to the VRWJPO regarding termination of this Agreement by the City shall be provided to the Office of the Dakota County Attorney, Civil Division, 1560 Highway 55, Hastings, Minnesota 55033.

10.2 LIAISONS. To assist the parties in the day-to-day performance of this Agreement and to ensure compliance and provide ongoing consultation, a liaison shall be designated by the VRWJPO and the City. The VRWJPO and the City shall keep each other continually informed, in writing, of any change in the designated liaison. At the time of execution of this Agreement, the following persons are the designated liaisons:

VRWJPO Liaison: Travis Thiel
Telephone: (952) 891-7546
Email: travis.thiel@co.dakota.mn.us

City Liaison: McKenzie Cafferty
Environmental Resources Manager
Telephone: (952) 985-4520
Email: mcafferty@lakevillemn.gov

ARTICLE 11 MODIFICATIONS

Any alterations, variations, modifications, or waivers of the provisions of this Agreement shall only be valid when they have been reduced to writing, approved by the parties' respective Boards, or as delegated by the parties' respective Boards, and signed by the Authorized Representatives, or delegated authority, of the VRWJPO and the City.

ARTICLE 12 TERMINATION

12.1 IN GENERAL. Either party may terminate this Agreement for cause by giving seven days' written notice or without cause by giving 30 days' written notice, of its intent to terminate, to the other party. Such notice to terminate for cause shall specify the circumstances warranting termination of the Agreement. Cause shall mean a material breach of this Agreement and any supplemental agreements or amendments thereto. This Agreement may also be terminated by the City in the event of a default by the VRWJPO. Notice of Termination shall be made by certified mail or personal delivery to the authorized representative of the other party. Termination of this Agreement shall not discharge any liability, responsibility or right of any party, which arises from the performance of or failure to adequately perform the terms of this Agreement prior to the effective date of termination.

12.2 TERMINATION BY VRWJPO FOR LACK OF FUNDING. Notwithstanding any provision of this Agreement to the contrary, the VRWJPO may immediately terminate this Agreement if it does not obtain funding from the Minnesota Legislature, Minnesota Agencies, or other funding sources, or if its funding cannot be continued at a level sufficient to allow payment of the amounts due under this Agreement. The VRWJPO is not obligated to pay for any services that are provided after written notice of termination for lack of funding. The VRWJPO will not be assessed any penalty or damages if the Agreement is terminated due to lack of funding. The VRWJPO will pay for expenses incurred by the City up to Notice of Termination of work on the Project.

ARTICLE 13 MINNESOTA LAW TO GOVERN

This Agreement shall be governed by and construed in accordance with the substantive and procedural laws of the State of Minnesota, without giving effect to the principles of conflict of laws. All proceedings related to this Agreement shall be venued in the County of Dakota, State of Minnesota. This section shall survive the expiration or termination of this Agreement.

**ARTICLE 14
MERGER**

This Agreement is the final expression of the agreement of the parties and the complete and exclusive statement of the terms agreed upon and shall supersede all prior negotiations, understandings, or agreements.

**ARTICLE 15
SEVERABILITY**

The provisions of this Agreement shall be deemed severable. If any part of this Agreement is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Agreement unless the part or parts that are void, invalid or otherwise unenforceable shall substantially impair the value of the entire Agreement with respect to either party.

**ARTICLE 16
GOVERNMENT DATA PRACTICES**

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

**ARTICLE 17
SURVIVABILITY**

The provisions of articles 8.3 (Construction and Design Failures), 8.5 (Operation and Maintenance), 9 (Indemnification) and 16 (Government Data Practices) survive the expiration or termination of this Agreement.

**ARTICLE 18
DEFAULT: FORCE MAJEURE**

Neither party shall be liable to the other party for any loss or damage resulting from a delay or failure to perform due to unforeseeable acts or events outside the defaulting party's reasonable control, providing the defaulting party gives notice to the other party as soon as possible. Acts and events may include acts of God, acts of terrorism, war fire, flood epidemic, acts of civil or military authority, and natural disasters.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date(s) indicated below.

CITY OF LAKEVILLE

By _____
Luke Hellier or successor, Mayor Date of
Signature: _____

By _____
Ann Orlofsky, City Clerk
Date of Signature: _____

**VERMILLION RIVER WATERSHED
JOINT POWERS ORGANIZATION**

By _____
Mike Slavik or successor, Chair
Date of Signature: _____

APPROVED AS TO FORM:

Assistant Dakota County Attorney
VRW Res. No. _____
KS

DRAFT

DRAFT

7d. Recommendation to Execute a Joint Powers Agreement with Dakota County Soil and Water Conservation District for Services in 2023

Meeting Date: 1/11/2023
Item Type: Regular-Action
Contact: Brian Watson
Telephone: 651-480-7777
Prepared by: Mark Zabel
Reviewed by: N/A

N/A



PURPOSE/ACTION REQUESTED

- Recommendation to Execute a Joint Powers Agreement with Dakota County Soil and Water Conservation District (SWCD) for Services in 2023

SUMMARY

Each of the tasks in Dakota County SWCD’s proposed work plan and budget (Attachment A) is included as line items in the 2023 Vermillion River Watershed Joint Powers Organization (VRWJPO) budget. The largest proposed spending is in the Capital Improvement Project category. Rather than developing VRWJPO cost-sharing programs that duplicate existing efforts, the VRWJPO relies on the established cost-share programs implemented by Dakota County SWCD to efficiently implement water-quality improvement projects. The VRWJPO provides Dakota County SWCD with funds to cost-share best management practices (BMPs) in urban and rural areas throughout the watershed.

Staff requests the Vermillion River Watershed Planning Commission recommend authorization to execute a Joint Powers Agreement with Dakota County SWCD for Services in 2023.

EXPLANATION OF FISCAL/FTE IMPACT

Total not to exceed \$257,000.

Supporting Documents:

Attachment A: Dakota SWCD 2023 Work Plan and Budget

Previous Board Action(s):

RESOLUTION

7d. Recommendation to Execute a Joint Powers Agreement with Dakota County Soil and Water Conservation District for Services in 2023

WHEREAS, the Dakota County Soil and Water Conservation District (SWCD) provides a variety of essential services to the Vermillion River Watershed Joint Powers Organization (VRWJPO) each year, including water monitoring, outreach and education, policy development, regulatory review, inventory and assessment, and capital improvements; and

WHEREAS, the Dakota County SWCD is proposing to assist the VRWJPO with similar tasks in 2023; and

WHEREAS, the tasks outlined in the Dakota County SWCD proposed work plan and budget are each included as line items in the VRWJPO 2023 Budget in various categories; and

WHEREAS, the VRWJPO relies on Dakota County SWCD’s established cost-share programs to efficiently implement capital improvement projects in the Vermillion River Watershed.

NOW, THEREFORE, BE IT RESOLVED, that the Vermillion River Watershed Planning Commission hereby recommends authorization to execute a Joint Powers Agreement with Dakota County SWCD for a total not to exceed \$257,000 as presented to the Vermillion River Watershed Joint Powers Board at its meeting on January 26, 2023; subject to approval by the Dakota County Attorney’s Office as to form.

2023 Dakota County SWCD Work Plan and Budget to the Vermillion River Watershed Joint Powers Organization

Evaluation and Policy

- Incentive program policy assistance for programs to install voluntary conservation practices \$1,600
- Subtotal \$1,600**

Feasibility/Preliminary Studies

- Preliminary design, technical assistance and marketing of voluntary conservation practices \$40,000
- Subtotal \$40,000**

Capital Improvement Projects

- Install water quality projects under SWCD Cost Share Programs \$61,250¹
 - Implement Landscaping for Clean Water Grant Program (LCW) \$18,750²
- Subtotal \$80,000**

Public Outreach and Communication

- Coordinate tasks under the Vermillion River Watch Program \$ 6,000
 - Coordinate and conduct Landscaping for Clean Water Workshops \$30,400
 - Presentations for Grades 3-12 (up to 3 total) \$4,000
- Subtotal \$40,400**

Inventories and Assessments

- Provide GIS mapping support \$5,000
- Subtotal \$5,000**

Monitoring and Data Analysis

- Staff time for sample collection, equipment installation, maintenance, downloading, longitudinal surveys (temperature, dissolved oxygen, turbidity), winter nitrate monitoring at South Branch Vermillion River \$39,000
 - Data analysis, database management, data reporting, FLUX modeling, reporting \$17,000
 - Water quality sample analysis and QA/QC samples \$19,000
 - Equipment and supplies \$ 8,000
 - Macroinvertebrate collections and habitat monitoring \$ 7,000
- Subtotal \$90,000**

Total Not To Exceed Amount: \$257,000

1 25% technical and administrative costs will be invoiced for each contracted project installed

2 Each Landscaping for Clean Water project installed includes \$250 for landowner stipend and \$500 for technical and administrative assistance

7e. Recommendation to Execute a Joint Powers Agreement with Scott Soil and Water Conservation District for Services in 2023

Meeting Date: 1/11/2023
Item Type: Action
Contact: Troy Kuphal
Telephone: 952-492-5425
Prepared by: Mark Zabel
Reviewed by: N/A

N/A



PURPOSE/ACTION REQUESTED

- Recommendation to execute a Joint Powers Agreement with Scott Soil and Water Conservation District (SWCD) for Services in 2023.

SUMMARY

Each of the tasks in the Scott Soil and Water Conservation District’s (SWCD) proposed work plan and budget (Attachment A) is included as line items in the 2023 Vermillion River Watershed Joint Powers Organization (VRWJPO) budget. The largest proposed spending is in the Capital Improvement Project category for cost share and financial incentives for approved best management practices (BMPs). Rather than developing VRWJPO cost-sharing programs that duplicate existing efforts, the VRWJPO relies on Scott SWCD’s established cost-share programs to efficiently implement water-quality improvement projects. The VRWJPO provides Scott SWCD with funds to cost-share BMPs in urban and rural areas throughout the Scott SWCD portion of the watershed.

RECOMMENDATION

Staff requests the Vermillion River Watershed Planning Commission recommend executing a Joint Powers Agreement with Scott SWCD for Services in 2023.

EXPLANATION OF FISCAL/FTE IMPACT

Total not to exceed \$43,950.

Supporting Documents:

Attachment A: Scott SWCD 2023 Work Plan and Budget

Previous Board Action(s):

RESOLUTION

7e. Recommendation to Execute Joint Powers Agreement with Scott Soil and Water Conservation District for Services in 2023

WHEREAS, Scott SWCD provides a variety of essential services to the Vermillion River Watershed Joint Powers Organization (VRWJPO) each year, including water monitoring, outreach and education, regulatory review, inventory and assessment, and capital improvements; and

WHEREAS, Scott SWCD is proposing to assist the VRWJPO with similar tasks in 2023; and

WHEREAS, the tasks in the Scott SWCD proposed work plan and budget are each included as line items in the VRWJPO 2023 Budget in various categories; and

WHEREAS, the VRWJPO relies on Scott SWCD's established programs to efficiently implement cost-share funding for capital improvement projects.

NOW, THEREFORE, BE IT RESOLVED, that the Vermillion River Watershed Planning Commission recommends the Vermillion River Watershed Joint Powers Board (VRWJPB) execute a Joint Powers Agreement with Scott SWCD in an amount not to exceed \$43,950 as presented to the VRWJPB at its meeting on January 26, 2023; subject to approval by the Dakota County Attorney's Office as to form.

EXHIBIT 1
2023 SCOTT SWCD WORK PLAN AND BUDGET - DRAFT

Activity	Detail	Line Item		TOTAL	
		2022	2023	2022	2023
Water Quality Monitoring	Monitor water quality at one station (V24) to include: equipment set-up and take-down; flow measurements; base flow and grab samples collection; programming; thermal monitoring; data processing and management; planning and coordination.	\$5,800	\$5,100	\$9,800	\$9,300
	Equipment maintenance, repair and replacement expenses	\$1,500	\$1,200		
	Lab, data line, and courier expenses	\$2,500	\$3,000		
Public Outreach and Education	Conservation, stormwater and youth education, as detailed in the Scott Clean Water Education Program 2019 Work Plan. Includes but not limited to community events/expos, library displays, news releases, Outdoor Education Day; and workshops	\$1,500	\$2,000	\$1,500	\$2,000
Capital Improvement Program*	Project development: Prepare subwatershed assessments (SWA) to identify potential projects; identify, contact and meet with landowners with potential projects, including but not limited to the ones identified in the SWA.	\$7,000	\$3,500	\$31,000	\$30,000
	Project design and engineering: feasibility investigations; surveys; project design and conservation plan preparation; construction inspections and certification; cost share contract administration. Eligible projects to include but not limited to: wetland restoration, streambank stabilization, filter strips, bioretention, nutrient management, cover crops, closed tile intakes, grade stabilization structures, grassed and lined waterways, and water and sediment control basins.	\$8,000	\$9,000		
	Cost share and financial incentives for approved project applications	\$16,000	\$17,500		
Regulatory Program Assistance	Research, investigations, and corrective action follow-up related to wetland, feedlot, and buffer law compliance.	\$900	\$950	\$900	\$900
Management and Administration	Prepare and administer Service agreement	\$750	\$800	\$750	\$750
	Attend Board, TAG and other JPB-sponsored meetings				
	Identify and develop recommendations regarding JPO programs and policies				
GRAND TOTAL:				\$43,950	\$42,950

* To the maximum extent practical, other local, state, federal cost-share funds will be utilized to implement conservation practices before, or in conjunction with, the use VRWJPO funds. By approval of this work plan, the VRWJPO authorizes the Scott SWCD to utilize funding under this line item to provide financial assistance to landowners and occupiers in the watershed for the implementation of approved practices, as set forth in applicable 2020 cost share and incentive program policies as adopted by Scott SWCD Board of Supervisors. If insufficient CIP funds are available to approve one or more priority project(s), the SWCD will coordinate with JPO staff to request a budget amendment.