

AGENDA

Tuesday, February 12, 2019

6:00 PM

Prior Lake City Hall

www.plslwd.org

BOARD OF MANAGERS:

Fred Corrigan, President; Mike Myser, Vice President;

Charlie Howley, Secretary; Woody Spitzmueller, Treasurer; Curt Hennes, Manager

Note: Indicated times are estimates; actual times may vary considerably. Individuals with items on the agenda or who wish to speak to the Board are encouraged to be in attendance when the meeting is called to order.

Board Workshop 4:30 PM – Wagon Bridge Conference Room (Downstairs)

4:30-5:20	Governance Manual Revisions Review
5:20-5:35	Prior Lake's Surface Water Management Plan
5:35-5:45	Employee Health Care Benefits Update (Closed Meeting)
5:45-5:55	Emerging Issues

6:00 – 6:05 PM	1.0	BOARD MEETING CALL TO ORDER & PLEDGE OF ALLEGIANCE
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6:05 – 6:10 PM	2.0	PUBLIC COMMENT
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If anyone wishes to address the Board of Managers on an item not on the agenda or on the consent agenda please come forward at this time, turn on the microphone and state your name and address. (The Chair may limit your time for commenting.)

6:10 – 6:15 PM	3.0	APPROVAL OF AGENDA (Additions/Corrections/Deletions)
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6:15-7:15 PM	4.0	OTHER OLD/NEW BUSINESS
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|------|---|
| 4.1 | Recognition of Manager Woody Spitzmueller's Service |
| 4.2 | Manager Presentations (Discussion Only) |
| 4.3 | Programs & Projects Update (Discussion Only) |
| 4.4 | Prior Lake's Surface Water Management Plan: Pete Young (Vote) |
| 4.5 | Annual Cost Share Docket for 2019: Troy Kuphal (Vote) |
| 4.6 | Scott SWCD 2018 Work Report: Troy Kuphal (Discussion Only) |
| 4.7 | Scott SWCD Service Agreement and Scope of Work for 2019: Troy Kuphal (Vote) |
| 4.8 | Governance Manual (Vote) |
| 4.9 | Education and Outreach Plan for 2019: Kathryn Keller-Miller (Vote) |
| 4.10 | AIS Challenges and Opportunities: Kathryn Keller-Miller (Discussion Only) |
| 4.11 | LCCMR Grant Opportunities (Discussion Only) |
| 4.12 | Election of Officers (Vote) |

7:15-7:20 PM

5.0 CONSENT AGENDA

The consent agenda is considered as one item of business. It consists of routine administrative items or items not requiring discussion. Items can be removed from the consent agenda at the request of the Board member, staff member, or a member of the audience. Please state which item or items you wish to remove for separate discussion.

5.1 Meeting Minutes – January 8 Board Workshop & Board Meeting and January 31 CAC Meeting.

5.2 Claims List

7:20-7:30 PM

6.0 TREASURER’S REPORT

6.1 Cash & Investments (Discussion Only)

6.2 Financial Report (Discussion Only)

7:30 – 7:35 PM

7.0 UPCOMING MEETING/EVENT SCHEDULE:

- MAWD DAY AT THE CAPITOL 2/20-2/21
- CAC Meeting, Thursday, February 28 from 6:30-8:00 PM, Prior Lake City Hall

PRIOR LAKE – SPRING LAKE

WATERSHED DISTRICT

4.1 Recognition of Manager Woody Spitzmueller

Woody Spitzmueller is a well-known in the City of Prior Lake. Woody retired in December 2003 from Lockheed Martin. Since his retirement, Woody gives hours of his time volunteering on many efforts throughout the year. Woody has been on the Community Safety Advisory Committee since 2009, a member of the Board for the Prior Lake-Spring Lake Watershed District since 2013 as well as a current board member of the Prior Lake Association. Woody also volunteers to teach boat safety to teens and young boaters. Woody spends February, March and April each year volunteering free tax service thru AARP in Prior Lake. Woody is a go-to guy for help and knowledge and always willing to help with a smile on his face!

PRIOR LAKE – SPRING LAKE

W A T E R S H E D D I S T R I C T

4.2 Manager Presentations

Managers will provide information on recent events they're attended on behalf of the District.

PRIOR LAKE – SPRING LAKE

WATERSHED DISTRICT

FEBRUARY 2019 PROGRAMS & PROJECTS UPDATE

Capital Projects

PROJECT	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
Public Infrastructure Partnership Projects <i>Project Lead: Maggie</i>	<ul style="list-style-type: none"> Met with EOR and the City of Prior Lake to review concept designs for the Sunset Hills Park Retrofit Project. Applied for MnDNR CPL grant for potential shoreline restoration project along Fish Lake at Spring Lake Town Hall. 	<ul style="list-style-type: none"> Coordinate public neighborhood meeting with City of Prior Lake for the Sunset Hills Park Retrofit Project to gain feedback from residents before final design.
Storage & Infiltration Projects <i>Project Lead: Diane</i>	<ul style="list-style-type: none"> Conducted second meeting with landowners. EOR is working with the DNR re. design. DNR permit is conditionally approved 	<ul style="list-style-type: none"> 60% design DNR permit approval Meeting with landowners
Carp Management <i>Rough Fish Management (Class 611)</i> <i>Carp Management Project (Class 750 & 751)</i> <i>Project Lead: Maggie & Kathryn</i>	<ul style="list-style-type: none"> Continued to track radio-tagged carp throughout the lakes. Updated website to include a 2019 Carp Seine Status page to provide the most up-to-date information to the public. Researched potential underwater speakers to begin "herding" carp to preferable seine locations. 	<ul style="list-style-type: none"> WSB and PLSLWD staff will continue to track the radio-tagged tagged carp. Carp seines this winter/spring as conditions are favorable in Upper Prior Lake. Final design and installation of the Northwood carp barrier once next grant funding is available.

PRIOR LAKE – SPRING LAKE

WATERSHED DISTRICT

Operations & Maintenance

PROGRAM	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
Ferric Chloride System Operations <i>Project Lead: Jaime</i>	<ul style="list-style-type: none"> Completed monthly DMR report. Completed Annual Report 	<ul style="list-style-type: none"> Monthly DMR Report. Get quote from new ferric delivery company.
Farmer-Led Council <i>Project Lead: Maggie</i>	<ul style="list-style-type: none"> Publicized and coordinated kick-off event for the Lake-Friendly Farm Program on January 30th. Awarded two farmers with certification awards and highlighted other Farmer-Led Council programs during the event. Despite the record-breaking cold weather, there were 42 people in attendance at the event. Met with Farmer-Led Council members after to coordinate this year's Cover Crop Initiative Program and to help solidify budget items for the year. 	<ul style="list-style-type: none"> Coordinate guest speaker for next meeting (Ross from Cedar Creek Watershed in Wisconsin) Next FLC meeting: March 7th
Cost Share Incentives <i>Project Lead: Kathryn, Diane</i>	<ul style="list-style-type: none"> Received over 40 applications for lake irrigation pumps and rain barrels in 2018. 	<ul style="list-style-type: none"> Process applications as they are received. Verify installation of completed projects.
Spring Lake Parcel Restoration Project <i>Project Lead: Maggie & Kathryn</i>		<ul style="list-style-type: none"> Order and install large sign visible from lake. Monitor restoration and control invasive species during growing season. Install small plant identification signs.
Raymond Park Restoration Project <i>Project Lead: Kathryn</i>		<ul style="list-style-type: none"> Install educational interpretative signs. GRG will continue maintenance at park next year. Follow-up visits will keep buckthorn and other invasives at bay. Additional seeding will be done this year, if needed.

PRIOR LAKE - SPRING LAKE

WATERSHED DISTRICT

Operations & Maintenance

PROGRAM	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
CR 12/17 Wetland Restoration <i>Project Lead: Maggie</i>		<ul style="list-style-type: none">• Continue to work with AES on invasive species control and vegetation establishment.• Raise water levels this spring by adjusting Agri-drain outlets in the basins.
Lower Prior Lake Retrofit Projects <i>Project Lead: Maggie</i>		<ul style="list-style-type: none">• Continue to work with AES on site maintenance until the projects are fully established and accepted by the City of Prior Lake.• Install interpretive signs for projects.

PRIOR LAKE – SPRING LAKE

WATERSHED DISTRICT

Planning

PROGRAM	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
<i>District Plan Update</i> <i>Project Lead: Diane</i>	<ul style="list-style-type: none">• Staff meetings	<ul style="list-style-type: none">• TAC Meeting in March• Public Meeting in March/April• BWSR Goals Meeting this month
<i>Feasibility Reports</i> <i>Project Lead: Maggie</i>		<ul style="list-style-type: none">• Engage EOR for feasibility reports once grant contract is signed with BWSR and funding is available.

PRIOR LAKE – SPRING LAKE

WATERSHED DISTRICT

Education & Outreach

PROGRAM	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
Website and Media <i>Project Lead: Kathryn</i>	<ul style="list-style-type: none"> • As of Feb 5, 4:00 pm: • Website articles posted—Two Local Farmers Receive Lake-Friendly Farm Award; Local streams impacted by salt pollution • Scott Co. SCENE articles. • Prior Lake Am articles: Local streams impacted by salt pollution • Facebook & Twitter- continuing Trivia Tuesday (question posted on Tues, answer posted Wed). • Facebook: <ul style="list-style-type: none"> • 409 page followers, new followers • 35 Posts w/ 100+ views • Top Posts on FB: <ul style="list-style-type: none"> ○ Lake Friendly Farm award (1412 views, 231 likes, 10 shares, 167 clicks) ○ Cold weather good for lakes (218 views) ○ MN one of fastest warming states (213 views) ○ Trivia- ecological benefits of cold winters (205 views) ○ Climate change is still here, even though it's freezing out (190 views) • Twitter: generally same as the FB articles. 19,100 total post impressions. 272 followers, 10 new followers. • 20+ Tweets w/ 100+ views • Top Posts on Twitter <ul style="list-style-type: none"> ○ Salt washes into stream; salt less (10,577 views, 39 engagements) ○ Wonderful Weirdness of Water podcast episode (948 views) ○ Trivia-salt applicatn density (639 views) ○ Trivia-properties of water (397 views) ○ Trivia answer-properties of water (323 views) 	<ul style="list-style-type: none"> • Continue writing posts and updates about projects • Will tweet and/or update Facebook about projects & news.
Citizen Advisory Committee <i>Project Lead: Diane & Kathryn</i>	<ul style="list-style-type: none"> • January meeting canceled due to weather. 	<ul style="list-style-type: none"> • Next CAC meeting is on February 28.
MS4 Education Program <i>Project Lead: Kathryn</i>	<ul style="list-style-type: none"> • Outreach for Winter Maintenance Workshop for Parking lots & Sidewalks. • 2019 Education & Outreach Plan 	<ul style="list-style-type: none"> • Implement education activities.

PRIOR LAKE – SPRING LAKE

WATERSHED DISTRICT

Monitoring & Research

PROGRAM	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
Monitoring <i>Project Lead: Jaime</i>	<ul style="list-style-type: none">• Data management.• Database maintenance/entry.• Completing hydrographs and discharge graphs.• Updated graphs on website• Start creating long-term monitoring plan• Meeting w/Christian Morkeberg about Spring Lake water quality	<ul style="list-style-type: none">• Data management.• QA/QC data.• Enter data into wqdb
Aquatic Vegetation Management and Surveys <i>(Class 626 and 637)</i> <i>Project Lead: Jaime</i>	<ul style="list-style-type: none">• Steve McComas to report at Feb board meeting	<ul style="list-style-type: none">• BioBase report.• Reports from Steve for the next Board meeting.

PRIOR LAKE – SPRING LAKE

WATERSHED DISTRICT

Regulation

PROGRAM	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
BMPs & Easements <i>Project Lead: Maggie & Kathryn</i>	<ul style="list-style-type: none"> Drafted final easement amendment document and mortgage consent for the McCann Court easement amendment. Sent final Development Agreement to Trillium Cove developer for signatures. Followed up with Timber Crest on easement amendment next steps. 	<ul style="list-style-type: none"> Review amendment requests as they are received and work with landowners towards closing out approved amendment requests. Work with landowners to resolve easement violations. Create baseline documentation for each conservation easement property. Complete follow-up letters to all landowners now that inspections are complete.
Permitting <i>Project Lead: Maggie & Jeff</i>	<ul style="list-style-type: none"> Issued Permit #18.05 to MnDOT once condition requirements were met. Reviewed final planset for Permit #18.06 (CR-21/Hwy13). Met with County engineers to discuss upcoming project at the public works building to the west of Spring Lake. 	<ul style="list-style-type: none"> Continue to inspect, follow-up on and close remaining open permits. Issue Permits #18.04 & #18.06 once conditional requirements are met. Execute Stormwater Credits MOAs.
Rules Revisions <i>Project Lead: Diane</i>	<ul style="list-style-type: none"> No activity 	<ul style="list-style-type: none"> Reconvene the TAC.

PRIOR LAKE – SPRING LAKE

WATERSHED DISTRICT

Prior Lake Outlet Structure & Channel

ACTIVITY	LAST MONTH'S STAFF ACTIVITIES	NEXT STEPS
Prior Lake Outlet Channel <i>Project Lead: Jaime</i>	<ul style="list-style-type: none"> • Outlet channel inspections. • Maintenance/troubleshoot on Level Logger • Start annual report 	<ul style="list-style-type: none"> • Weekly channel inspections. • Annual Report
Channel Bank Erosion (FEMA) <i>Project Lead: Diane</i>	<ul style="list-style-type: none"> • Received notice from FEMA that the project can move ahead 	<ul style="list-style-type: none"> • Project construction
JPA/MOA & TAC Meetings & Admin <i>Project Lead: Diane & Jaime</i>	<ul style="list-style-type: none"> • Reviewed SMSC's comments on the draft MOA with Carl Almer and Chuck Holtman. 	<ul style="list-style-type: none"> • Make the final revisions to the MOA and review at the 2019 Cooperators meeting.
Invasive Species Removal <i>Project Lead: Jaime</i>	<ul style="list-style-type: none"> • No activity. 	<ul style="list-style-type: none"> • Planning meeting for 2019
MS4 Permit <i>Project Lead: Diane</i>	<ul style="list-style-type: none"> • Received notification that Annual Report is due June 30, 2019 	<ul style="list-style-type: none"> • Annual permit application has been delayed.
PLOC Easements <i>Project Lead: Diane</i>	<ul style="list-style-type: none"> • No activity. 	<ul style="list-style-type: none"> • Put together a list of all the documents for the easements. • Provide copies of respective easements to Cooperators. • Ask for decision on shape files at the next Cooperators meeting.



Memo

Date: February 6, 2019
To: Prior Lake-Spring Lake Watershed District Board of Managers
From: Pete Young, PE, Water Resources Engineer, City of Prior Lake
Subject: City of Prior Lake – Local Surface Water Management Plan Approval Request

As part of an overall Comprehensive Plan update, the City of Prior Lake recently completed an update of its Local Surface Water Management Plan (LSWMP). The LSWMP constitutes one chapter within the Comprehensive Plan for the City. The LSWMP serves as a guiding document for the City's activities relating to surface water management, rather than a technical document containing specific standards.

The City submitted a draft LSWMP to the Prior Lake-Spring Lake Watershed District (PLSLWD), Scott Water Management Organization (Scott WMO), and the Metropolitan Council on August 31, 2018. Per Minnesota Statute 103B.235, Subd. 3, both local water management organizations with jurisdiction within the City of Prior Lake had 60 days to complete their reviews of the LSWMP. Scott WMO comments were received on October 11, 2018 and PLSLWD comments were received on October 25, 2018. The Metropolitan Council submitted a letter stating that they have no comments on October 5, 2018 (Attachment 1). All Scott WMO and PLSLWD comments were subsequently addressed with revisions to the LSWMP. Scott County approved the revised final version of the LSWMP at their board meeting on December 12, 2018 (Attachment 2).

Because all PLSLWD comments have been addressed in the revised final version of the LSWMP, the City is requesting approval from the PLSLWD Board of Managers.

October 5, 2018

Diane Lynch, Administrator
Prior Lake - Spring Lake Watershed District
4646 Dakota Street SE
Prior Lake, Minnesota 55372

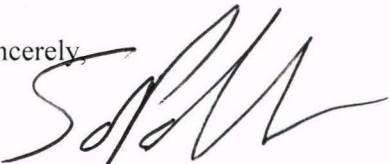
RE: Prior Lake Draft Local Surface Water Management Plan
Metropolitan Council Referral File No. 22068-1

Dear Ms. Lynch:

The Metropolitan Council (Council) has completed its review of the city of Prior Lake's draft Local Surface Water Management Plan (plan). The plan provides an excellent framework for the city to successfully manage its water resources. It is consistent with the Council policies and the Council's *Water Resources Policy Plan*.

Thank you for the opportunity to comment on the above plan. If you have any questions please contact, Joe Mulcahy, at 651-602-1104.

Sincerely,



Sam Paske
Assistant General Manager, MCES, Environmental Quality Assurance Department

cc: Pete Young, City of Prior Lake
Stephanie Hatten, WSB & Associates
Deb Barber, Metropolitan Council District 4
Angela Torres, Metropolitan Council Sector Representative
Peter Grafstrom, Metropolitan Council Community Relations Specialist
Joe Mulcahy, MCES Water Resources Assessment
Raya Esmacili, Metropolitan Council Reviews Coordinator

AGENDA # 7.9
SCOTT COUNTY, MINNESOTA
REQUEST FOR BOARD ACTION
MEETING DATE: DECEMBER 18, 2018

ORIGINATING DIVISION:	Community Services	CONSENT AGENDA:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ORIGINATING DEPARTMENT:	Natural Resources		
PRESENTER:	Melissa Bokman - 8887	ATTACHMENTS:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PROJECT:	Local Water Plans	TIME REQUESTED:	
ACTION REQUESTED:	Adopt Resolution No. 2018-198; Approving the City of Prior Lake Local Surface Water Management Plan Dated November 2018		
CONTRACT/POLICY/GRANT:	<input type="checkbox"/> County Attorney Review <input type="checkbox"/> Risk Management Review	FISCAL:	<input type="checkbox"/> Finance Review <input type="checkbox"/> Budget Change

ORGANIZATIONAL VALUES:
☐ Stewardship: Ensuring the responsible and stable investment of taxpayer dollars and communicating its value to the public
☒ Partnership: Aligning existing resources, volunteers and programs to achieve shared goals
☒ Leadership: Anticipating changes and managing challenges based on reliable information and citizen input
☐ Commitment: Developing a high quality workforce that is dedicated to advancing a safe, healthy and livable community
☐ Customer Service: Creating a customer experience that is respectful, responsive and solution-oriented
☐ Innovation: Exploring and adopting new technologies and processes with the goal of improving service and reducing the long term cost of service delivery

DEPARTMENT/DIVISION HEAD SIGNATURE:	COUNTY ADMINISTRATOR SIGNATURE:

Approved:	mblju sayes	DISTRIBUTION/FILING INSTRUCTIONS: Melissa Bokman, Sr. Water Resources Planner Paul Nelson, Environmental Services Program Manager Jeanne Andersen, Senior Attorney
Denied:		
Tabled:		
Other:		
Deputy Clerk :	 12-18-18	
Date:		

Background/Justification:

The purpose of this agenda item is to adopt Resolution No. 2018-198; Approving the City of Prior Lake Local Surface Water Management Plan Dated November 2018.

The City of Prior Lake submitted a draft Local Surface Water Plan to the Scott Watershed Management Organization (Scott WMO) on August 31, 2018. A copy of their draft Local Surface Water Plan was also submitted to the Metropolitan Council for review. Per Minnesota Statute 103B.235, Subd. 3, the Scott WMO shall have 60 days to complete its review of a local water plan. The Scott WMO must also take into consideration comments submitted by the Metropolitan Council on the local water plan.

Scott WMO staff reviewed the Local Surface Water Plan and submitted comments to the City in a letter dated October 11, 2018 (see attachment). Metropolitan Council comments were received by the Scott WMO in a letter dated October 5, 2018 (see attachment). On November 13, 2018 via email from the City's Engineer Pete Young, the Scott WMO received the final draft Surface Water Plan and memorandum (attached) from the City of Prior Lake. Scott WMO staff reviewed the final draft Plan for the requested changes.

Staff feels the City of Prior Lake met the requirements of Minnesota Statute 103B.235 Minnesota Rule 8410.0160 for local water plans and of the Scott WMO's new 2019 – 2026 Plan requirements. On November 19, 2018 a letter was sent to Pete Young, City of Prior Lake Water Resources Engineer, indicating that the City's Local Surface Water Management Plan would be presented to the Watershed Planning Commission on November 26, 2018.

On November 26, 2018 the Watershed Planning Commission met and was presented information on the process of Prior Lake's Plan and unanimously recommended the Prior Lake Local Surface Water Management Plan be submitted to the Scott County Board for approval.

Fiscal Impact:

No fiscal impact

**BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA**

Date:	December 18, 2018
Resolution No.:	2018-198
Motion by Commissioner:	Beard
Seconded by Commissioner:	Ulrich

**RESOLUTION NO. 2018-198; APPROVING THE CITY OF PRIOR LAKE
LOCAL SURFACE WATER MANAGEMENT PLAN DATED NOVEMBER 2018**

WHEREAS, Minnesota Statutes Section 473.859 Subdivision 2, Comprehensive Plan Content requires that a land use plan shall include the water management plan required by Section 103B.235, Local Water Management Plans; and

WHEREAS, Minnesota Statutes Section 103B.235, Local Water Management Plans, requires that local government units having land use planning and regulatory responsibility for territory within the watershed shall prepare or cause to be prepared a local water management plan, capital improvement program, and official controls as necessary to bring local water management into conformance with watershed organization plans. Local plans must meet requirements of watershed organization plans as well as the general requirements of Minnesota Statutes Section 103B.235 and Minnesota Rules Part 8410; and

WHEREAS, the City of Prior Lake prepared a draft Local Surface Water Management Plan, and submitted it for review by the Metropolitan Council and the Scott Watershed Management Organization (WMO); and

WHEREAS, the City has revised the draft local water plan in response to the Scott WMO staff comments bringing the City's Plan into full conformance with Minnesota Rule 8410 and Scott WMO 2019 – 2026 Comprehensive Water Resources Management Plan; and

WHEREAS, the Watershed Planning Commission recommended approval of the Prior Lake Local Surface Water Management Plan dated November 2018 at their November 26, 2018 meeting.

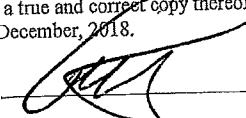
NOW THEREFORE BE IT RESOLVED, that the Scott County Board of Commissioners finds that the City of Prior Lake Local Surface Water Management Plan dated November 2018 is in conformance with Minnesota Rule 8410, and is at least as protective of water resources as the Scott WMO Plan.

BE IT FINALLY RESOLVED, that the Scott County Board of Commissioners acting as the Scott Watershed Management Organization hereby approves the City of Prior Lake's Local Surface Water Management Plan.

COMMISSIONERS	VOTE			
Weckman Brekke	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Wolf	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Beard	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Beer	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Ulrich	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain

State of Minnesota)
County of Scott)

I, Gary L. Shelton, duly appointed qualified County Administrator for the County of Scott, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Scott County, Minnesota, at their session held on the 18th day of December, 2018 now on file in my office, and have found the same to be a true and correct copy thereof.
Witness my hand and official seal at Shakopee, Minnesota, this 18th day of December, 2018.



County Administrator
Administrator's Designee

PRIOR LAKE - SPRING LAKE

WATERSHED DISTRICT

MEMORANDUM

TO: PLSLWD BOARD OF MANAGERS
FROM: DIANE LYNCH
SUBJECT: PRIOR LAKES SURFACE WATER MANAGEMENT PLAN
DATE: FEBRUARY 7, 2019

BACKGROUND

On July 13, 2015, an amendment to MN Rules Chapter 8410, which relates to water management in the seven-county metropolitan area, became effective. The amendment states that local water plans must now become part of a municipality's comprehensive plan. Comprehensive plans were due December 31, 2018 so all cities and towns in the seven-county metropolitan area were to complete and adopt their local water plan between January 1, 2017 and December 31, 2018.

The City of Prior Lake is requesting Board approval of its Local Surface Water Management Plan (LSWMP). It has been reviewed by the Metropolitan Council and approved by Scott County. The Plan is considered a comprehensive planning document and addresses the city's relationship to the District. Once the District's updated rules are adopted, the City will need to amend their LSWMP.

To view a copy of the Plan, go to:

<https://wsbeng.sharefile.com/d-s58ffbed64ca4bf88>

STAFF RECOMMENDATION

The District was invited to recommend changes to the City's previous LSWMP and formally invited to comment on the Plan on August 31, 2018. The District provided additional comments through October 2018. We are pleased that the City reached out to the District throughout the entire update process.

The LSWMP incorporates the substantial changes the District recommended and as a result, the staff recommends approval.

2019 CONSERVATION PRACTICE FINANCIAL ASSISTANCE PROGRAM POLICY MANUAL



PRIOR LAKE - SPRING LAKE
WATERSHED DISTRICT



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

OVERVIEW

The Scott Soil and Water Conservation District (District) operates a financial assistance program to assist landowners, occupiers, citizen groups and local units of government implement conservation practices that protect and preserve soil, water and related natural resources in Scott County.

Funding for the Conservation Practice Financial Assistance Program (CPFAP) is provided through partnerships with local water management agencies, including the Scott Watershed Management Organization (SWMO), Prior Lake spring Lake Watershed District (PLSLWD), Vermillion River Watershed Joint Powers Organization (VRWJPO), and Lower Minnesota River Watershed District, depending on location. Funding from these partner agencies is provided for both technical assistance (staff times, primarily) and project implementation. The District also contributes funding through various grants it receives. There are two types of funding assistance provided through the program, including cost share and incentives. Within the Scott SWMO, the CPFAP is referred to as its Technical Assistance and Cost Share, or TACS, program.

Requests for financial assistance are made via an application process, and are subject to approval by the approving authority, which is generally the District Board of Supervisors, but in certain cases may be the local water management agency board or administrator. Generally, decisions to approve an application are based on the proposed project's feasibility, cost effectiveness, and overall public value.

This Policy and Procedures Manual, hereafter referred to as the "Docket", describes the policies and procedures associated with the program's application and approval process. It also lists the specific conservation practices eligible for financial assistance, along with maximum funding limits, conditions and criteria associated with each specific practice.

This Docket consists of three sections: Program Provisions, General Conservation Practice Provisions, and Specific Conservation Practice Provisions. The Program and General Conservation Practice Provisions list the requirements that are applicable to all or multiple practices. The Specific Provisions list the payment method, rates and limits, practice lifespan, and specific provisions for each conservation practice.

In certain instances, policies and procedures differ between the District and local water management agencies, as well as between local water management agencies themselves. These differences, where they exist, are described in Appendix A. Where policies and procedures conflict, the stricter is always observed.

PROGRAM PROVISIONS

The following provisions are requirements for cost share funding under this program.

ELIGIBILITY:

1. Financial payments may only be authorized for practices listed in this Docket. Non-docket practices required for the implementation of a docket practice shall be considered components of and subsidiary to the docket practice. Conservation payments for components will be included with the docket practice.
2. Financial assistance is authorized for conservation practices that:
 - a. Are designed and constructed following the contents of appropriate and most current technical standards, including but not limited to: the NRCS Field Office Technical Guide, MPCA Stormwater Manual, MPCA Protecting Water Quality in Urban Areas, NPDES General Stormwater Permit for Construction Activity, Minnesota Urban Small Sites BMP Manual, MDA Agricultural BMP Handbook for Minnesota, or other applicable local, state and federal regulations and standards which are consistent with this Docket.
 - b. Meet the general and specific conservation practice provisions for each practice included in the docket.
 - c. Except as otherwise noted, provide documentable environmental benefits, including but not limited to nutrient, sediment, and runoff volume reductions, from the benchmark condition.
 - d. Do not address erosion resulting from the direct impacts of development, unless the development occurred prior to applicable standards, such as NPDES permitting or local municipal or water management agency rules.
3. Financial assistance may be authorized for repairs to existing practices if:
 - a. Financial assistance was not previously provided for the project; or
 - b. The project is beyond the contract term and the risk of failure poses significant threat to water quality or infrastructure; or
 - c. The project is within the contract term but the damage was not the result of negligence by the applicant or landowner or failure to adhere to the signed Operation and Maintenance (O & M) Plan.
4. A contract may be amended to cover costs associated with re-grading, re-seeding and re-mulching a project that has experienced erosion prior to final certification, as determined reasonable and necessary by the authorized District Technical Representative. The cost share rate shall not exceed the rate set in the approved contract. Such costs may be covered through an amendment to the cost share agreement.
5. Cost share may be authorized for expenses associated with installation of more protective erosion control measures, including but not limited to substituting crimped mulch with erosion control blanket, as determined reasonable and cost effective by the authorized Technical Representative.
6. Applicants who commence construction of a practice before an application for financial assistance is officially approved do so at their own risk and are not guaranteed funding. Work that starts before the applicant signs an official application is ineligible for financial assistance for that practice. Work that starts after the application is signed but before it is officially approved is eligible for reimbursement provided: a) an official waiver form is signed by the applicant before any work commences; and b) the contract is officially approved.
7. The approving authority may require an applicant to implement additional practices as a condition of financial assistance if the additional practice or practices are important to ensuring the integrity and/or

benefit of the original practice. Financial assistance for projects on parcels that are not compliant with federal, state or local rules or regulations may be denied.

8. Financial assistance for practices having a maximum incentive amount (e.g. cover crops, nutrient management, and whole farm planning) shall be limited to a single application per family or common farm operation or enterprise, whether formally or informally organized.
9. Contracts may be amended to increase the approved cost share amount based on any of the following, subject to prior approval the SWCD Technical Representative:
 - a. Approved changes to the final design prior to or during construction result in increased costs;
 - b. Unforeseen or unanticipated circumstances result in higher-than-expected construction costs; or
 - c. A minimum of 2 bids were received and the lowest reasonable bid exceeds the original costs estimate.

PAYMENT METHODS:

10. Two forms of financial assistance methods are authorized under the TACS program: incentives and cost share.
 - a. Incentives:
 - i. One-time: Payment amount is based on a set dollar amount per unit installed. Payment is made in full upon certification of practice implementation.
 - ii. Annual: Payment amount is based on a set dollar amount per unit installed/maintained over a set number of years. Payments are made in annual installments, subject to certification of installation, establishment, and continued maintenance, as applicable.
 - b. Cost Share: Cost share is a partial reimbursement to a cooperator to help offset the construction costs associated with implementing a practice. The maximum cost share rate is listed for each practice and shall be considered the maximum rate of actual construction costs or the estimated cost, whichever is less, of implementing the practice.
 - i. The maximum cost share rate for municipalities cannot exceed 50%.
 - ii. An individuals with the appropriate Job Approval Authority (JAA) must be involved in the preparation of designs, cost estimates, and certification, either as preparer or reviewer.
11. If a property is sold prior to final payment being issued, any outstanding payments shall by default be issued to the new landowner(s) subject to them signing, and the Board approving, a new cost share contract that extends through the effective life of the project. If a new contract cannot be secured, then any outstanding amount shall be returned to the funding provider or, if possible, unencumbered and made available for use towards a different project.
12. The cost share and incentive rates listed in this manual are maximums. The approving authority has discretion to reduce the maximum rate depending on public benefit. The total financial assistance paid to an applicant shall not exceed the maximum cost share or incentive rate allowed by the funding source's governing policies. The maximum local financial assistance paid to an applicant shall not exceed the maximum cost share or incentive rate listed in this Docket. Other program rules regarding maximum payment rates and other limitations shall be observed.
13. Federal, state and other non-local sources of funding shall be used to the maximum extent practicable. Likewise, local funds shall be used to piggy-back other funding sources to the maximum extent practicable. Non-local funds may be deemed not practical upon the District's determination that compliance with this provision would delay project construction resulting in a significant increase in risk to public health, safety or the environment; or administrative overhead to secure such funds, including but not limited to time, paperwork, and other restrictions, would place an unreasonable burden on the applicant and/or District.

14. The amount to be cost shared will be limited to the minimum required for the practice to be installed according to design standards and specifications. When additional or alternative work or material is performed or used at the landowner's request, any costs greater than the minimum required for the practice will be the responsibility of the owner. Maximum rates for in-kind labor costs shall be consistent with the most current Iowa Custom Rate Survey. Higher rates may be allowed in special circumstances, as determined necessary and reasonable by the District.
15. Practices that cost share on seeding will include all associated costs with implementing the seed plan.

APPROVAL PROCESS:

16. Completed applications shall be presented to the District Board for their formal consideration. Action to approve, approve with modification, or deny shall be documented in the meeting minutes. The District Director is authorized to sign and date application approved by the Board. Approved applications are binding contracts.
17. Approvals of applications for cost share are subject to the availability of funding.
18. The District shall send a letter notifying applicants of action taken by the approving authority. The letter shall, at a minimum, include a copy of the signed and dated contract and explain the next steps. Letters shall also be sent when action by the appropriate approving authority is taken to cancel a contract. A letter is not required for contract amendments.
19. Contracts exceeding \$20,000 in total financial assistance shall be recorded on the property title at the County Recorder's office. Recording of the contract notifies subsequent buyers of the existence of the practice or practices on the property and their obligation to maintain these practice(s) during the effective life. Procedures for recording shall follow guidance developed by the Board of Soil and Water Resources for the recording conservation practices.

EARNEST ACCOUNT:

20. Landowners requesting cost share funds for lakeshore stabilization projects shall provide earnest money of \$250.00 per application. Earnest funds shall be collected prior to preparation of any preliminary design or application, and will be returned upon certification of the completed practice. Projects cancelled by the applicant will forfeit the earnest money.

PAYMENT PROCESS:

21. The following documentation shall be required as a condition for payment
 - a. Approved Certification Form or equivalent for incentive payments.
 - b. Approved Voucher Form for cost share payments.
 - c. For cost share, copies of receipts and/or paid invoices for all expenses. Applicants requesting reimbursement for in-kind services shall submit a signed statement indicating the services provides, rate, and quantities.
 - d. The District Director is authorized to approve partial and final payments on approved contracts. The District Director shall, at the earliest opportunity, present all approved payments for certification to the Board that approved the contract.

REPAYMENT OF FUNDS:

22. Should the applicant remove or fail to maintain the practice during its effective life, the applicant is liable to the District or other financial assistance source agency for the full amount of financial assistance

received to install and establish the practice. The applicant is not liable for cost-share assistance received if the failure was caused by reasons beyond the applicant's control.

GRANT PROVISIONS:

23. For projects cost shared using funds from a federal, state or other non-local grant source, the cost share rates, eligible practices, and other related provisions set forth in the approved grant agreement, if different, shall prevail. Examples of these instances include, but are not limited to: 1) If a practice is required to use native species as a requirement of the grant and this policy allows for non-native species, the grant requirement will prevail and in this example native species will be required; 2) If the grant requires that a project is paid in full before the grant expires then the grant requirement will prevail.

STAFF CREDENTIALS

24. The District will ensure staff has the necessary skill, training and experience to plan, design and construct projects according to applicable standards and specifications. Building credentials and maintaining or seeking certifications to retain knowledgeable staff is a high priority of the District, and funding for training purposes is incorporated into the District's approved annual budget.

As of January 1, 2018, technical expertise of the District includes:

- 2 certified professionals in erosion and sediment control;
- 1 certified wetland delineator-in-training;
- 1 certified wetland delineator
- 8 staff with USDA – Natural Resources Conservation Service Job Approval Authority for ecological and engineering sciences

When professional engineering is required by law, or the size or complexity of a specific conservation practice requires expertise above District technical capacity, the District will hire or contract with a professional engineer licensed to practice in the State of Minnesota, or an appropriately-licensed engineer employed with the Minnesota Board of Water and Soil Resources or the USDA - Natural Resources Conservation Service.

DELEGATION

25. In 2015, the SWCD Board authorized the District Director to approve payments for projects completed under approved cost share applications, subject to Board certification at their next regular meeting. In March 2017, the SWCD Board authorized the District Director to sign Board-approved financial assistance applications.

GENERAL CONSERVATION PRACTICE PROVISIONS

The following provisions apply to the design and construction of conservation practices:

26. **Soil Testing:** A soil test may be required for any practice that targets the reduction of soil loss. The purpose of the soil test is to determine nutrient content of the soil so that more accurate estimates of phosphorus loading and reductions can be made. A soil test shall be performed for any practice requiring seeding of cool season, non-native grasses if the cooperator or contractor applies fertilizer in excess of the following rate per acre: Nitrogen (N) 80 lbs, Phosphoric Acid (P2O5) 80 lbs and Potash (K2O) 80 lbs. All soil tests shall be from a soil testing laboratory shown on the Minnesota Department of Agriculture's list of approved Soil Testing Laboratories. Application rates of lime, commercial fertilizer, and manure shall be based on University of Minnesota recommendations, or from North Dakota's or South Dakota's Land Grant

University. Soil testing requirements may be waived if acceptable soil tests from the site were taken within the previous three years.

27. Wetland Protection: NRCS Wetland Policy as found in the General Manual 190, Part 410 must be followed. This policy provides direction to the agency for compliance with the National Environmental Policy Act (NEPA). This policy prohibits NRCS from providing technical or financial assistance to participants that will adversely affect wetlands, unless the lost functions are fully mitigated.
28. Upland Treatment: As a requirement of eligibility, participants are required to perform upland treatment actions, through a conservation plan, according to Minnesota Conservation Planning Policy, and adequately address potential adverse impacts to conservation practices. Adverse impacts to conservation practices include, but are not limited to, increased siltation by water and/or wind borne soils, excessive runoff, degradation of vegetation practice components by pesticides transported in runoff and sediment, and degradation of wildlife habitat. Upland treatment shall, at a minimum, include controlling sheet and rill erosion to "T" and controlling all ephemeral gully erosion within the drainage area of the practice.
29. Materials: New materials must be utilized in the construction of practices, unless approved by a technical representative with appropriate Technical Approval Authority or licensed Engineer prior to installation.
30. Land Rights: Participants wanting to construct practices on land they do not own are responsible for obtaining easements, permits, right-of-way, water rights or other permission necessary to perform and maintain the practices. Expenses incurred due to these items are not eligible for cost share. The permission from the authority must be in writing and a copy must be provided to the Scott SWCD office prior to installation being made on the practice.
31. Permits: The applicant is responsible for obtaining all permits required in conjunction with the installation and establishment of the practice prior to starting construction of the project.
32. Operation and Maintenance: The applicant is responsible for the operation and maintenance of the conservation practice for the minimum lifespan listed in the specific provisions of this document.
33. Compliance with State and Local Regulations: Cost share may not be provided to an applicant that is in violation of any of the following
 - a. MN Rule 7020 (governing feedlots);
 - b. MN Rule 8420 (governing wetlands);
 - c. MN Statute 103F.48 (governing buffers);
 - d. Scott County Ordinance Chapter 70-8-11 (governing Shoreland zone); and
 - e. Scott County Ordinance No. 4 Chapter 1(governing septic systems, as evidenced based on visual observation of surface discharge or formal notification by the county).
 - f. MN Rule 8400 (governing Excessive soil Loss Control)

Regulatory compliance shall only apply to the following:

- g. The parcel of land on which the practice is being implemented; and
- h. Any parcel owned (or co-owned) by the applicant that is contiguous to the parcel on which the practice is being implemented (parcels separated only by road right-of-way or water feature, or which touch at a property corner, shall be deemed contiguous); and
- i. The applicant's primary residence and/or farmstead, if applicable.

Compliance with the buffer requirements under MN Statute 103F.48 shall be required as a condition of cost-share, regardless of applicability dates provided in the law. Compliance with the Excessive Soil Loss Control rule shall apply only if there is an outstanding formal complaint received by the County or District.

Notwithstanding the above, an applicant may be eligible for cost-share regardless of non-compliance, provided they sign and agree to implement a conservation plan that details specific actions and timelines for coming into compliance, and/or their cost share application is for a project intended to resolve the non-compliance issue.

An applicant may apply for a waiver from this section using a form provided by the District. The District Board may approve a waiver request upon determination that allowing the non-compliant situation to continue serves the greater public good than not installing the conservation practice for which cost share is being requested. Approved waiver requests shall be reported to the WPC.

SPECIFIC CONSERVATION PRACTICE PROVISIONS

COST SHARE TIERS (INVERTED)

The following tiers are referenced in the Cost Share column in the table under each practice:

Tier 1

- Max Rate: 85% of actual construction costs, not to exceed 85% of cost estimate
- Minimum Requirements:
 - If upland treatment is required, the landowner or occupier must sign and follow a conservation plan agreement that achieves upland treatment on any cropland that a) drains to the practice and b) they either own or occupy.
 - Achieve a minimum of 30% residue cover, after planting, on any field that intersects the contributing drainage area for the proposed project. The minimum residue cover shall be achieved over the entire crop rotation. Residue cover may be from last-year's crop, cover crops, and/or permanent vegetation; and
 - Complete a Conservation Assessment on all cropland within the FSA Farm on which the practice is being applied, plus any contiguous FSA Farm. If no FSA Farm ID exists, then the assessment must include all cropland within the parcel on which the project will be installed, plus any contiguous parcels.

Tier 2

- Max Rate: 70% of actual construction costs, not to exceed 70% of cost estimate
- Minimum Requirements:
 - If upland treatment is required, the landowner or occupier must sign and follow a conservation plan agreement that achieves upland treatment on any cropland that a) drains to the practice and b) they either own or occupy.
 - Complete a Conservation Assessment on all cropland within the FSA Farm on which the practice is being applied, plus any contiguous FSA Farm. If no FSA Farm ID exists, then the assessment must include all cropland within the parcel on which the project will be installed, plus any contiguous parcels.

Tier 3

- Max Rate: 50% of actual construction costs, not to exceed 50% of cost estimate
- Minimum Requirements:
 - If upland treatment is required, the landowner or occupier must sign and follow a conservation plan agreement that achieves upland treatment on any cropland that a) drains to the practice and b) they either own or occupy.

The maximum cost share rates shown shall be inclusive of all sources.

Notwithstanding the above, the maximum cost share rate shall be seventy percent (70%) for the following:

- Non-agricultural practices, except wetland restoration; and
- Practices that are otherwise treating erosion for which the primary cause is not agricultural land use immediately above the site; and
- As pertaining to Tier 1, above, the field in which the project is located, or is immediately downstream of, is not in a cash crop or grain/forage rotation, or the cause of the resource concern is not directly attributable to agricultural land use.

Farms and parcels separated only by a road, driveway, easement, or water feature, or which share a common corner, shall be deemed contiguous.

Conservation Assessments shall, at a minimum, address the following resource concerns: sheet, rill, inter-rill and gully erosion; buffers; manure management practices; open tile intakes; feedlot runoff, and sedimentation on neighboring property due to excessive soil loss.

Upland treatment shall include preventing ephemeral or classic gully erosion and controlling soil sheet and rill erosion to tolerable soil loss rate.

PRACTICES

Practices eligible for financial assistance are listed below along with notes detailing specific conditions that apply to each.

BIORETENTION BASINS

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount	Maximum Eligible Cost Share Rate	
Bioretention Basin (Redevelopment/Community)	712			50% of actual construction costs, not to exceed 50% of cost estimate	10 years
Residential Rain Gardens (if identified in a Local Water Plan)				50% of actual construction costs, not to exceed 50% of cost estimate	10 years
Residential Rain Gardens		1 time	\$250 - \$750		10 years

1. Upland treatment is required for cost shared projects. See General Conservation Practice Provision #3.
2. Materials eligible for cost share include plants, biologs, erosion control blankets, site preparation materials, edging, mulch, stakes and other items critical to the proper function of the rain garden. Materials not eligible for cost share include those items that do not benefit practice function, such as ornamental rock or other decorative items.
3. To qualify for the residential rain garden incentive payment, the raingarden must be constructed and certified in accordance with SWCD guidelines. To qualify for cost sharing, a residential rain garden must be identified as a priority project in an approved Local Water Plan.
4. Incentives shall be limited to the following maximum amounts: \$250 for raingardens between 150 and 299 sq. ft.; \$500 for raingardens between 300 and 449 sq. ft.; and \$750 for raingardens greater than 450 sq. ft. An applicant may request less cost share to avoid triggering a 1099.

CONSERVATION COVER

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Conversion of eligible crop, pasture, or hay land to Native Prairie	327	Annual	\$175 to \$275/ac	50% of actual seed and establishment costs, not to exceed 50% of cost estimate	10 years
Conversion of other lands to Native Prairie	327	1 Time	\$500/acre		10 years
Conversion of eligible crop land to introduced perennial grasses and legumes	327	Annual	\$100/acre		10 years
Advance Construction Cover	TN 31	1 Time	\$200/acre	Not to exceed \$1,000	1 year
Maintenance (other than prescribed burn)		1 Time		50% of actual costs, not to exceed 50% of cost estimate	

1. Eligible crop land includes any areas where annually seeded crops (e.g.: corn, soybeans, small grains, vegetables, etc.) have been grown and harvested in each of the last 3 years, and in at least 8 of the last 10 years. Crop land in a forage rotation (e.g. hay/alfalfa) is eligible provided forage has not constituted more than 50% of the rotation in the previous 10 years. Eligible pasture land includes any land that has been actively pastured by livestock for the last 3 years, and for at least 8 of the last 10 years. Eligible hay land must consist of at least 25% alfalfa plants and have been harvested at least once in each of the last 3 years, and in at least 8 of the last 10 years.
2. Maximum annual incentive rates for conversion of eligible crop, hay, or pasture lands to native prairie shall be determined as follows: \$275/acre for soils with D or greater slopes and for areas within 300' of a protected water course, drainage ditch, Type III or greater wetland, intermittent stream as depicted on USGS quadrangle maps, or top of a bluff or ravine; \$225/acre for soils with C slopes; \$200/acre for soils with B slopes, and \$175/acre for soils with A slopes. Total incentive amount may be rounded to the nearest \$100.
3. Notwithstanding 2. above, payment shall be limited to a maximum amount such that the overall total cost benefit for volume reduction does not exceed \$2000 per acre foot of runoff.
4. Payments shall be made according to the following table:

Total Approved Incentive Amount	1 st and 2 nd Year Payment Amount	Remaining payments
\$0-\$5,000	50%	N/A
>\$5,000 to \$10,000	30%	Annual installments equal to the total incentive amount divided by the contract term, until total incentive amount is paid out.
>\$10,000 to \$25,000	20%	
>\$25,000	15%	

Examples:

Total Approved Incentive	Year									
	1	2	3	4	5	6	7	8	9	10
\$4,500	\$2,250 (50%)	\$2,250 (50%)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$8,700	\$2,610 (30%)	\$2,610 (30%)	\$870 (10%)	\$870 (10%)	\$870 (10%)	\$870 (10%)	\$0	\$0	\$0	\$0
\$22,500	\$4,500 (20%)	\$4,500 (20%)	\$2,250 (10%)	\$2,250 (10%)	\$2,250 (10%)	\$2,250 (10%)	\$2,250 (10%)	\$2,250 (10%)	\$0	\$0
\$36,900	\$5,535 (15%)	\$5,535 (15%)	\$3,690 (10%)	\$3,690 (10%)	\$3,690 (10%)	\$3,690 (10%)	\$3,690 (10%)	\$3,690 (10%)	\$3,690 (10%)	\$0

5. First year payments shall be subject to the District certifying the seeding was completed in accordance with the approved seed plan. Second year payments shall be subject to the District certifying the seeding is well established (typically after one full growing season) and is being adequately maintained through timely mowing. Subsequent payments shall be subject to the District certifying the seeding is being maintained in accordance with the signed O & M Plan, and noxious weeds are under control. A single payment may be authorized for annual incentive payment projects if the site is already well established, as certified by the District Technical representative, and noxious weeds are under control.
6. Cost share for establishment may include site prep, seeding and first-year mowing.
7. Upland treatment is required
8. The minimum project size for the one-time incentive is 1/2. Payment for the one-time incentive is pro-rated based on actual size.
9. Projects involving the conversion of eligible crop land to introduced perennial grasses/legumes shall be maintained by regular harvesting and/or grazing in accordance with a plan approved by the District. If grazing is proposed, the District shall evaluate proposed stocking densities, paddock layout, grass species, and other relevant factors to determine whether or not grazing is a suitable maintenance option. Applications will not be accepted where proposed grazing is determined not suitable to ensure proper maintenance. Funding is not eligible for conservation of pasture or hay land to introduced perennial grasses.

10. Land where the maintenance of permanent natural vegetation is required under Chapter 70-8-11, Scott County Zoning Ordinance and/or MN Statute 103F.48, may only be eligible for the 1 time payment of \$500/acre.
11. Application through CRP or related program is prerequisite for projects over 10 acres, if the site meets CRP program eligibility requirements and the program has acres and is actively accepting applications.
12. By default, Practice Standard 327 will be used. Practice Standards 643 and 645 may be used if preferred by the applicant, required by a grant, and deemed technically feasible by the technical representative; maximum costs shall, however, shall be based on meeting 327. Planting of trees within the conservation cover may be allowed if approved by the SWCD and included the Conservation Plan. Areas planted to trees may not be eligible for incentives under this practice; however, they are eligible for incentives under the Tree/Shrub Establishment practice (Practice Standard 612) subject to meeting applicable requirements therein.
13. An applicant may apply for Advance Construction Cover (ACC) payment for land seeded to temporary grasses or small grains for the purpose of accommodating construction of conservation practices when cash grain crops would otherwise be growing. The intent of this payment is to offset lost revenues in order to encourage mid- to late-summer construction when successful stabilization and contractor availability can be maximized. Species selection and seeding rates and methods must be consistent with Technical Note 31, as revised, and must be completed in the fall or spring prior to planned construction. Payments shall be subject to construction of the proposed project being completed between July 1st and September 10th. ACC shall be included as an eligible component of the primary practice, not as a separate, stand-alone practice.
14. Maintenance under this practice may include mowing, disking or other method approved by the SWCD. Applications for maintenance must be made separate from applications for establishment and annual or one-time incentive payment. The intent is to provide funding assistance for maintenance in years 4 or 5 after establishment. Cost share for maintenance may not be provided more than one time per applicant, per ten years. Cost share for prescribed burn shall follow requirements under that practice standard (below).
15. Grazing is a permitted maintenance option. It must, however, be performed in accordance with an approved grazing plan and is not eligible for cost share.
16. A landowner may apply for funding for up to 10 additional years upon expiration of their original contract. The approving authority may, at its discretion, approve, approve with modification, or deny any such application, based on its determination of public benefit. Consideration of benefit shall be based on cost compared to any or all of the following: potential threat to water quality should the land return to agricultural use (in whole or part), minimum acreage necessary to maintain comparable the water quality benefits as achieved with the original project, level of impairment of the receiving water body, and available funds.

CONTOUR BUFFER STRIPS

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Contour Buffer Strips	332	Annual	\$275/acre	50% of actual seed and establishment costs, not to exceed 50% of cost estimate	10 years

1. CRP funding shall be used when available
2. Buffer strips must be harvested at least every other year, unless harvesting is prohibited by one or more funding sources (e.g. CRP).

CONTOUR FARMING

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Contour Farming	330	Annual	\$20/acre		10 years

1. Eligibility for funding is limited to projects where contouring is implemented in conjunction with buffer strips or terraces, and dominant slopes in the field are 6% or greater.
2. This incentive is only available where current cropping practices would not meet the 340 practice standard.

COVER CROPS

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Cover Crops – Multi-year	340	Annual	\$40/acre		3 Year
Cover Crops – Annual	340	On-time	\$20/acre		1 Year

1. Maximum payment for the multi-year incentive is \$12,000 per applicant (100 acres x \$40/acre x 3yrs).
2. Maximum payment under the annual incentive is \$2,000.
3. To qualify for the multi-year incentive, cover crops must be planted on the same number of acres and on the same fields for a minimum of 3 consecutive years.
3. Payment shall be issued each year after the technical representative has certified seeding.
4. An applicant may, after an initial contract for multi-year incentives has been completed in accordance with applicable terms and conditions, be eligible to apply for additional multi-year incentives, up to a maximum of \$12,000, provided the applicant continues to plant cover crops all acreage covered under previous contract(s), and all land covered under the new contract is additional to any previous contract.
5. Seeding rates and dates may vary from NRCS practices standard guidelines subject to prior approval of a District Technical Representative with applicable knowledge and expertise. Payment for projects for which seeding rates, mixes, and/or dates deviate from NRCS guidelines shall be delayed until such time that successful establishment – based on density and health of the cover crop - can be evaluated and verified at the appropriate time based on species.

CRITICAL AREA PLANTING

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Critical Area Planting	342			Tier 1, 2 or 3	10 years

1. Upland treatment is required. See General Conservation Practice Provision #3.
2. Critical Area Planting (342) must be completed following an approved establishment and management plan.

DIVERSION

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Diversion	362			Tier 1, 2 or 3	10 years

1. Upland treatment is required. See General Conservation Practice Provision #3.
2. The use of tile or other underground pipe to drain hillside seeps, low or wet spots in fields is not an eligible single component of this practice.
3. Diversion (362) is allowed as a stand-alone practice for feedlots when used as a clean water diversion.
4. If a Diversion (362) is a component of Wastewater and Feedlot Runoff Control (784), cost sharing is **NOT** authorized for the Diversion (362) as a stand-alone practice. The cost will be included in the cost of Wastewater and Feedlot Runoff Control (784).

FILTER STRIP

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Filter Strip - New	393	Annual	\$300/ac for the NRCS minimum; \$150/ac for the area beyond the minimum, up to a maximum of 75'	50% of actual seed and establishment costs, not to exceed 50% of cost estimate (1)	10-15 years
Filter Strip - Re-enroll of expired harvestable	393	Annual	\$200/ac for the NRCS minimum; \$100/ac for the area beyond the minimum,		10-15 years

			up to a maximum of 75'		
Sensitive Field Border (Harvestable)	393	Annual	\$200/ac		10 years

1. Cost share shall be limited to filter strips seeded to native grasses only.
2. Soil testing may be required for filter strips. See General Conservation Practice Provision #1.
3. The annual incentive payment from all source combined shall not exceed the amount listed.
4. Sensitive field borders include the edges of fields that are not included in Standard 393, such as road ditches, drainage ditches without seasonal perennial stream characteristics, or other areas deemed sensitive. Minimum width is 33'.
5. Filter Strips located in areas where the maintenance of permanent natural vegetation is used to meet the requirements under Chapter 70-8-11, Scott County Zoning Ordinance and/or the Buffer Law under MN Statute 103F.48, are eligible for a one-time payment of \$200/acre for establishment of cool season grasses and \$500/per acre for establishment of native grasses or prairie. Land enrolled in CRP or other program that pays for establishment costs is not eligible for this payment.
6. Filter strips must be harvested at least every other year, unless harvesting is prohibited by one or more funding sources (e.g. CRP).
7. Eligibility for re-enrollment of expired filter strips shall be determined on a case by case basis. The approving authority may, at its discretion, approve, approve with modification, or deny any such application, based on factors including but not limited to: potential threat to water quality should the land return to agricultural use (in whole or part), minimum acreage necessary to maintain comparable the water quality benefits as achieved with the original project, level of impairment of the receiving water body, and available funds. Re-enrolled filter strips are eligible for funding up to the minimum width as set forth in the 393 standard, or 50', whichever is greater.
8. New filter strips must have crop history 4 of the past 6 years unless there are extenuating circumstances approved by the Watershed Planning Commission or County Board.
9. Filter strip payments shall be split over two to four years. The first year payment shall be subject to the District certifying that seeding was completed in accordance with the approved filter strip design. Subsequent payments shall be subject to the District certifying that the filter strip has become well established (typically after one full growing season) and is being adequately maintained through timely mowing and weed control. Incentives for renewal filter strips where vegetation is already established and consistent with applicable standards and specifications are eligible for full payment in the first year.
10. Sites where upland runoff does not flow through the filter strip due to the presence of a levee (e.g. spoil piles) or negative slope shall not be eligible under this practice. They may, however, be eligible under the Riparian Buffer Practice.
11. The NRCS minimum shall be based on removal of sediment and sediment associated material removal, as set forth in Table 1 of Filter Strip Standard 393, except in cases where the local water plan identified soluble material and pathogen removal as a priority, in which case the minimum may be as specified under the soluble materials and pathogens section of Table 1 of the Standard.
12. Livestock grazing may be used for maintenance, provided it is performed in accordance with an approved grazing plan.

GRADE STABILIZATION STRUCTURE

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Grade Stabilization	410			Tier 1, 2 or 3	10 years

1. Upland treatment is required. See General Conservation Practice Provision #3.
2. Cost is for earthwork and any seed and seeding expenses.

GRASSED AND LINED WATERWAY

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	

Grassed Waterway	412 or 426			Tier 1, 2 or 3	10 years
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1. Upland treatment is required. See General Conservation Practice Provision #3.
2. Cost is for earthwork, materials, and any seed and seeding expenses.

NUTRIENT MANAGEMENT

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Manure Testing	NA			100% of Actual Cost	1 year
Variable Rate Application	NA	1-time	\$10/ac		1 year

1. Manure testing kits are available through Scott SWCD.
2. Eligibility is limited to a maximum of \$2,000 per applicant, in either a single contract or contracts over multiple years. Payment may not be made more than one time on any given acre or field.
3. Funds for VRA shall be prioritized for producers that do not already use VRA as the primary means of fertilizer application for their operation.
4. Sheet and rill erosion shall be controlled to tolerable soil loss rates, and ephemeral gully erosion shall be controlled on all cropland covered under the VRA application, as determined by a conservation assessment. If current practices do not meet T or control ephemeral erosion, then the applicant may become eligible for VRA incentives by agreeing to follow a Conservation Plan.
5. Manure shall be credited and all fertilizer application rates shall be consistent with U of M recommendations.
6. Copies of paid invoices from the applicator (if not the applicant) and maps showing grid sampling results, organic matter, and prescription rates shall be submitted as a condition of payment. The applicator shall attest that application was completed in accordance with the prescription map, by signing a form prepared by the District.
7. The Technical Representative has discretion to withhold payment for acreage where sampling results and or application rates do not appear reasonable or accurate.

OTHER PRACTICES

	Incentive Payment		Cost Sharing	Lifespan
	Type	Amount \$	Maximum Eligible Cost Share Rate	
Innovative Practices (Redevelopment/Community)			50% of actual construction costs, not to exceed 50% of cost estimate	10 years
Innovative Practices (New Development)			50% of actual construction costs, not to exceed 50% of cost estimate	10 years
Non-Conventional Stormwater Runoff and Pollution Control			50% - 70% of actual construction costs, not to exceed the selected percent of cost estimate	10 years
Conservation Drainage			70% of actual construction costs	10 years
Chloride Reduction Practices			50% - 70% of actual construction costs, not to exceed the selected percent of cost estimate	1 - 10 years

1. Interest in financial assistance for projects under this category shall be discussed with appropriate funding authority staff prior to the District accepting an application.
2. Projects having tentative support of the funding authority shall be taken by the District and forwarded to the appropriate funding authority for consideration.
3. Innovative practices include cutting edge techniques and technologies that will, as determined by the funding authority, have a high likelihood of success but which have either never been used before or have not been used or applied other than experimentally.
4. Approved applications are assigned to Scott SWCD for technical assistance.

5. Eligible non-conventional stormwater runoff and pollution control practices may include regenerative dustless street sweepers, porous pavers, porous pavement, green roofs, sediment basins, and other practices determined on a case by case basis.
6. Conservation drainage practices include, but are not limited to: denitrifying bioreactors, water quality surface inlet protection and vegetative subsurface drain outlets.
7. Chloride reduction practices including but not limited to equipment

STREAMBANK AND SHORELINE PROTECTION

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Natural Shoreline Restoration		1 time		50% of actual construction costs, not to exceed 50% of cost estimate	10 years
Shoreline Stabilization	580			70% of actual construction costs, not to exceed 70% of cost estimate	10 years
Streambank Stabilization	580			70% of actual construction costs, not to exceed cost estimate	10 years

1. Natural Shoreline Restoration project designs shall meet the intent of restoring the shoreline to predominantly natural conditions, including but not limited to the use of natural and native vegetative buffers, limiting turf grass, and using bioengineering methods. Minimum specifications include a 10 feet wide seeded native vegetation buffer along no less than 50% of the total width of the lot, less the footage or shoreline having existing natural and desirable vegetation. Where agriculture is the adjoining land use an area of unmaintained vegetation or conservation plan must be in place in accordance with County Shoreland Rules.
2. Funding for hard armor practices (e.g. rock riprap) are not eligible for funding unless bio-engineering methods are determined to be an insufficient means of needed stabilization.
3. Upland treatment is required. See General Conservation Practice Provision #3.

PRESCRIBED BURNING

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Prescribed Burning	338	1 Time		50% of actual costs, not to exceed 50% of cost estimate	5 years

1. A detailed burn plan describing the practice objective, species to control and species to be benefited, timing, weather conditions and management guidelines will be developed.
2. Technical assistance will be provided by a technically qualified and adequately insured individual.
3. All laws and regulations pertaining to burning will be followed.
4. **The conservation plan must document that the landowner has been notified in writing that they are subject to all liability due to damages caused by fire.**
5. It is the landowner's responsibility to obtain all permits and to notify surrounding landowners that may be affected.
6. Cost share is eligible once every 5 years for projects that were established without cost share assistance, or are not within the term of a cost share contract.
7. Associated costs with obtaining and notification of neighbors, units of government, and agencies are entirely the landowner's expense.
8. Cost share may not be provided more than one time for projects that are within the term of a cost share contract.

RIPARIAN BUFFER

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Forested Stream Buffer Improvement	391			Up to \$1,000/acre for plants, seeds, labor and materials	15 years

>1 ac parcel					
Herbaceous or Forested Buffer Establishment (Native Vegetation)	390 or 391	Annual	\$150/ac up to 50 foot width	70% of actual seed, stock and establishment costs, not to exceed 70% of cost estimate	10-15 years
Herbaceous or Forested Buffer Establishment	390 or 391	Annual	\$150/ac up to 50 foot width		10-15 years

1. A potential tax credit exists for parcels greater than 20 acres.
2. Projects can be either new establishment or renovation.
3. Plan required from the District.
4. Minnesota Conservation Corps may be used for labor counting as part of the cost share

TERRACE

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Terrace	600			Tier 1, 2 or 3	10 years

1. Upland treatment is required. See General Conservation Practice Provision #3.
2. The use of Subsurface Drain (606) or Underground Outlet (620) to drain hillside seeps, low or wet spots in fields is not an eligible single component of this practice. The land occupier shall identify, in writing the purpose of the larger tile and indicate the area that it will serve. The difference in the cost of installing tile larger than that specified by the technician will be borne by the producer.
3. Cost sharing for Underground Outlet (620) is limited to the diameter and length needed to convey water from surface intakes to a safe outlet as determined by the designer.
4. Cost sharing for Subsurface Drain (606) is limited to drains needed in the impounded area of the terrace as determined by the designer.

TREE/SHRUB ESTABLISHMENT

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Crop land	612	Annual	\$175 to \$275/ac	70% of actual establishment costs, not to exceed 70% of cost estimate	10 years

1. Cropland includes any land where grain, vegetable, and/or forage crops have been grown and harvested in each of the last 3 years, and in at least 8 of the last 10 years.
2. Maximum annual incentive rates shall be determined as follows: \$275/acre for soils with D or greater slopes and for areas within 300' of a protected water course, drainage ditch, Type III or greater wetland, intermittent stream as depicted on USGS quadrangle maps, or top of a bluff or ravine; \$225/acre for soils with C slopes; \$200/acre for soils with B slopes, and \$175/acre for soils with A slopes. Total incentive amount shall be rounded to the nearest \$100.
3. Notwithstanding 2., above, payment shall be limited to a maximum amount such that the overall total cost benefit for volume reduction does not exceed \$2000 per acre foot of runoff.
4. Payment shall be made following the same schedule as specified for Conservation Cover.
5. Eligible establishment costs may include: site preparation, seeding (to establish cover between rows or groupings), tree/shrub stock, mats, shelters, installation (by hand or mechanical depending on planting size), and first-year maintenance (mowing and/or chemical treatment). The maximum cost for tree/shrub stock shall be based on the lowest reasonable market value of bare root seedlings up to 18"; the maximum cost for tree shelters shall be based on mesh-style tubes unless solid tubes are deemed necessary by the SWCD.
6. Upland treatment is required

7. The minimum project size for shall be 1 acre.
8. Land where the maintenance of permanent natural vegetation is required under Chapter 70-8-11, Scott County Zoning Ordinance and/or MN Statute 103F.48, may only be eligible for the 1 time payment of \$500/acre.
9. Establishment of trees/shrubs within a Conservation Cover project may be eligible for funding provided: a) it is approved by the SWCD and included a signed Conservation Plan; and b) installation of both practices complies with their respective practice standards (327 and 612).
10. Use of non-native species is allowed, subject to approval by the District and not exceeding 25% of the planting.
11. Species diversity shall be considered a priority objective of the tree planting plan.
12. The tree planting plan shall not consist of more than 25% conifers.
13. Existing stands, regardless of whether or not financial assistance was previously provided, shall not be eligible for funding.

UNDERGROUND OUTLET

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Underground Outlet	620			Tier 1, 2 or 3	10 years

1. Cost sharing is limited to replacing existing surface tile inlets.

VEGETATED TREATMENT AREA

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Level 2 to 4 Vegetated Treatment Area – lot size of 1 acre or less	313			Tier 1, 2 or 3	10 years
Level 2 to 4 Vegetated Treatment Area – lot size of 1.1 acre to 2 acres	313			Tier 1, 2 or 3	10 years
Level 2 to 4 Vegetated Treatment Area – lot size 2.1 to 5 acres	313			Tier 1, 2 or 3	10 years
Level 2 to 4 Vegetated Treatment Area – lot size greater than 5 acres	313			Tier 1, 2 or 3	10 years
Level 5 Control – vegetated buffer	313			Tier 1, 2 or 3	10 years

1. Payment is limited to where the implementation of this practice will correct an existing pollution problem. As outlined by the EQIP manual, any EQIP contract that includes an animal waste storage or treatment facility will provide for the development of a CNMP prior to implementation of the storage or treatment. MPCA's definition is used to define a pollution problem.
2. Consult EQIP General Provision 12 for Comprehensive Nutrient Management Plan (CNMP) requirements.
3. Consult EQIP General Provision 13 for requirements related to manure application land base and/or manure applications on land not owned or controlled by the EQIP contract holder.
4. Payment for Vegetated Treatment Area on operations with pollution problems less than 5 years old is not authorized.
 - a. Examples:
 - i. Producer A has had a dairy farm operation for 20 years. Producer B purchases the dairy and continues milking cows. This pollution problem is greater than 5 years old and producer B meets this eligibility requirement for Payment assistance.
 - ii. A producer has a dairy operation on farm A. He purchases farm B and moves the dairy operation to farm B where there was no previous pollution problem. Farm B would be considered a new facility and would not be eligible for Payment assistance.

5. Payment is not authorized for Vegetated Treatment Area on operations where the system establishment is required as a result of judicial or court action. MPCA Stipulation Agreement and Schedule of Compliance (SOC) are not considered a judicial or court action, and practice implementation is still considered voluntary for EQIP eligibility purposes, even if fines have been levied by the MPCA.
6. Application through the USDA-NRCS EQIP program during a scoring and ranking period is prerequisite.

WASTE STORAGE FACILITY

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Concrete or Metal Tank	313			Tier 1, 2 or 3	10 years
Stacking Slab	313			Tier 1, 2 or 3	10 years
Pond – composite liner	313			Tier 1, 2 or 3	10 years
Pond – membrane liner	313			Tier 1, 2 or 3	10 years
Pond – no liner	313			Tier 1, 2 or 3	10 years
Pond – soil liner	313			Tier 1, 2 or 3	10 years
Concrete slab	313			Tier 1, 2 or 3	10 years
Non liquid tight deep pack – concrete wall	313			Tier 1, 2 or 3	10 years
Certification				70% of actual costs, not to exceed 70% of cost estimate, up to a maximum of \$1000	

1. The eligible volume of storage is the total storage volume, including the design storage volume plus freeboard as required in the standard. As outlined in Waste Storage Facility (313), the maximum design storage period is 14 months.
2. The maximum allowable storage volume is based on the current capacity of the existing facility plus up to 25% expansion.
3. Payment is limited to where the implementation of this practice will correct an existing pollution problem. As outlined by the EQIP manual, any EQIP contract that includes an animal waste storage or treatment facility will provide for the development of a CNMP prior to the implementation of the 313. MPCA's definition is used to define a pollution problem.
4. Consult EQIP General Provision 13 for Comprehensive Nutrient Management Plan (CNMP) requirements.
5. Consult EQIP General Provision 14 for requirements related to manure application land base and/or manure applications on land not owned or controlled by the EQIP contract holder.
6. For purposes of this practice, "waste" refers to raw manure and urine; runoff water contaminated through contact with manure and urine; milking center wastewater; and silage leachate as appropriate.
7. Silage storage facilities are not eligible components. Payment for components addressing silage leachate concerns under Waste Storage Facility start at the edge of the silage storage facility.
8. For livestock operations that are not or will not be permitted under the NPDES system, silage leachate systems can be funded as stand-alone practices if these systems are the only livestock related practices being requested. The development of a CNMP IS required with a silage leachate system but the CNMP does NOT have to be implemented.
9. Payment is authorized for tanks that serve as foundations for buildings, however eligible costs are those associated with the storage function only. Payment is not authorized for production oriented building components.
10. Payment for Concrete Slab is authorized for concrete agitation and pump out pads, pond lining, ramps and chutes within the pond.
11. Payment is authorized for feedlot relocation, with the following provisions:
 - a. The payment for relocation shall be based on the most practical and feasible waste management facility at the existing site.
 - b. Payment at the new site is only authorized for components applicable to the transfer, storage, or treatment of wastes.
 - c. Existing location is to be abandoned in an environmentally safe manner as outlined in MPCA guidelines.
 - d. Operator must agree to permanently remove all livestock from the existing location along with any other designated pollution sources. The following statement shall be included in the EQIP contract: "As a condition

of EQIP Payment on feedlot relocation, the producer agrees to permanently eliminate all animals and designated pollution sources at this facility. Failure to comply with this provision may result in a recovery of federal Payment funds.”

- e. In the event of a change in ownership, the abandoned lots will permanently not be eligible for future USDA Payment on waste management practices.
12. Payment for Waste Storage Facility (313) on operations with pollution problems less than 5 years old is not authorized.
 - a. Examples:
 - i. Producer A has had a dairy farm operation for 20 years. Producer B purchases the dairy and continues milking cows. This pollution problem is greater than 5 years old and producer B meets this eligibility requirement for payment assistance.
 - ii. A producer has a dairy operation on farm A. He purchases farm B and moves the dairy operation to farm B where there was no previous pollution problem. Farm B would be considered a new facility and would not be eligible for payment assistance.
13. Payment is not authorized for Waste Storage Facility (313) on operations where the system establishment is required as a result of judicial or court action. MPCA Stipulation Agreement and Schedule of Compliance (SOC) are not considered a judicial or court action, and practice implementation is still considered voluntary for EQIP eligibility purposes, even if fines have been levied by the MPCA.
14. State NRCS Conservationist approval is required for systems involving agricultural waste generated off-site.
15. Payment for Waste Storage Facility is capped at \$250,000. This cap applies to the total facility being installed under 313. Other components such as manure transfer, safety fence, etc. are allowed in the contract in addition to the capped \$250,000 for the 313 practice.
16. Non Liquid Tight Deep Pack – Concrete Wall is authorized only for stacking slabs where enough bedding or organic matter is added to the manure to eliminate liquid runoff or leaching and therefore a concrete floor is not required. The manure and organic pack resulting from the operation of a “Compost Barn” as defined by the University of Minnesota meets this definition.
17. Certification must be by an appropriately licensed professional engineer.
18. Application through the USDA-NRCS EQIP program during a scoring and ranking period is prerequisite.

WASTEWATER TREATMENT

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Flocculation Treatment	629			Tier 1, 2 or 3	10 years
Vegetated Dosing Area	629			Tier 1, 2 or 3	10 years
Bark Bed	629			Tier 1, 2 or 3	10 years
Aerobic Treatment	629			Tier 1, 2 or 3	10 years

1. Payment is limited to where the implementation of this practice will correct an existing pollution problem. As outlined by the EQIP manual, any EQIP contract that includes an animal waste storage or treatment facility will provide for the development of a CNMP prior to implementation of the storage or treatment. MPCA’s definition is used to define a pollution problem.
2. Consult EQIP General Provision 13 for Comprehensive Nutrient Management Plan (CNMP) requirements.
3. Consult EQIP General Provision 14 for requirements related to manure application land base and/or manure applications on land not owned or controlled by the EQIP contract holder.
4. Payment for Wastewater Treatment on operations with pollution problems less than 5 years old is not authorized.
 - a. Examples:
 - i. Producer A has had a dairy farm operation for 20 years. Producer B purchases the dairy and continues milking cows. This pollution problem is greater than 5 years old and producer B meets this eligibility requirement for payment assistance.
 - ii. A producer has a dairy operation on farm A. He purchases farm B and moves the dairy operation to farm B where there was no previous pollution problem. Farm B would be considered a new facility and would not be eligible for payment assistance.

- Payment is not authorized for Wastewater Treatment on operations where the system establishment is required as a result of judicial or court action. MPCA Stipulation Agreement and Schedule of Compliance (SOC) are not considered a judicial or court action, and practice implementation is still considered voluntary for EQIP eligibility purposes, even if fines have been levied by the MPCA.
- Payment rate includes components needed for the actual waste treatment. Components needed for temporary storage and transfer of wastes are covered under separate practices.
- Application through the USDA-NRCS EQIP program during a scoring and ranking period is prerequisite.

WATER AND SEDIMENT CONTROL BASIN

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Water and Sediment Control Basin	638			Tier 1, 2 or 3	10 years

- The use of Subsurface Drain (606) or Underground Outlet (620) to drain hillside seeps, low or wet spots in fields is not an eligible single component of this practice. The landuser shall identify, in writing the purpose of the larger tile and indicate the area that it will serve. The difference in cost of installing tile larger than that specified by the technician will be borne by the producer.
- Upland treatment is required. See General Conservation Practice Provision #3.
- Cost sharing for Subsurface Drain (606) is limited to drains needed in the impounded area of the basin as determined by the designer.
- Farmable WASCOD is eligible only if it is the most practical alternative, as determined by the District.
- May be used and designed for purposes of detention, and sediment, volume and peak flow reduction.

WELL DECOMMISSIONING (Unused Well Sealing)

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Well Decommissioning	351			70% of actual construction costs, not to exceed 70% of cost estimate	10 years

- Maximum cost share amount from all sources shall be \$1,000, except for wells that are being abandoned as part of a public water supply expansion project, in which case the maximum cost share amount shall be \$400.
- Maximum cost share for state cost share funds is 50%.

WETLAND RESTORATION

	NRCS Code	Incentive Payment		Cost Share	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Wetland Restoration	657	1 Time	\$4,000/Ac.	Up to 90% of actual construction costs, not to exceed 90% of cost estimate	15 years
		1 Time	Approved Bid	Up to 90% of actual construction costs, not to exceed 90% of cost estimate	Perpetual

- Financial assistance shall be limited to projects that fully restore wetlands that have been partially or completely impacted by a subsurface tile and/or drainage ditch system, or by sedimentation. Projects that partially restore wetlands may be eligible for lower incentive and cost share rates, subject to review and approval by the funding authority.
- The applicant is responsible for obtaining easements, right of ways, local, state and federal permits and other permission necessary to perform and maintain the practice. Expenses incurred due these items are not cost shared. Incentive payments will not be made until proof of necessary permits has been provided.
- The restored area shall not be used for irrigation or livestock watering purposes, to produce agricultural commodities, or for grazing livestock.
- Upland Treatment is required.

5. Wetlands restored as part of a required mitigation plan or for wetland banking are not eligible for funding under this section.
6. A 30 foot minimum native buffer is required. Upland buffer can be completed as a filter strip or native grass planting practice using respective cost and incentive rates.
7. An approved application through the Conservation Reserve Enhancement Program (CREP) or Reinvest In Minnesota (RIM) for the proposed perpetual restoration is required in order to be eligible for funding under this section.
8. Bids shall be submitted to the District office using a form provided by District, or local water management agency, if applicable.
9. The District shall, with concurrence of the local water management agency when applicable, set a time period during which bids must be submitted.
10. The approving authority reserves the right to refuse any and all bids.
11. The owner(s) of a neighboring property that may be affected by a proposed wetland restoration (e.g. increased flooding and/or saturation of soil near the surface) are eligible for the incentive, provided they sign a separate cost share contract and agrees maintain the affected area in permanent vegetative cover and avoid tillage and applying chemical and fertilizers.

PRACTICE STANDARD – WHOLE FARM PLANNING

	NRCS Code	Incentive Payment		Cost Sharing	Lifespan
		Type	Amount \$	Maximum Eligible Cost Share Rate	
Whole Farm Planning		One time	\$5/acre		10 years

1. Maximum incentive amount shall be \$1,000.
2. This incentive is intended specifically to promote participation in the MN Agricultural Water Quality Certification Program (MAWQCP). To be eligible, the applicant must submit a completed MAWQCP application and complete an assessment following MAWQCP protocol.

APPENDIX A

I. SCOTT WATERSHED MANAGEMENT ORGANIZATION (WMO) SPECIAL PROVISIONS

The following provisions shall apply for projects utilizing Scott WMO funding, and shall supersede any conflicting policies and procedures of the Countywide Conservation Financial Assistance Program, above:

- A. The approval authority for financial assistance applications proposing to use WMO funds shall be determined in accordance with Figure 1, WMO Application Approval Decision Flow Chart, copied below.
- B. The District Board shall review and provide an action recommendation to the WMO on applications for which they are determined to be the approval authority under A, above.
- C. Applications for funding are considered by the WMO when completed applications are received. The review and approval process, however, may vary according to the type of practice and the benefits and/or cost effectiveness of the proposed project. In general, those practices and applications which are less cost effective, or for which pollutant removal cannot be readily calculated, may require a higher level of review and/or approval. Approval can be given administratively or by the Scott County Board acting as the Scott WMO. Administrative approval can be given for application requesting \$50,000 or less, and that conform to all the specifications in this Policy Manual. Requests exceeding \$50,000 or that include deviations from this Policy Manual require Scott WMO Board approval.
- D. Amendments to financial assistance contracts may be approved by the District Board unless it causes the project to exceed \$100 of WMO funds per ton of sediment, or \$50,000 in total WMO funds, in which case the amendment must be approved by the WMO.
- E. The WMO may, at its discretion set a cap on the total financial assistance available for a given practice and/or for individual application amounts. It may also establish sign-up periods during which applications are received, reviewed and ranked based on factors including but not limited to application request amount, environmental benefit, and cost effectiveness. Highest ranking application will be advanced through appropriate channels for approval. Rejected application may be submitted in a subsequent sign up period.
- F. Applications for streambank and shoreline stabilization projects shall be approved by reviewed by the Screening Committee and approved by the WMO, with the cost share amount being discretionary depending on project benefits.

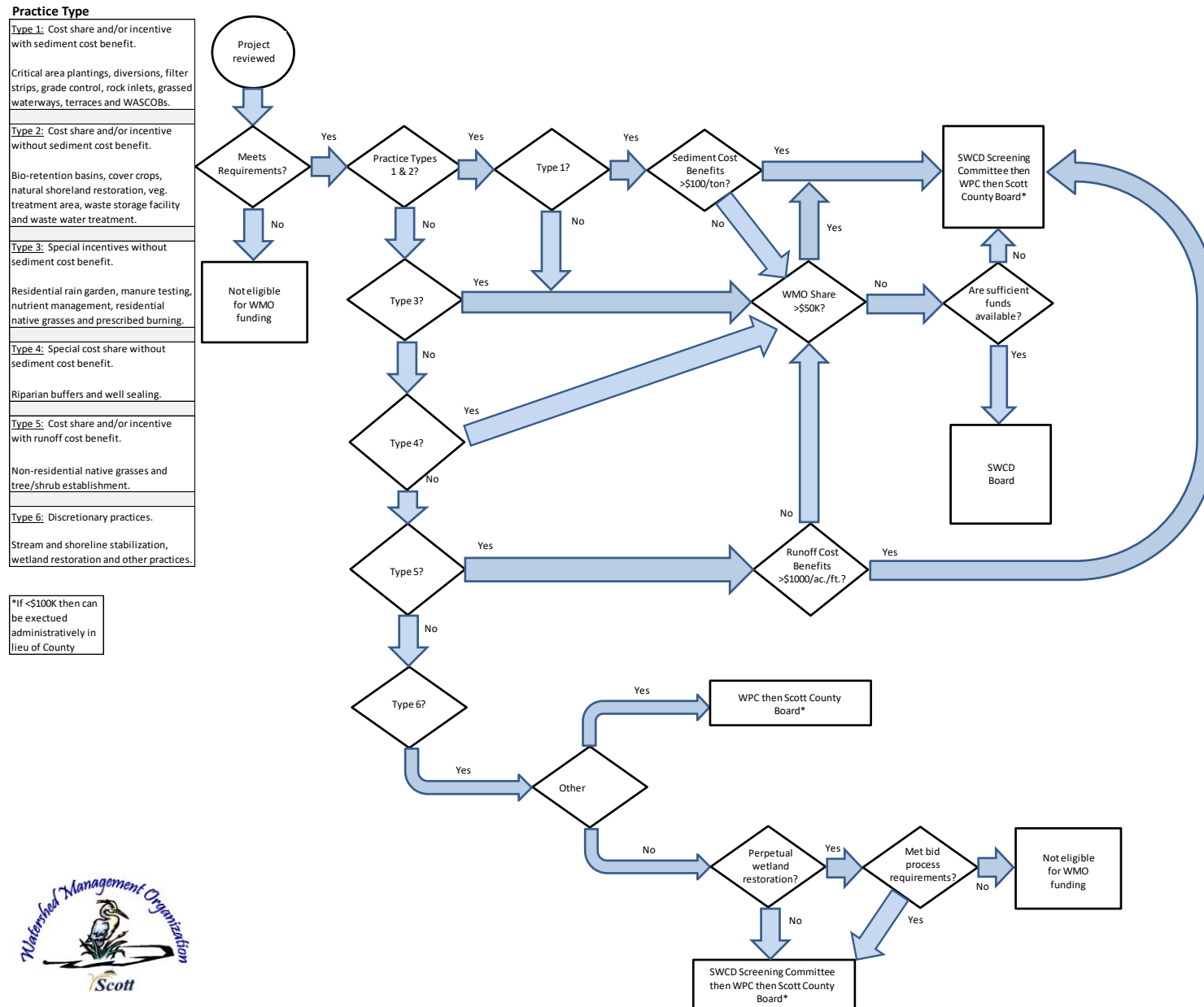
II. PRIOR LAKE SPRING LAKE WATERSHED DISTRICT (PLSLWD) SPECIAL PROVISIONS

The following provisions shall apply for projects utilizing PLSLWD funding, and shall supersede any conflicting policies and procedures of the Countywide Conservation Financial Assistance Program, above:

- A. The approval authority for financial assistance applications proposing to use PLSLWD funds shall be determined in accordance with Figure 2, PLSLWD Application Approval Decision Flow Chart, copied below.
- B. The District Board shall review and provide an action recommendation to the PLSLWD on applications for which it is determined they are the approval authority under A, above.
- C. Amendments of greater than 10% of the original cost share amount shall be approved by the PLSLWD if the amendment causes the project to exceed \$100 of PLSLWD funds per pound of Phosphorus and/or to exceed \$7,500 in total PLSLWD cost share. Amendments of 10% or less than the original cost share amount may be approved by the District.
- D. The PLSLWD provides financial assistance for rain barrels and lake water irrigation systems. These programs are administered separately by PLSLWD staff.
- E. Innovative/Other practices shall be approved by the PLSLWD Board

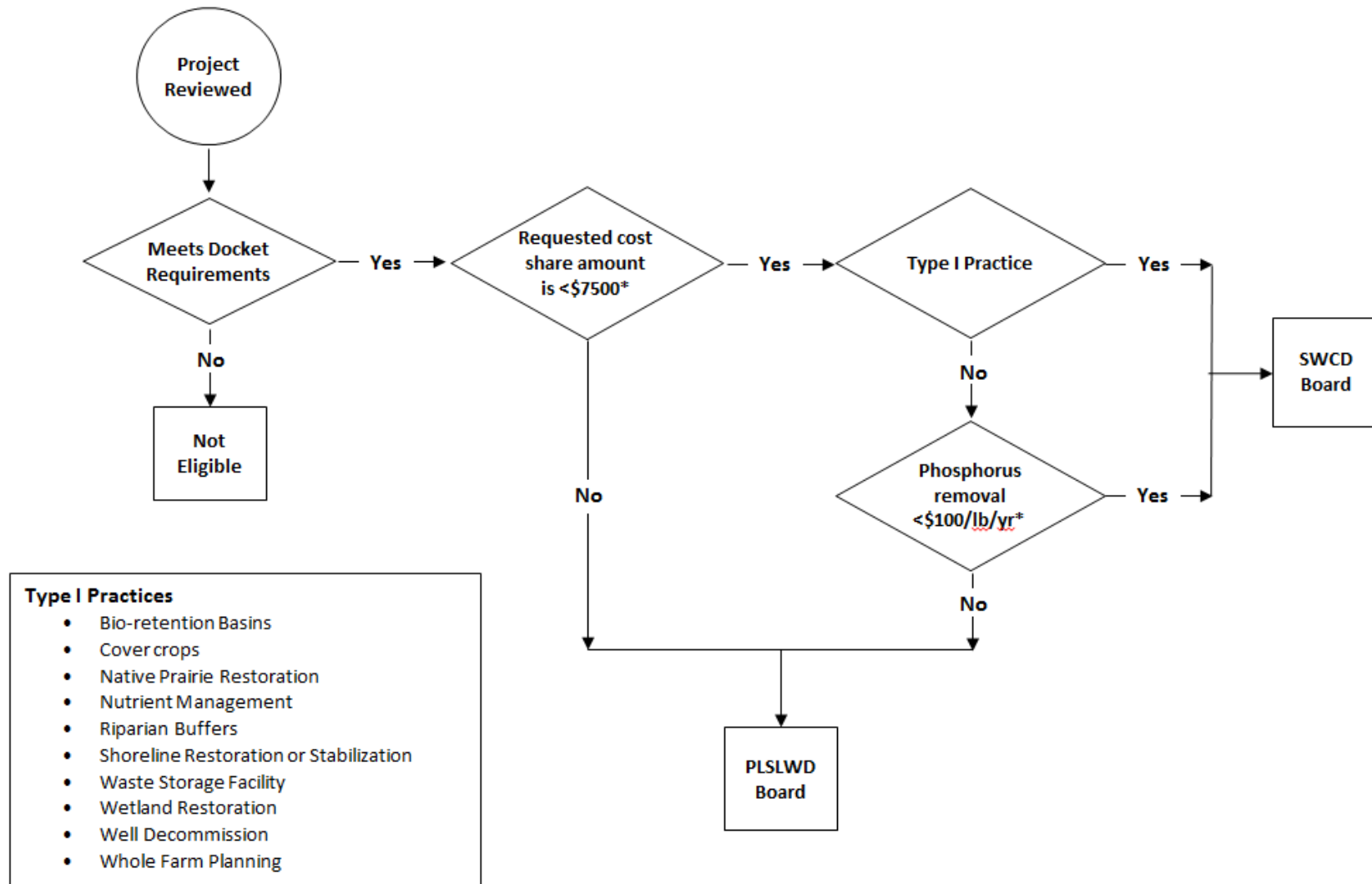
APPENDIX A (cont.)

Figure 1 - Scott WMO Application Approval Decision Flow Chart



APPENDIX A (cont.)

Figure 2 - PLSLWD Application Approval Decision Flow Chart



Conservation Cooperator Completed Project Fact Sheet



Robert Casey Cover Crop

Cooperator & Location

Applicant(s): Robert Casey
 Address: 17826 Murphy Lake Blvd,
 City/Town: Spring Lake Twp
 Township: 114N Project ID: CP-17-240
 Range: 22W Watershed: 33129
 Section: Approved: 2/20/2018

Project Details

Practice:
Cover Crop
 Quantity: 59.5 Acres Certified Complete: 3/1/2018
 Resource Protected
Buck Lake

Project Location and Description



Cover crops consist of grasses, legumes, forbs or other herbaceous plants seeded individually or in mixes either before or after harvest of the primary crop. The primary benefits of cover crops include reducing erosion and improving the soil's physical and biological properties. Healthy soil yields less runoff and improves nutrient and water utilization by crops.

Funding Amounts and Sources

Project Costs		Funding by Source		Program	
Installation:	\$0.00	Federal	\$0.00	EPA-319	<input type="checkbox"/>
Incentives:	\$4,165.00	State		CWF	<input type="checkbox"/>
Total:	\$4,165.00	SWCD	\$0.00	DRAP	<input type="checkbox"/>
Applicant:		PLSLWD	\$4,165.00	FLC	<input checked="" type="checkbox"/>

Environmental Benefits

Parameter	Before	After	Saved
Soil Erosion (Tons/yr)	421.4	141.2	280.2
Sediment Load (Tons/yr)	41.0	13.6	27.4
Phosphorus Load (lbs/yr)	70.7	29.4	41.3
Runoff Red. (Acre ft)	0.0	0.0	0.0

Joe Hentges Cover Crop

Cooperator & Location

Applicant(s): Joe Hentges
 Address: 19990 Vergus Ave,
 City/Town: Spring Lake Twp
 Township: 114N Project ID: CP-17-241
 Range: 22W Watershed: 33129
 Section: 20 Approved: 2/20/2018

Project Details

Practice:
Cover Crop
 Quantity: 58.0 Acres Certified Complete: 3/1/2018
 Resource Protected
Tributary to Buck Lake

Project Location and Description



Cover crops consist of grasses, legumes, forbs or other herbaceous plants seeded individually or in mixes either before or after harvest of the primary crop. The primary benefits of cover crops include reducing erosion and improving the soil's physical and biological properties. Healthy soil yields less runoff and improves nutrient and water utilization by crops.

Funding Amounts and Sources

Project Costs		Funding by Source		Program	
Installation:	\$0.00	Federal	\$0.00	EPA-319	<input type="checkbox"/>
Incentives:	\$5,800.00	State		CWF	<input type="checkbox"/>
Total:	\$5,800.00	SWCD	\$0.00	DRAP	<input type="checkbox"/>
Applicant:		PLSLWD	\$5,800.00	FLC	<input checked="" type="checkbox"/>

Environmental Benefits

Parameter	Before	After	Saved
Soil Erosion (Tons/yr)	205.4	141.4	64.0
Sediment Load (Tons/yr)	25.2	17.3	7.9
Phosphorus Load (lbs/yr)	44.4	31.6	12.8
Runoff Red. (Acre ft)			0.0

Margaret Hofer Well Decommissioning

Cooperator & Location

Applicant(s): Margaret Hofer
 Address: 3289 Sycamore Trail SW , Prior Lake
 Location: Township: 114N Range: 22W Sect: 3
 City/Town: City of Prior Lake
 Watershed: 33122 Project ID: CP-18-077

Project Details

Practice

Well Decommissioning

Quantity: 1.0 Each

Certified Complete: 8/7/2018

Resource Protected

Groundwater

Project Description

Well decommissioning is the sealing and permanent closure of an inactive, abandoned, or inoperable water well. This practice protects groundwater resources by preventing contaminated water or other potentially harmful fluids from flowing or being dumped into the well.

Before Photo



After Photo



Cost Analysis

Project Costs		Funding by Source		Grant Source	
Installation:	\$2,265.50	Federal	\$0.00	EPA-319	<input type="checkbox"/>
Incentives:	\$0.00	State	\$500.00	CWF	<input type="checkbox"/>
Total:	\$2,265.50	SWCD	\$0.00	DRAP	<input type="checkbox"/>
Targeted Project		PLSLWD	\$500.00	Approval Date	
<input type="checkbox"/>		Cooperator	\$1,265.50	6/19/2018	

Carolyn Potter Well Decommissioning

Cooperator & Location

Applicant(s): Carolyn Potter
Address: 2050 Lakeview Dr., Jordan
Location: Township: 114N Range: 22W Sect: 9
City/Town: City of Jordan
Watershed: 33129 Project ID: CP-18-016

Project Details

Practice

Well Decommissioning

Quantity: 1.0 Each Certified Complete: 5/16/2018

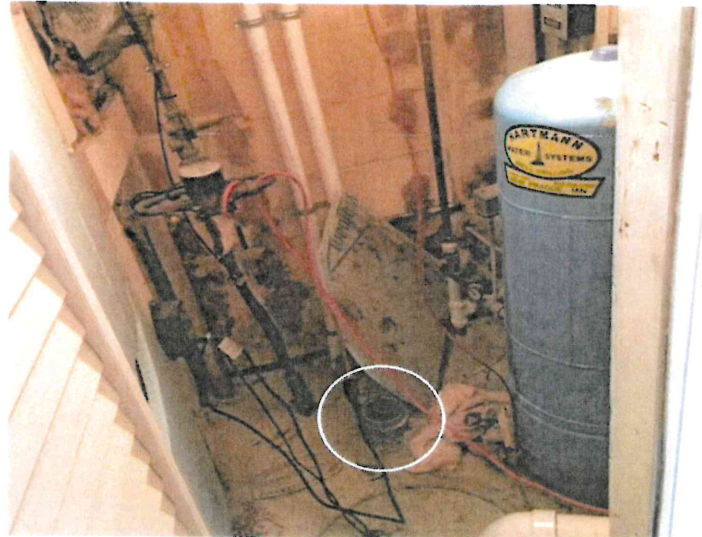
Resource Protected

Groundwater

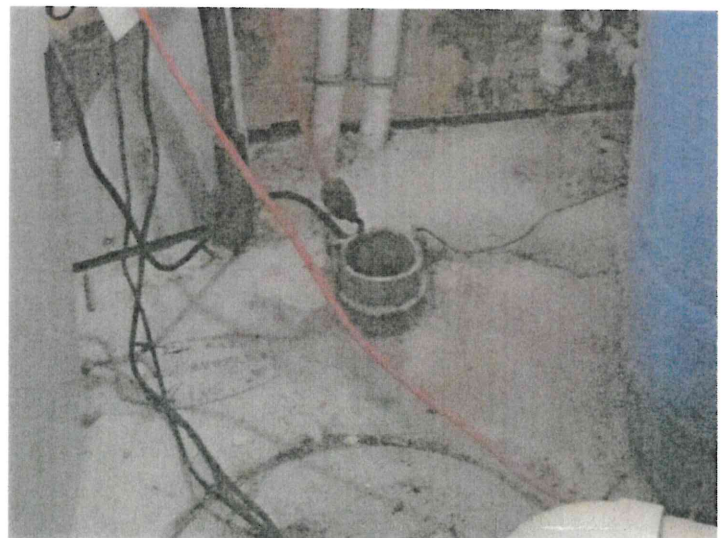
Project Description

Well decommissioning is the sealing and permanent closure of an inactive, abandoned, or inoperable water well. This practice protects groundwater resources by preventing contaminated water or other potentially harmful fluids from flowing or being dumped into the well.

Before Photo



After Photo



Cost Analysis

Project Costs		Funding by Source		Grant Source	
Installation:	\$2,355.00	Federal	\$0.00	EPA-319	<input type="checkbox"/>
Incentives:	\$0.00	State	\$500.00	CWF	<input type="checkbox"/>
Total:	\$2,355.00	SWCD	\$0.00	DRAP	<input type="checkbox"/>
Targeted Project		PLSLWD	\$500.00	Approval Date	
<input type="checkbox"/>		Cooperator	\$1,355.00	3/20/2018	

Riley Family Revocable Living Trust Well Decommissioning

Cooperator & Location

Applicant(s): Riley Family Revocable Living Trust
 Address: 14250 Rutgers St NE, Prior Lake
 Location: Township: 115N Range: 21W Sect: 30
 City/Town: City of Prior Lake
 Watershed: 33122 Project ID: CP-18-122

Project Details

Practice

Well Decommissioning

Quantity: 1.0 Each

Certified Complete: 7/31/2018

Resource Protected

Groundwater

Project Description

Well decommissioning is the sealing and permanent closure of an inactive, abandoned, or inoperable water well. This practice protects groundwater resources by preventing contaminated water or other potentially harmful fluids from flowing or being dumped into the well.

Before Photo



After Photo



Cost Analysis

Project Costs		Funding by Source		Grant Source	
Installation:	\$1,900.00	Federal	\$0.00	EPA-319	<input type="checkbox"/>
Incentives:	\$0.00	State	\$500.00	CWF	<input type="checkbox"/>
Total:	\$1,900.00	SWCD	\$0.00	DRAP	<input type="checkbox"/>
Targeted Project		PLSLWD	\$500.00	Approval Date	
<input type="checkbox"/>		Cooperator	\$900.00	7/17/2018	

Angela Sinclair Raingarden

Cooperator & Location

Applicant(s): Angela Sinclair
Address: 15152 Kortsch Trail SE, Prior Lake
Location: Township: 115N Range: 22W Sect: 36
City/Town: City of Prior Lake
Watershed: 33122 Project ID: CP-13-378

Project Details

Practice

Raingarden

Quantity: 1.0 Each

Certified Complete: 6/20/2018

Resource Protected

Stormwater Runoff

Project Description

Angela had an area in her backyard that was infested with itch weed, and wanted to restore it to native vegetation, as well as capture runoff from their yard and roof. She installed 450 sq. ft. of raingarden in this location.

Before Photo



After Photo



Cost Analysis

Project Costs		Funding by Source		Grant Source	
Installation:	\$0.00	Federal	\$0.00	EPA-319	<input type="checkbox"/>
Incentives:	\$750.00	State	\$0.00	CWF	<input type="checkbox"/>
Total:	\$750.00	SWCD	\$0.00	DRAP	<input type="checkbox"/>
Targeted Project		PLSLWD	\$750.00	Approval Date	
<input type="checkbox"/>		Cooperator	\$0.00	5/15/2018	

Scott Sindelar Shoreline Protection

Cooperator & Location

Applicant(s): Scott Sindelar
 Address: 15115 Martinson Island Rd NE,
 Location: Township: 115N Range: 22W Sect: 35
 City/Town: City of Prior Lake
 Watershed: 33122 Project ID: CP-18-098

Project Details

Practice

Shoreline Protection

Quantity: **50.0 Lin Ft** Certified Complete: 11/13/2018

Resource Protected

Prior Lake

Project Description

Scott & Jo planted a native buffer along their shoreline to prevent erosion and filter pollutants before entering Prior Lake. The planting will extend 50x10 ft above his existing rock riprap.

Before Photo



After Photo



Cost Analysis

Project Costs		Funding by Source		Grant Source	
Installation:	\$537.23	Federal	\$0.00	EPA-319	<input type="checkbox"/>
Incentives:	\$0.00	State	\$0.00	CWF	<input type="checkbox"/>
Total:	\$537.23	SWCD	\$268.61	DRAP	<input type="checkbox"/>
Targeted Project		PLSLWD	\$0.00	Approval Date	
<input type="checkbox"/>		Cooperator	\$268.62	8/21/2018	

Heather Smith Raingarden

Cooperator & Location

Applicant(s): Heather Smith
 Address: 16427 Northwood Road, Prior Lake
 Location: Township: 114N Range: 22W Sect: 3
 City/Town: City of Prior Lake
 Watershed: 33122 Project ID: CP-18-091

Project Details

Practice

Raingarden

Quantity: 1.0 Each

Certified Complete: 8/22/2018

Resource Protected

Lower Prior Lake

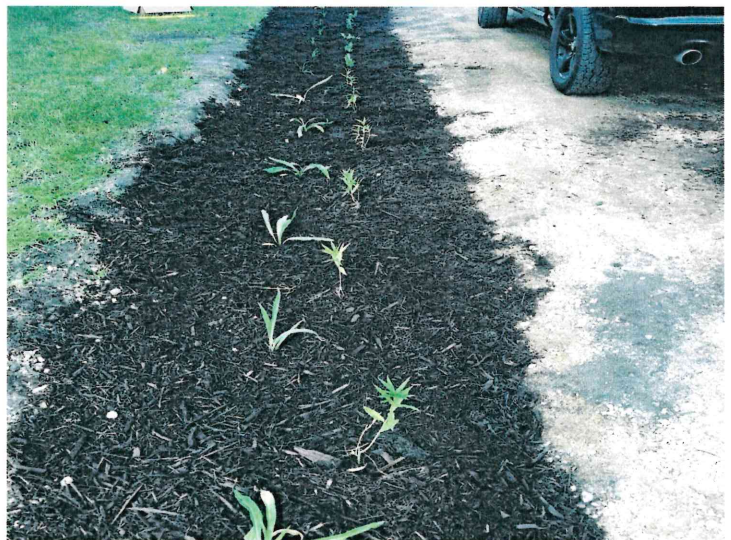
Project Description

Heather installed 150 sq ft of raingarden alongside her driveway to capture runoff and prevent it from entering the lake.

Before Photo



After Photo



Cost Analysis

Project Costs		Funding by Source		Grant Source	
Installation:	\$204.40	Federal	\$0.00	EPA-319	<input type="checkbox"/>
Incentives:	\$250.00	State		CWF	<input type="checkbox"/>
Total:	\$250.00	SWCD	\$0.00	DRAP	<input type="checkbox"/>
Targeted Project		PLSLWD	\$250.00	Approval Date	
<input type="checkbox"/>		Cooperator	\$204.40	6/19/2018	

Amy Tebbe Raingarden

Cooperator & Location

Applicant(s): Amy Tebbe
Address: 15839 Fremont Ave NW, Prior Lake
Location: Township: 115N Range: 22W Sect: 34
City/Town: City of Prior Lake
Watershed: 33122 Project ID: CP-18-024

Project Details

Practice

Raingarden

Quantity: 2.0 Each

Certified Complete: 7/2/2018

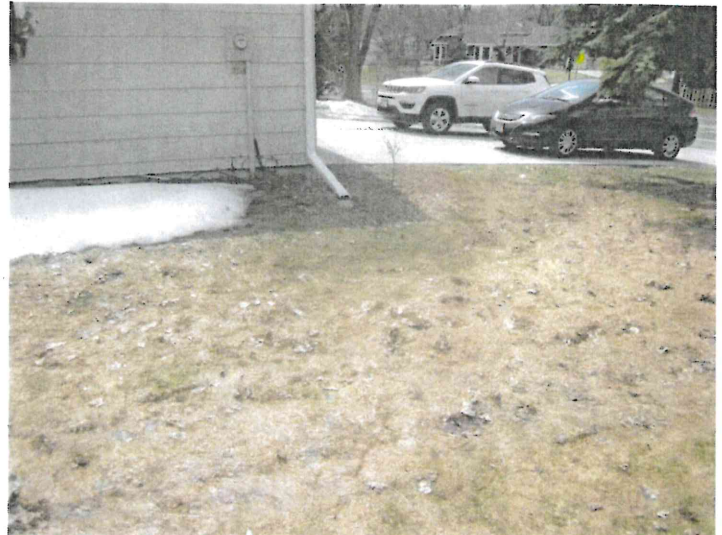
Resource Protected

Groundwater & Stormwater systems

Project Description

Amy installed 2 raingardens, totaling over 450 square feet. These gardens will capture water from their roof and drainage water through their backyard.

Before Photo



After Photo



Cost Analysis

Project Costs		Funding by Source		Grant Source	
Installation:	\$0.00	Federal	\$0.00	EPA-319	<input type="checkbox"/>
Incentives:	\$750.00	State		CWF	<input type="checkbox"/>
Total:	\$750.00	SWCD	\$0.00	DRAP	<input type="checkbox"/>
Targeted Project		PLSLWD	\$750.00	Approval Date	
<input type="checkbox"/>		Cooperator		5/15/2018	

Neil & Pat Flynn Well Decommissioning

Cooperator & Location

Applicant(s): Neil & Pat Flynn
 Address: 21005 Xeon Avenue, Jordan
 Location: Township: 114N Range: 22W Sect: 31
 City/Town: Spring Lake Twp
 Watershed: 33133 Project ID: CP-17-184

Project Details

Practice

Well Decommissioning

Quantity: 1.0 Each

Certified Complete: 6/26/2018

Resource Protected

Groundwater

Project Description

Well decommissioning is the sealing and permanent closure of an inactive, abandoned, or inoperable water well. This practice protects groundwater resources by preventing contaminated water or other potentially harmful fluids from flowing or being dumped into the well.

Before Photo



After Photo



Cost Analysis

Project Costs		Funding by Source		Grant Source	
Installation:	\$1,619.00	Federal	\$0.00	EPA-319	<input type="checkbox"/>
Incentives:	\$0.00	State	\$500.00	CWF	<input type="checkbox"/>
Total:	\$1,619.00	SWCD	\$0.00	DRAP	<input type="checkbox"/>
Targeted Project		PLSLWD	\$500.00	Approval Date	
<input type="checkbox"/>		Cooperator	\$619.00	9/11/2018	

Larry Anderson Well Decommissioning

Cooperator & Location

Applicant(s): Larry Anderson
Address: 16575 Dutch Ave SE, Prior Lake
Location: Township: 114N Range: 22W Sect: 2
City/Town: City of Prior Lake
Watershed: 33122 Project ID: CP-17-217

Project Details

Practice

Well Decommissioning

Quantity: 1.0 Each

Certified Complete: 4/17/2018

Resource Protected

Groundwater

Project Description

Well decommissioning is the sealing and permanent closure of an inactive, abandoned, or inoperable water well. This practice protects groundwater resources by preventing contaminated water or other potentially harmful fluids from flowing or being dumped into the well.

Before Photo



After Photo



Cost Analysis

Project Costs		Funding by Source		Grant Source	
Installation:	\$790.00	Federal	\$0.00	EPA-319	<input type="checkbox"/>
Incentives:	\$0.00	State	\$271.87	CWF	<input type="checkbox"/>
Total:	\$790.00	SWCD	\$0.00	DRAP	<input type="checkbox"/>
Targeted Project		PLSLWD	\$271.88	Approval Date	
<input type="checkbox"/>		Cooperator	\$246.25	11/21/2017	

Amy Butani Conservation Cover

Cooperator & Location

Applicant(s): Amy Butani
 Address: 3377 203rd Ct East, Prior Lake
 Location: Township: 114N Range: 22W Sect: 27
 City/Town: Spring Lake Twp
 Watershed: 33129 Project ID: CP-17-032

Project Details

Practice

Conservation Cover

Quantity: 1.2 Acres

Certified Complete: 6/28/2018

Resource Protected

Fish Lake

Project Description

Amy wanted to improve pollinator habitat by converting the majority of her lawn to native grasses and flowers. She also wanted to cut back on mowing and improve water quality in Fish Lake. This practice involves establishing native prairie ecosystems that were once characteristic of Minnesota. It improves water quality by eliminating sources of sediment and other pollutants and reducing runoff volumes. The project would include numerous native grasses and flowers, enhance habitat quality for all wildlife species including birds, pollinators, and natural landscape aesthetics for human enjoyment.

Environmental Benefits

Parameter	Before	After	Saved
Soil Erosion (tons/yr)			0.0
Sediment Load (tons/yr)			0.0
Phosphorus Load (lbs/yr)			0.0
Runoff Reduction (acre ft)	0.5	0.4	0.1

Before Photo



After Photo



Cost Analysis

Project Costs		Funding by Source		Grant Source		Unit Costs*			
Installation:	\$715.20	Federal	\$0.00	EPA-319	<input type="checkbox"/>		Sediment (\$/Ton)	Phos (\$/Pound)	Runoff (\$/Ac Ft)
Incentives:	\$595.00	State		CWF	<input type="checkbox"/>				
Total:	\$1,310.20	SWCD	\$0.00	DRAP	<input type="checkbox"/>	SWCD			n/a
Targeted Project	<input type="checkbox"/>	PLSLWD	\$595.00	Approval Date		PLSLWD			\$595
		Cooperator	\$715.20	9/7/2017		Overall			\$1,310

*Over term of cost share contract

Joe Hentges Cover Crop

Cooperator & Location

Applicant(s): Joe Hentges
 Address: 19990 Vergus Ave,
 City/Town: Sand Creek Twp
 Township: 114N Project ID: CP-16-195
 Range: 23W Watershed: 33130
 Section: 25 Approved: 10/18/2016

Project Details

Practice:

Cover Crop

Quantity: 43.7 Acres

Certified Complete: 3/1/2018

Resource Protected

Sutton Lake

Project Location and Description



Cover crops consist of grasses, legumes, forbs or other herbaceous plants seeded individually or in mixes either before or after harvest of the primary crop. The primary benefits of cover crops include reducing erosion and improving the soil's physical and biological properties. Healthy soil yields less runoff and improves nutrient and water utilization by crops.

Funding Amounts and Sources

Project Costs		Funding by Source		Program	
Installation:	\$0.00	Federal	\$0.00	EPA-319	<input type="checkbox"/>
Incentives:	\$3,525.00	State	\$0.00	CWF	<input type="checkbox"/>
Total:	\$3,525.00	SWCD	\$0.00	DRAP	<input type="checkbox"/>
Applicant:	\$0.00	PLSLWD	\$3,525.00	FLC	<input checked="" type="checkbox"/>

Environmental Benefits

Parameter	Before	After	Saved
Soil Erosion (Tons/yr)	453.6	310.7	142.9
Sediment Load (Tons/yr)	27.1	18.5	8.6
Phosphorus Load (lbs/yr)	47.0	34.7	12.3
Runoff Red. (Acre ft)	0.0	0.0	0.0

Steve Hentges Filter Strip

Cooperator & Location

Applicant(s): Steve Hentges
 Address: 13780 Old Brick Yard Rd, Shakopee
 Location: Township: 114N Range: 22W Sect: 18
 City/Town: Spring Lake Twp
 Watershed: 33130 Project ID: CP-17-105

Project Details

Practice

Filter Strip

Quantity: **2.1 Acres**

Certified Complete:

Resource Protected

Un named Ditch that flows into Spring Lake

Project Description

This practice involves establishing and maintaining permanent vegetation along a stream, wetland or other environmentally sensitive area. Typically long and narrow features, filter strips are specifically designed to slow runoff and suspend contaminants that would otherwise discharge into the protected resource, including but not limited to sediment, organic matter, nutrients, and pathogens. These filter strips were identified in the Subwatershed Analysis for West Upper Watershed of Spring Lake in 2015.

Environmental Benefits

Parameter	Before	After	Saved
Soil Erosion (tons/yr)	0.8	0.0	0.8
Sediment Load (tons/yr)	41.1	15.1	26.0
Phosphorus Load (lbs/yr)	74.3	32.0	42.3
Runoff Reduction (acre ft)			0.0

Before Photo



After Photo



Cost Analysis

Project Costs		Funding by Source		Grant Source		Unit Costs*				
Installation:	\$0.00	Federal	\$0.00	EPA-319	<input type="checkbox"/>		Sediment (\$/Ton)	Phos (\$/Pound)	Runoff (\$/Ac Ft)	
Incentives:	\$6,180.00	State		CWF	<input checked="" type="checkbox"/>		SWCD	\$12	\$7	n/a
Total:	\$6,180.00	SWCD	\$3,090.00	DRAP	<input type="checkbox"/>		PLSLWD	\$12	\$7	n/a
Targeted Project		PLSLWD	\$3,090.00	Approval Date			Overall	\$24	\$15	n/a
<input type="checkbox"/>		Cooperator		8/15/2017		*Over term of cost share contract				

Susan and Jerry Mealman Shoreline Protection

Cooperator & Location

Applicant(s): Susan and Jerry Mealman
 Address: 17326 Vergus Ave,
 Location: Township: 114N Range: 22W Sect: 9
 City/Town: Spring Lake Twp
 Watershed: 33129 Project ID: CP-16-237

Project Details

Practice

Shoreline Protection

Quantity: **133.0 Lin Ft** Certified Complete: 11/14/2018

Resource Protected

Spring Lake

Project Description

The Mealman's purchased Jerry's parents land and re-built the house. They also wanted to renovate the shoreline with native plants. Treatment used to stabilize and protect banks of streams or constructed channels, and shorelines of lakes, reservoirs, or estuaries. The purpose is to prevent the loss of land or damage to land uses, or facilities adjacent to the banks of streams or constructed channels, shoreline of lakes, reservoirs, or estuaries including the protection of known historical, archeological, and traditional cultural properties

Before Photo



After Photo



Cost Analysis

Project Costs		Funding by Source		Grant Source	
Installation:	\$1,464.10	Federal	\$0.00	EPA-319	<input type="checkbox"/>
Incentives:	\$0.00	State	\$0.00	CWF	<input type="checkbox"/>
Total:	\$1,464.10	SWCD	\$732.05	DRAP	<input type="checkbox"/>
Targeted Project		PLSLWD	\$0.00	Approval Date	
<input type="checkbox"/>		Cooperator	\$732.05	12/30/2018	

Tim O'Loughlin Nutrient Management

Cooperator & Location

Applicant(s): Tim O'Loughlin
Address: 12635 Shannon Drive, Shakopee
Location: Township: 114N Range: 22W Sect: 32
City/Town: Spring Lake Twp
Watershed: 33130
Project ID: CP-16-249 Approved: 12/20/2016

Project Details

Practice

Nutrient Management

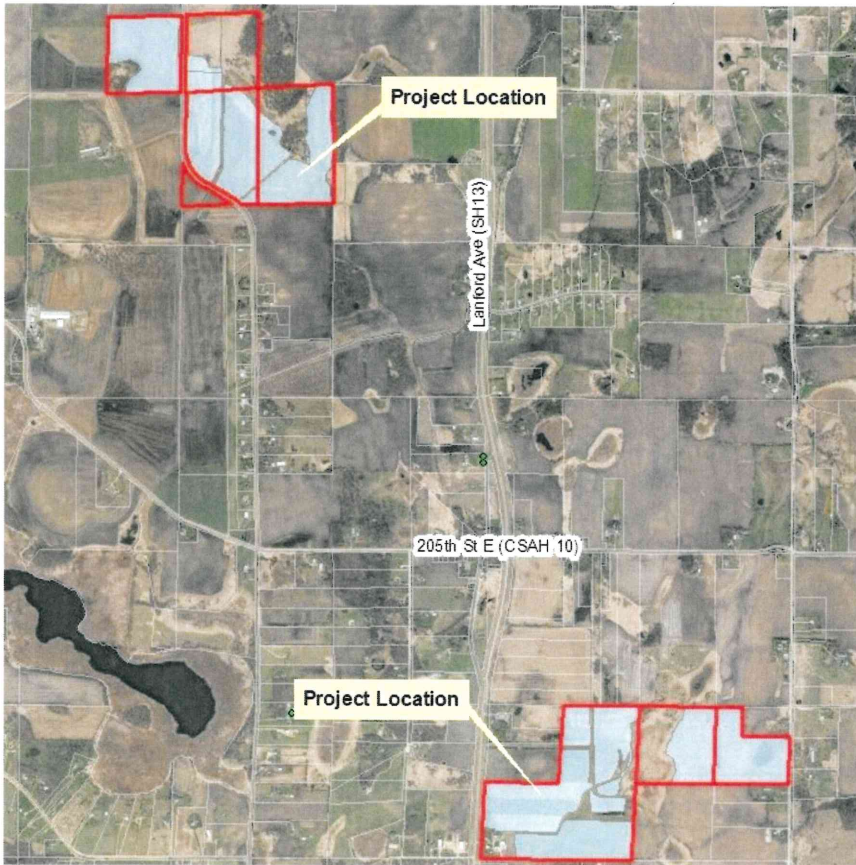
Quantity: 274.1 Acres

Certified Complete: 4/13/2018

Resource Protected

Spring Lake Watershed

Project Location



Description and Funding

Nutrient Management is managing the amount, source, placement, form and timing of the applications of plant nutrients and soil amendments. The purpose is to minimize pollution to surface and groundwater resources.

Project Costs	
Installation:	\$0.00
Incentives:	\$2,741.00
Total:	\$2,741.00
Owner Share:	

Funding by Source	
Federal	\$0.00
State	
SWCD	\$0.00
PLSLWD	\$2,741.00

Program	
EPA-319	<input type="checkbox"/>
CWF	<input type="checkbox"/>
DRAP	<input type="checkbox"/>
FLC	<input checked="" type="checkbox"/>

Chris Short Shoreline Protection

Cooperator & Location

Applicant(s): Chris Short
Address: 3422 Sycamore Trail, Prior Lake
Location: Township: 114N Range: 22W Sect: 3
City/Town: City of Prior Lake
Watershed: 33122 Project ID: CP-16-160

Project Details

Practice

Shoreline Protection

Quantity: 120.0 Lin Ft Certified Complete: 12/13/2017

Resource Protected

Upper Prior Lake

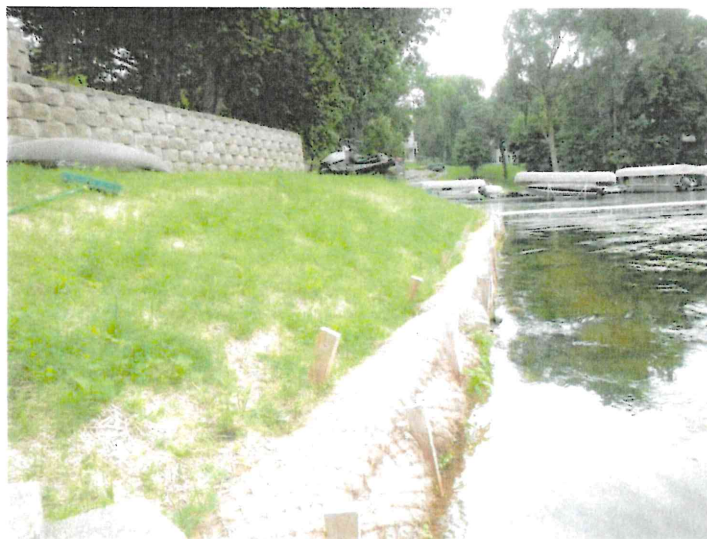
Project Description

An existing retaining wall constructed on the shoreline collapsed during the most recent high water event. Double 12" Coir Logs were installed at the shoreline, the vertical bank was excavated and sloped back and erosion control blanket and native plantings and seed were installed to stabilize the shoreline.

Before Photo



After Photo



Cost Analysis

Project Costs		Funding by Source		Grant Source	
Installation:	\$12,690.00	Federal	\$0.00	EPA-319	<input type="checkbox"/>
Incentives:	\$0.00	State	\$0.00	CWF	<input checked="" type="checkbox"/>
Total:	\$12,690.00	SWCD	\$9,517.00	DRAP	<input type="checkbox"/>
Targeted Project		PLSLWD	\$0.00	Approval Date	
<input type="checkbox"/>		Cooperator	\$3,173.00	4/18/2017	

2018 ANNUAL ACCOMPLISHMENT REPORT

Scott Soil and Water Conservation District

Introduction

The Scott Soil and Water Conservation District (SWCD) provides the District with a variety of conservation services to support implementation of its Water Resources Management Plan. Services include conservation technical and cost share assistance, monitoring and data collection, farmer led council support, and education programming.

These services are delivered on a time and materials basis in accordance with an annual services agreement that includes a detailed work plan and budget. Individual line item costs may vary as the year progresses due to unpredicted needs and circumstances; however, the Scope is capped with an overall not-to-exceed (NTE) amount. For 2018 the NTE was \$124,000, including \$66,000 for services. The balance (\$58,000) is pass-through for grants to landowners for conservation practices and other program expenses.

TASK I. Technical Assistance and Cost Share (TACS)

The goal of the TACS program is to increase adoption of conservation practices in the watershed by removing barriers to implementation, including lack of awareness (i.e. “what changes can or should I make?”) or lack of ability (“how do I make and/or afford changes?”).

Whenever possible, SWCD field staff target sites that have high water quality, runoff reduction, and water storage benefits. As a service agency, we also work with landowners who voluntarily seek our help with resource issues that concern them, which may or may not align with District priorities. A balance of targeted and responsive approaches is needed to ensure the District and SWCD are building positive and trusting relationships within the watershed community. Water quality cannot improve unless private landowners in the watershed change day-to-day practices. Without trusting relationships, our water quality message is less likely to be accepted, and landowners will be more hesitant to invest time or capital into changing their social and personal norms.

A. Conservation Marketing and Outreach

The SWCD continued two targeted conservation marketing and outreach campaigns in the District. One targeted lands where priority potential projects were identified in the 2014 West Upper Watershed Assessment. The other targeted potential lands for native prairie restoration. Both campaigns were focused on water quality improvement and runoff reduction in the Spring Lake watershed.

Comprehensive marketing and outreach campaigns generally include:

- Identifying targeted parcels and gathering landowner and renter contact information
- Preparing mail lists, personalized letters and informational materials
- Sending letters and following up with phone calls and door-to-door visits
- Providing information about issues, solutions and available assistance
- Tracking progress

Results

West Upper Watershed - Spring Lake Subwatershed Analysis

- 24 priority sites were identified in the SWA (55 potential practices) on land controlled by 17 landowners
- Of the 55 practices that were Identified 9 have been installed.
- Continued phone calls and door-to-door visits until all the landowners have been reached.
- All of the landowners have been contacted either by a phone call or in person. There is interest from a landowner that has 3 practices identified; a site visit will be completed in the Spring of 2018.
- Some identified sites may no longer be a concern or were the result of a single large storm event

- There were 5 additional practices that were not identified in the report, including one water and sediment control basin, one grassed waterway and 3 filter strips. The 3 filter strips were installed.
- Note regarding buffers: Of the 8 filter strips identified in the report, 6 are required to have a 16.5' buffer under the MN DNR Buffer Law. These buffers are required to be installed (or alternative practices) by November 1st 2018. The other 2 filters are installed, one landowner chose to receive funding and the other chose not to receive funding.

See **Exhibit A** for a complete listing of SWA sites and status.

Native Prairie Restoration

- 3 landowners enrolled in the Native Prairie Program totaling 12.5 acres
- Met with Hidden Oaks Middle School and Prior Lake/Savage Schools to discuss enhancing and maintaining their existing native prairies
- Continued to assist Lydia Zion United Methodist Church with maintenance of their existing prairie
- Provided technical assistance through handouts and phone conversations to 8 other landowners

B. Landowner Follow-up

The SWCD assisted landowners who requested help with resource interests or concerns ranging from cropland erosion and water quality to shoreline and habitat improvement. Follow up may include any one or all of these activities:

- Visit with landowner by phone and/or on-site visit
- Conduct preliminary off-site and/or on-site research
- Discuss potential issues, solutions and costs
- Provide information about available technical and/or financial assistance

Not all follow-up contacts result in a project or other quantifiable improvement to water quality. On average, 30 to 40% of landowners we follow up with result in an actual project. In the other 60 to 70% of cases, service concludes with providing information with recommendations.

Results

The SWCD provided assistance 57 landowners in the watershed, of which 35 were new requests for conservation assistance.

See **Exhibit B** for a complete list of landowners assisted by the SWCD in 2018.

C. Livestock/Commodity Producer Assistance

The SWCD provides technical support to livestock and commodity producers on conservation measures providing water quality benefits. This includes facility planning, manure and nutrient management planning, and state and local permit guidance. We also provide equipment rental that provides landowners with access to special seeding equipment for cover crops, small grains, native prairie, and other perennial vegetation.

Results

The SWCD assisted 7 landowners in 2018, as listed below:

- i. Equipment Rental Program Services (delivery, set-up assistance, pick-up, etc.)
- ii.

<u>Landowners assisted</u>	<u>Purpose of use</u>	<u>Acres</u>
Connie Kochlin	Native prairie filter strips	6.5
Krueger Dairy	Cover crops	140
Jim Dubbe	Cover crops	133
Josh Dotseth	Pasture renovation	4.7
Amy Butani	Native Prairie restoration	1.5
Tony Robling	Native Prairie restoration	11.2
Weidner	Pasture seeding	9.4

iii. Livestock facility/waste management planning

<u>Producers assisted</u>	<u>Services provided</u>
Krueger Dairy	Topo. survey; facility planning and design assistance

D. Project Design, Construction and Cost Share assistance

The SWCD administers a cost share program that follows cost share policies adopted by the District. Services are initiated when follow-up activities under B. above result in the landowner moving forward with a project. Activities generally include the following, but can vary significantly from project to project:

- Project scoping and feasibility (site investigation, survey, preliminary design, cost estimate, etc.)
- Prepare and process cost share applications and payments
- Complete project design and construction documents
- Construction oversight and certification

Results

In 2018, we approved 11 new contracts for cost share assistance and issued payment on 17 projects. See **Exhibit C**.

E. Status Reviews

Many projects installed with local, state or federal cost share funds are inspected to ensure the cooperator is complying with their Operations and Maintenance (O&M) requirements. Inspections are completed the 1st, 5th, and 9th year following certification.

Result

The SWCD completed 4 status reviews in the District, as listed below.

<u>Cooperator</u>	<u>Practice</u>	<u>Date Installed</u>
Verling, Mike	Grassed waterway	2013
Hauer, Gene	Filter Strip	2009
Roach, Jerry	Grassed waterway	2016

TASK II. Farmer-Led Council (FLC)

The SWCD provided ongoing coordination assistance and technical support to the FLC.

Results

- Helped prepare agenda for and participated in 4 FLC meetings; coordinated speaker for Dec meeting
- Provided review and comments on water plan survey
- Drafter letter of support for MAWD program of the year award
- Led implementation of the 2018 Cover Crop program: goal is to promote widespread adoption of cover crops to improve soil health, increase infiltration, and reduce sediment and phosphorus pollution
 - Provided input and guidance for program details, fact sheets, and logistics

- Identified and mapped fields to be targeted for cover crop seeding
- Contacted and met with landowners and renters of priority fields
- Finalized and coordinated seeding details and operations, including aerial and ground seeding
- Delivered no-till drill for use in seeding cover crops
- Maintained communications with participants; conducted follow up visits
- Helped plan and participated in cover crop tour in November
- Launched “Lake Friendly Farm” program
 - Finalized program criteria and guidance
 - Created GIS layer of all cropland within the watershed
 - Completed trial assessments, plans, and maps on 6 farms – 2 became certified
 - LFF will serve as means for assessing, documenting, and measuring progress towards goals of the FLC and District watershed plan goals and policies

See **Exhibit D** for a complete listing of LFF and Cover Crop program participants and progress.

TASK III. Monitoring and Data Collection

The SWCD assisted the District with implementing its 2018 stream flow and water quality monitoring program.

Results

- 15 water quality grab samples at the Dean Lake Outlet
- 51 flow measurements
- Collected water quality data during two Alum treatments in Spring Lake

See **Exhibit E** for a more detailed report of monitoring assistance.

TASK IV. Other Services

The SWCD provides various technical and administrative services on an as-requested basis, including but not limited to:

- Data management and reporting
- Surveying
- Mapping/GIS analysis
- Resource concern investigations
- Erosion and sediment control inspections

Results

Prepared and submitted quarterly and annual activity and progress reports.

TASK V. EDUCATION PROGRAMMING

Scope of Work

The SWCD provides various educational programming services. Activities include those identified in the annual Scott Clean Water Education Program (SCWEP) work plan, as well as special, local educational activities identified and requested by the District. The District is a SCWEP partner.

Results

- Planned and hosted three workshops:
 - Planting Native Prairie Workshop (3/1/18)
 - Spring Lake Town Hall, 21 attendees, 3 from PLSLWD

- Cover Crop Workshop (3/15/18)
 - Le Center American Legion , 130 attendees, 2 from PLSLWD
- Restore Your Shoreline (4/17/18)
 - Spring Lake Town Hall, 6 total attendees, 4 from PLSLWD
- Other, countywide SCWEP activities
 - Outdoor Education Day – 9/17/18, 9/19/18, 9/21/18, 9/26/18, and 9/27/18
 - Cedar Lake Farm Region Park; 1000 middle school students
 - Landowner mailings
 - Sent 200 postcards to residents across the county who recently purchased two or more acres to inform them about technical and financial assistance for conservation projects
 - Event participation
 - U of M Extension’s Garden Fever – 3/3/18
 - Celebrate Jordan: Expo – 4/8/18
 - Scott County Fair – 7/25/18 to 7/29/18
 - Prior Lake Fall Community Fest – 9/17/18
 - Coordinated media plan, leading publication of thirty (30) conservation-related articles Examples with direct local impact include
 - Workshop and community event advertising and promotion
 - Environmentally-friendly lawn care and snow and ice removal
 - Local conservation success stories and awards
 - Planting and maintaining native grasses
 - Water quality awareness
 - Cover crops

YEAR-END BUDGET SUMMARY

Task	Description	Budget	Invoiced
I	Technical Assistance	\$30,000	\$29,745
	General Cost Share	\$28,000	\$3,750
II	Farmer-Led Council Support	\$20,000	\$20,665
	Farmer-Led Council Cost Share	\$30,000	\$18,357
III	Monitoring and Data Collection	\$9,000	\$7,873
IV	Other Technical/Field Services	\$2000	\$1,190
V	Education Programming	\$5,000	\$1,921
Total		\$124,000	\$83,501

EXHIBIT A

Status of Marketing and Outreach for Spring Lake West Upper Watershed SWA

Rank	Potential Project	Qty	Units	Est. P Reduction	Landowners	PID	Contact method	Status	Anticipated Follow up
1	Grassed Waterway	2850	Ln Ft	147.4	Connie Kochlin	99250040	Letter	Project completed	No - project installed no follow up needed
2	Grassed Waterway	800	Ln Ft	72.5	The Survivors LLC & Janet Corrigan	119310160	Letter	No interest, no concerns	No - no concerns
3	Grassed Waterway	450	Ln Ft	28.7	Killian Sisters Farm LLC	119170101	Letter, in person with renter	Planted to alfalfa; concern addressed at this time	No - unless the field returns to corn/beans
4	WASCOB	7	Each	294	(a) Connie Kochlin	99250040	Letter	Project completed using waterways and diversions	No - project installed no follow up needed
					(b) Robert Menden	99260041	Letter, phone	Interested; project in planning phase	Yes - project planning
5	Grassed Waterway	1350	Ln Ft	51.6	Raymond Ames	119180012	Letter, phone, in person	No interest, no concerns	No - no concerns
6	Filter Strip	6	Acres	65.1	(a) Linda Schuster	119300011	Letter, in person	16.5' buffer required	No - project installed
					(b) Helen Laabs Trust	119190230	Letter, phone, in person	16.5' buffer required	No - project installed
					(c) Roger Dubbe	119190140	Letter, phone, in person	16.5' buffer required	No - project installed
					(d) Willard Brandt	119190210	Letter, in person	16.5' buffer required	No - project installed
7	Grassed Waterway	1275	Ln Ft	32.1	(a) Rose Whipps	119170010	Letter, in person	No interest, didn't want to commit to a practice will be selling in a few years	No - not with the current owner; follow up with the new landowner in a few years
					(b) Robert Menden	99260041	Letter, phone	Interested; project in planning phase	Yes - project planned
8	Terrace	4200	Ln Ft	135.2	(a) Robert Menden	99260041	Letter, phone	Interested; project in planning phase	Yes - project planned
					(b) Laverne Geis	99260043	Letter	Converted to non-ag use; no concern	No - field converted to non ag
					(c) Steve Stemig	99240020	Letter, in person	No interest, farms on the contours	No - was not interested in the identified practice
					(d) Daniel Garnhardt	119310023	Letter, left messages and door hangers	Contacted for prairie	No - unable to reach landowner; tried many ways
9	Filter Strip	0.7	Acres	5	Vernon Dockendorf	119180040	Letter, phone	No interest, renter not interested, area is flat	No - no interest
10	WASCOB	3	Each	40.1	(a) Ron Kroyer	99240060	Letter, in person	Repaired by renters; no longer a concern	No - no concerns
					(b) Anthony Derhaag Rev. Trust	119170012	Letter, in person	No interest, no concerns	No - no concerns; renter will contact if conditions change
11	Filter Strip	6.8	Acres	36.4	Raymond Ames	119170052	Letter, phone, in person	Project complete; Ray installed filters on his own	No - filters installed by landowner
12	Filter Strip	5.5	Acres	29.2	Steve Hentges	119180030	Letter, phone, in person	Project complete; installed 30' filters, 2.06 acres	No - project installed

Exhibit A, cont.

Status of Marketing and Outreach for Spring Lake West Upper Watershed SWA

13	WASCOB	2	Each	22.9	O'loughlin Farms Koepp LLP	119320042	Letter, in person	No erosion concerns	No - no erosion concerns
14	WASCOB	1	Each	10.7	Raymond Ames	119180012	Letter, phone, in person	No interest, no erosion concerns	No - no erosion concerns
15	Grassed Waterways	4270	Ln Ft	57.6	(a) Roger Beuch	99130030	Letter, in person	No interest, no concerns in the identified area	N - no erosion concerns
					(b) Jim Dubbe	99240050	Letter, in person	No interest, no erosion concern	No - no erosion concerns
					(c) Paul Dubbe	99240080	Letter, in person	No interest, no erosion concern	No - landowner is not interested in the practice, no concerns
					(d) Mark Kreuser	99130070	Letter, in person	Landowner not interested in the practice, no erosion	No - landowner not interested
					(e) Roger Beuch	99130060	Letter, in person	No interest, no concerns in the identified area	No - Renter not interested
16	Filter Strip	3.7	Acres	16.5	(a) Doug Schieffer	110600070	Letter	16.5' Buffer required	No - practice is installed
					(b) Laverne & Walter Beuch Trust	119320070	Letter	16.5' Buffer required	No - practice is installed
17	Terrace	850	Ln Ft	15	RGA Holdings LLC	119170030	Letter, phone, in person	Landowner not interested in the identified practice (or others)	No - landowner not interested
18	Rock Tile Inlets	2	Each	1.9	(a) John O'loughlin Rev. Trust	110770011	Letter	Landowner not interested in the identified practice	No - landowner not interested
					(b) Eugene Hauer Trust	111330020	Letter, phone	Landowner not interested in the identified practice	No - landowner not interested
19	Grade Stabilization	1	Each	15.3	Doug Schieffer	110600070	Letter	No interest, landowner doesn't want the practice	No - landowner not interested
20	Rock Tile Inlet	1	Each	0.8	Laverne & Walter Beuch Trust	119320070	Letter, door hanger, phone	No interest, not interested in the identified practice	No - landowner not interested
21	Wetland Restoration	3.5	Acres	19.1	Eugene Hauer Trust	119190031	Letter, phone	No interest, may be selling the land soon	N0 - not with current owner; if land sells follow up with new owner
22	Rock Tile Inlet	3	Each	1.6	(a) Anthony Derhaag Rev. Trust	119170021	Letter, in person	No interest (2 inlets), selling land soon	No - selling land; if land sells follow up with new owner
					(b) Rose Whipps	119170010	Letter, in person	No interest (1 inlet) didn't want to commit to a practice will be selling in a few years	N0 - not with the current owner; follow up with the new landowner in a few years
23	Rock Tile Inlet	1	Each	0.5	Pauly Farm Limited Partnership	99240010	Letter	No interest, not interested in the identified practice	No - landowner not interested
24	Wetland Restoration	10	Acres	25.6	Anthony Derhaag Rev. Trust	119170020	Letter, in person	No interest (2 inlets), selling land soon	No - selling land

EXHIBIT B

Summary of PLSLWD Landowners Assisted by Scott SWCD in 2018

Landowner*	Interest/Concern	Status	Progress	PID	Address	LGU	Mobile	Home	Staff Assigned
Anderson, Larry	Groundwater Protection	Closed	Project completed	258010380	16575 Dutch Ave SE	City of Prior Lake	-	952-240-5547	Cotton, Sarah
Bembenek, Danette	Raingarden	Closed	TA provided/did project on own	119160010	18520 Fairlawn Ave	City of Prior Lake	-	61-719-8514	Darley, Meghan
Bossardt, John	Shoreline Erosion	Active	Waiting on return call	250260070	15329 Breezy Pt Rd	City of Prior Lake	952-804-3673	952-440-1089	Kavitz, Todd
Brandt, Willard	Cropland Ephem Erosion	On Hold	Options provided/ still deciding	119220030	3410 East 200th Street	Spring Lake Twp	-	492-6920	Schoenecker, Collin
Butani, Amy	Native Grasses/Prairie	Active	Project completed	110690060	3377 203rd Ct East	Spring Lake Twp	612-250-3100	-	Alness, Alyssa
Casey, Robert	Cover Crops/Soil Health	Closed	Project completed	119210080	17826 Murphy Lake Blvd	Spring Lake Twp	612-221-1255	952-447-2304	Schneider, Scott
Deutsch, Cole	Ravine Erosion	Closed	Waiting on return call	250840110	14174 Fisher Ave. NE	City of Prior Lake	651-402-4923	-	Porupsky, Andy
Fischer, Brenda	Groundwater Protection	Active	Waiting on return call	110080150	17456 Vergus Ave	Spring Lake Twp	612-306-7843		Gossman, Sarah
Flynn, Neil & Pat	Groundwater Protection	Closed	Project completed	119310092	21005 Xeon Avenue	Spring Lake Twp	612-791-3010	952-492-2146	Cotton, Sarah
Gjorvad, Barb	Raingarden	Closed	TA provided/lost interest	254580430	3775 Turner Dr SW	City of Prior Lake	-	612-718-6812	Darley, Meghan
Hanson, Melissa	Raingarden	Closed	Project completed	119090090	2800 South Shore Dr	Spring Lake Twp	651-428-7239	-	Darley, Meghan
Haust, Erin	Shoreline Erosion	Active	Construction under way	251410381	16383 Northwood Road NW	City of Prior Lake	612-801-6797	-	Peters, Willie
Hentges, Joe	Cover Crops/Soil Health (2 projects)	Closed	Project completed	119200010	19990 Vergus Ave	Spring Lake Twp	612-518-2504	-	Schneider, Scott
Hentges, Steve	Filters/Riparian Buffers	Active	Project completed	119180030	13780 Old Brick Yard Rd	Spring Lake Twp	612-919-4660	-	Schoenecker, Collin
Hidden Oaks Middle School	Native Grasses/Prairie	Closed	TA provided	259360740	15855 Fish Pt. Road	City of Savage	-	-	Alness, Alyssa
Hjorth, Allan	Native Grasses/Prairie	Closed	TA provided	110340120	18350 Hadley Ave	Spring Lake Twp	952-356-2904	952-447-5342	Alness, Alyssa
Hofer, Margaret	Groundwater Protection	Closed	Project completed	251060090	6727 Marilyn Dr. N	City of Prior Lake	-	952-240-3723	Cotton, Sarah
Imholte, Alvin & Michelle	Native Grasses/Prairie	Closed	TA provided	110780010	2280 185th Street E	Spring Lake Twp	-	440-4647	Alness, Alyssa
Johnson, Kevin	Native Grasses/Prairie	Closed	TA provided	111140030	20951 Xeon Ave	Spring Lake Twp	612-719-1480	-	Alness, Alyssa
Johnson, Peg	Shoreline Erosion	Closed	TA provided	250980090	3420 Sycamore Trail	City of Prior Lake	612-327-1024	-	Kavitz, Todd

Exhibit B, cont.**Summary of PLSLWD Landowners Assisted by Scott SWCD in 2018**

Landowner*	Interest/Concern	Status	Progress	PID	Address	LGU	Mobile	Home	Staff Assigned
Klingberg, Jim	Nutrient Management	Closed	Project completed	119320060	21410 Vergus Ave	Spring Lake Twp	612-483-1686	-	Schneider, Scott
Kochlin, Connie	Waterways and Native prairie filters	Active	Project completed	99250040	213 Sunset Drive	Sand Creek Twp	-	952-492-2143	Schneider, Scott
Kroyer, Ron & Phyllis	Cropland Ephem Erosion	Closed	TA provided/no resource concern	099240060	179 Woodbury Street SW	Sand Creek Twp	-	873-6888	Schoenecker, Collin
Krueger, Paul & Rose	Feedlot	Active	Planning under way	119070090	17746 Fairlawn	Spring Lake Twp	612-328-4506	-	Schneider, Scott
Lydia Zion United Methodist Church	Native Grasses/Prairie	Closed	Project completed	118010030	1026 205th St East	Spring Lake Twp	-	612-865-1553	Alness, Alyssa
Mason, Ruth	Shoreline Erosion	Active	Planning under way	259300300	14851 Estate Ave.	City of Prior Lake	-	952-447-4877	Darley, Meghan
McCormick, Mark	Cover Crops/Soil Health	Closed	TA provided/lost interest	119070022	17210 Langford Avenue	Spring Lake Twp	651-263-8049	-	Kavitz, Todd
Mealman, Susan & Jerry	Shoreline Erosion	Active	Planning under way	110080010	17326 Vergus Ave	Spring Lake Twp	612-710-8493	-	Alness, Alyssa
Menden, Robert	Cropland Ephem Erosion	Active	Planning under way	099260041	1220 South Sutton Lake Blvd	Sand Creek Twp	612-366-4205		Schneider, Scott
Moen, Ernest & Denise	Native Grasses/Prairie	Closed	Project completed	119300012	20220 Langford Way	Spring Lake Twp	-	952-492-2918	Alness, Alyssa
Morkeberg, Chris	Raingarden	Closed	TA provided	110080220	17556 Vergus Ave	Spring Lake Twp	952-412-2600	952-412-2600	Alness, Alyssa
Morrone, Cindy	Raingarden	Closed	TA provided/lost interest	119280080	20190 Fairlawn Ave	Spring Lake Twp	952-836-6157	-	Darley, Meghan
Mozis, Byron	Shoreline Erosion	Active	Options provided/still deciding	110040080	2680 South Shore Drive	Spring Lake Twp	-	952-447-4043	Kavitz, Todd
Mueller, Larry	Native Grasses/Prairie	Active	Options provided/still deciding	119160020	PO Box 669	Spring Lake Twp	651-356-9303	952-447-3258	Schneider, Scott
Noterman, John	Other/Unsure	Closed	TA provided/not eligible for CS	119170070	18455 Langford Ave.	Spring Lake Twp	-	952-567-1197	Kavitz, Todd
O'Loughlin, Tim	Nutrient Management	Closed	Project completed	119320070	12635 Shannon Drive	Spring Lake Twp	952-292-2007	952-445-9413	Schneider, Scott
Olson, Linda	Lakeshore Restoration	Closed	TA provided	110790050	3051 202 Court East	Spring Lake Twp	952-607-5399	-	Alness, Alyssa
Pautz, Katie	Native Grasses/Prairie	Active	Waiting on return call	119220080	-3375 190th St E	Spring Lake Twp	-763-280-9894	-	Schoenecker, Collin
Petsch, Scott	Native Grasses/Prairie	Active	Options provided/still deciding	099130080	6695 Flemming Rd	Sand Creek Twp	605-210-3219	-	Schoenecker, Collin
Potter, Carolyn	Groundwater Protection	Closed	Project completed	110120010	2050 Lakeview Dr.	Spring Lake Twp	-270-703-5496	-	Cotton, Sarah

Exhibit B, cont.**Summary of PLSLWD Landowners Assisted by Scott SWCD in 2018**

Landowner*	Interest/Concern	Status	Progress	PID	Address	LGU	Mobile	Home	Staff Assigned
Riley Family Rev Living Trust	Groundwater Protection	Closed	Project completed	259300770	14250 Rutgers St NE	City of Prior Lake	612-964-4443		Cotton, Sarah
Robling, Anthony & Claire	Multiple Interests/Concerns	Active	Project completed	110770020	1169 Butterfly Ln.	Spring Lake Twp	952-463-5654	952-492-2241	Alness, Alyssa
Roitenberg, Tammy	Raingarden	Active	Project completed	251320150	17274 SUNSET TRL SW	City of Prior Lake	-	763-639-5025	Gossman, Sarah
Rundell, Larry	Shoreline Erosion	Closed	TA provided/not eligible for CS	250390020	15096 FISH POINT RD SE	City of Prior Lake	-	952-447-8844	Darley, Meghan
Sellin, Cindy	Lakeshore Restoration	Closed	Project completed	250330030	4221 Grainwood Circle NE	City of Prior Lake	-	952-292-2648	Darley, Meghan
Short, Chris	Shoreline Erosion	Closed	Project completed	250980080	3422 Sycamore Trail	City of Prior Lake	763-439-1812	-	Kavitz, Todd
Silvernagel, Kim	Shoreline Erosion	Closed	TA provided/lost interest	251410190	3152 Butternut Circle	City of Prior Lake	-952-215-1620	-	Darley, Meghan
Sinclair, Angela	Raingarden	Closed	Project completed	251650210	15152 Kortsch Trail SE	City of Prior Lake	612-670-0070	-	Darley, Meghan
Sindelar, Scott	Lakeshore Restoration	Closed	Project completed	259350200	15115 Martinson Island Rd NE	City of Prior Lake	952-217-3440	-	Darley, Meghan
Smith, Heather	Raingarden	Closed	Project completed	251410361	16427 Northwood Road	City of Prior Lake	-	612-600-9334	Darley, Meghan
Tebbe, Amy	Raingarden	Closed	Project completed	252490060	15839 Fremont Ave NW	City of Prior Lake	-612-386-4921	-	Darley, Meghan
Thom, Jane	Lakeshore Restoration	Closed	TA provided/lost interest	119270080	20816 Addison Drive	Spring Lake Twp	-	-952-492-2031	Darley, Meghan
Tweeten, Tom	Non-cropland Erosion	Active	Planning under way	119140080	4190 190th St. E	Spring Lake Twp			Peters, Willie
Valdmanis, Barb	Flood Damage 2014 Disaster	Closed	TA provided/ solution too costly	250400160	5405 Shore Tr	City of Prior Lake	-	612-718-6927	Beckius, Peter
Wall, Laura	Raingarden	Closed	TA provided/lost interest	119090170	2810 South Shore Drive	City of Prior Lake	-	952-447-1537	Darley, Meghan
William, Rose Mary	Lakeshore Restoration	Closed	TA provided	259301080	6770 Rustic Rd SE	City of Prior Lake	952-923-1536	-	Alness, Alyssa
Zastrow, Eric	Raingarden	Closed	TA provided	251090010	3559 Willow Beach Trl SW	City of Prior Lake	-	-	Alness, Alyssa

EXHIBIT C

Summary of Cost Share and Incentive Project Activity in 2018

PROJECTS APPROVED IN 2018

Landowner	Practice	Qty	Units	P**	Source	Amount	Activity Status
Casey Farms*	Cover Crops	59.5	Acres	41.3	PLSLWD - FLC	\$4,165	Seeding completed Payment issued
Haust, Matt & Erin	Shoreline Protection	100	Lin Ft	9.8	SWCD Landowner	\$6,000 \$2,000	Construction started
Hentges, Joe*	Cover Crop	58	Acres	12.8	PLSLWD - FLC	\$5,800	Seeding completed Payment issued
Hofer, Margeret*	Well Decommission	1	Each	-	PLSLWD SWCD Landowner	\$500 \$500 \$1,266	Well sealed Payment issued
Potter, Carolyn*	Well Decommission	1	Each	-	PLSLWD SWCD Landowner	\$500 \$500 \$1,355	Well sealed Payment issued
Riley Family Trust*	Well Decommission	1	Each	-	PLSLWD SWCD Landowner	\$500 \$500 \$900	Well sealed Payment issued
Sinclair, Angela*	Raingarden	1	Each	-	PLSLWD Landowner	\$750 \$0	Project constructed Payment issued
Sindelar, Scott*	Lakeshore restoration	100	Lin Ft	-	SWCD Landowner	\$269 \$269	Project constructed Payment issued
Smith, Heather*	Raingarden	1	Each	-	PLSLWD Landowner	\$250 \$0	Project constructed Payment issued
Tebbe, Amy*	Raingarden	1	Each	-	PLSLWD Landowner	\$750 \$0	Project constructed Payment issued
Flynn, Neil & Pat*	Well Decommission	1	Each	-	PLSLWD SWCD Landowner	\$500 \$500 \$619	Well sealed Payment issued

Exhibit C, cont.

Summary of Cost Share and Incentive Project Activity in 2018

PROJECTS APPROVED PRIOR TO

Landowner	Practice	Qty	Units	P**	Source	Amount	Activity Status
Anderson, Larry*	Well Decommission	1	Each	-	PLSLWD SWCD Landowner	\$272 \$272 \$246	Well sealed Payment issued
Butani, Amy*	Conservation Cover/Native Prairie	1.2	Acres	-	PLSLWD Landowner	\$595 \$1310	Seeding completed Payment issued
Hentges, Joe*	Cover Crop	43.7	Acres	12.3	PLSLWD	\$3,525	Payment issued
Hentges, Steve*	Filter Strips	2.1	Acres	42.3	PLSLWD SWCD	\$3,090 \$3,090	Final payment issued
Mealman, Susan*	Lakeshore Restoration	133	Lin Ft		SWCD Landowner	\$732 \$732	Project constructed Payment issued
O'Loughlin, Tim*	Variable Rate Application	280	Acres	-	PLSLWD - FLC	\$2,741	Project completed Payment issued
Short, Chris*	Lakeshore Restoration	120	Lin Ft	-	SWCD Landowner	\$9,735 \$3,173	Project constructed Payment issued
TOTAL				118.5		\$57,906	

* Project Fact Sheet attached

** Phosphorus loading reduction in total pounds per year, measured at point of discharge to nearest water resource.

2017 Funding Summary

Source	Amount	%
SWCD	\$22,098	38
PLSLWD	\$11,232	19
PLSLWD – FLC	\$12,706	22
Landowner	\$11,870	20
	\$57,906	

EXHIBIT D

Summary of FLC Program Participation

Lake Friendly Farm Certification Program						
Goals						
Total in PLSLWD						
<u>Cropland cover type</u>	<u># of Fields</u>	<u># of Acres</u>				
Cropland	358	5745				
Pasture/grassland	125	720				
Participation (in pilot phase)						
-----Evaluated-----				-----Certified-----		
<u>Name</u>	<u>Fields</u>	<u>Acres - 2018</u>	<u>Acres – To date</u>	<u>Fields</u>	<u>Acres - 2018</u>	<u>Acres – To date</u>
Casey, Rob	1	39.5	39.5	1	39.5 (Jan '19)	39.5
Dubbe, Jim	1	46	46	0	0	0
Hentges, Joe	2	99.9	99.9	2	99.9 (Jan '19)	99.9
Kreuger, Paul	<u>2</u>	<u>39.2</u>	<u>39.2</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	6	224.6	224.6	3	139.4	139.4

2018 Cover Crop Program						
Goal						
	<u>Targeted Acres</u>	<u>Other Acres</u>	<u>Total Acres</u>			
Planned	800	NA	800			
Committed	247	245	492			
Participation						
Producer	Targeted Acres	Targeted Acres Planted	Other Planted	Outreach method	Response/Status	Total Planted
Rob Casey	20	20	59	FLC meetings (SWCD)	Very interested/participated	79
Jim Dubbe	141	133	0	FLC meetings; 1 on 1 meeting (SWCD)	Interested/participated	133
Michael Hartmann	22	0	0	Phone call (SWCD)	No interest in learning more or planting cover crops (does not own land; owner set in ways)	0
Scott and Terry Hauer	84	0	0	Phone and 1 on 1 meeting (SWCD)	Hesitant; wary about no fall tillage. Will reach out again in 2019	0
Joe Hentges	55	4	33	FLC meetings; 1 on 1 meeting (SWCD)	Very interested/participated	37
Ivan Kohout	110	0	0	Phone call (SWCD)	Interested but not this year (wife passed away). Will reach out again in 2019	
Paul Kreuger	102	66	133	FLC meetings; 1 on 1 meeting (SWCD)	Very interested/participated	199
Peter Marxen	33	0	0	Phone call (SWCD)	Some interest but not sure about termination. Will reach out again in 2019	0
Kevin Menden	36	0	0	Phone call; 1 on 1 meeting (SWCD)	Some interest. Will reach out again in 2019	0

Exhibit D, cont.**Summary of FLC Program Participation**

Tim O'Loughlin	24	24	20	1 on 1 meeting (SWCD)	Very interested/participated	44
Butch Ames	77	0	0	Discussion with other FLC members	No interest; feels fall tillage and black ground is important. Will reach out again in 2019	0
Rich Schultz	18	0	0	Phone call (SWCD)	No interest; "wet soils/spring warmup" a concern. Will reach out again in 2019	0
William Busacker	60	0	0	Discussion with other FLC members	No interest; land ownership changing. Will reach out to new owner in 2019	0
Robert Busacker	13	0	0	Discussion with other FLC members	No interest this year. Will reach out again in 2019	0
TOTAL	795	247	245			492

**AGREEMENT BETWEEN THE PRIOR LAKE-SPRING LAKE WATERSHED DISTRICT
AND THE SCOTT SOIL AND WATER CONSERVATION DISTRICT FOR THE
PROVISION OF PROFESSIONAL CONSERVATION SERVICES**

This Agreement is made this ____ day of _____, 2019, by the **PRIOR LAKE-SPRING LAKE WATERSHED DISTRICT**, a governmental subdivision of the State of Minnesota (the "DISTRICT") and the **SCOTT SOIL AND WATER CONSERVATION DISTRICT**, governmental subdivision of the State of Minnesota (the SWCD) for the period January 1, 2019 through December 31, 2019.

1. SCOPE OF SERVICE AND AUTHORIZATION. The DISTRICT retains the SWCD to provide services related to conservation promotion, landowner technical assistance, monitoring, education, and other miscellaneous technical and field services (Services), as set forth in the Scope of Work and Budget, attached hereto as Exhibit A.

2. FEES AND PAYMENT. The SWCD will invoice the DISTRICT on a quarterly basis for time and materials associated with delivery of Services set forth in Exhibit A, unless otherwise specified. Hourly fees for the Services are included in Exhibit A. Materials expenses shall be pre-approved or requested in advance by the DISTRICT Administrator or designee before they are incurred. The SWCD will not invoice for mileage reimbursement.

Payment shall be due within 30 days following receipt of an itemized invoice from the SWCD, using a format approved by the DISTRICT. The DISTRICT may withhold payment for any services not covered in Exhibit A or otherwise authorized in advance by the Administrator or designee.

3. PROFESSIONAL RESPONSIBILITY. The SWCD shall perform the Services consistent with that level of care and skill ordinarily exercised by members of its profession practicing under similar conditions at the time the Services are performed.

4. DISTRICT'S RESPONSIBILITY. At the SWCD's reasonable request, the DISTRICT shall provide to the SWCD all reports, data, studies, plans, specifications, documents, and other information in its possession that are relevant to the Services. The SWCD shall be responsible only for the accuracy of the data, interpretations, and recommendations it generates or makes. The SWCD will not be responsible for any interpretations or recommendations generated or made by others, which are based, in whole or in part, on the SWCD's data, interpretations or recommendations.

5. INDEMNIFICATION.

(a) The SWCD shall indemnify and hold harmless the DISTRICT and its managers, officers, employees, agents, and successors from and against any and all losses, damages, claims, liabilities, costs, and expenses, including legal fees and costs of investigation, resulting from or arising out of (i) a material breach by the SWCD of any term or provision of this Agreement, or (ii) any negligent act or omission or intentional misconduct of the SWCD in the performance of this Agreement or the Services.

(b) The DISTRICT agrees to indemnify and hold harmless the SWCD and its officers, employees, agents, and successors, from and against any and all losses, damages, claims, liabilities, costs, and expenses, including legal fees and costs of investigation, resulting from or arising out of any negligent or wrongful act or omission of the DISTRICT, its officers, directors, or employees.

6. INSURANCE.

At all times during the term of this agreement, the SWCD will have and keep in force the following insurance coverages:

(a) General and professional liability: \$1.5 million each occurrence and aggregate, covering completed operations and contractual liability.

(b) Automobile liability: combined single limit each occurrence coverage for bodily injury and property damage covering all vehicles, \$1.5 million.

(c) Workers' compensation: in accordance with legal requirements applicable to the SWCD.

The DISTRICT will be named as an additional insured with primary coverage under the general liability policy. The SWCD will provide certificates of insurance and other insurance documentation on reasonable request. The certificate will name the DISTRICT as a holder and will state that the DISTRICT will receive written notice before cancellation, nonrenewal or a material change in any described policy under the same terms as the SWCD.

7. OWNERSHIP AND MAINTENANCE OF DOCUMENTS.

All materials obtained or generated by the SWCD in performing the Services, including documents in hard and electronic copy, software, and all other forms in which the materials are contained, documented or memorialized, are the DISTRICT's property. As to those materials, the SWCD hereby assigns and transfers to the PLSLWD all right, title and interest in: (a) its copyright, if any, in the materials; any registrations and copyright applications relating to the materials; and any copyright renewals and extensions; (b) all works based on, derived from or incorporating the materials; and (c) all income, royalties, damages, claims and payments now or hereafter due or payable with respect thereto, and all causes of action in law or equity for past, present or future infringement based on the copyrights. The SWCD will execute all papers and perform such other proper acts as the DISTRICT may deem necessary to secure for the DISTRICT or its assignee the rights herein assigned.

The DISTRICT may immediately inspect, copy or take possession of any materials on written request to the SWCD. The SWCD may maintain a copy of any materials except for those designated by the DISTRICT as confidential or non-public under applicable law, a copy of which may be maintained by the SWCD only pursuant to written agreement with the DISTRICT specifying terms.

If the SWCD receives a request under the Data Practices Act, Minnesota Statutes chapter 13 (DPA), that may encompass data (as that term is defined in the DPA) the SWCD possesses or has created as a result of this agreement, it will inform the DISTRICT immediately and transmit a copy of the request. If the request is addressed to the DISTRICT, the SWCD will not provide any information or documents, but will direct the inquiry to the DISTRICT. If the request is addressed to the SWCD, the SWCD will be responsible to determine and meet its legal obligations, but will notify and consult with the DISTRICT before replying. Nothing in the preceding sentence supersedes the SWCD's obligations under this Agreement with respect to protection of DISTRICT data, property rights in data or confidentiality.

8. RELATIONSHIP OF PARTIES. The SWCD shall be an independent contractor in performing the Services and shall not act as an agent or an employee of the DISTRICT. The SWCD shall be solely responsible for its employees, subcontractors, and agents and for their compensation, benefits, contributions, insurance and taxes, if any. The SWCD shall not have any right or authority to make any representation or to assume or create any obligation, expressed or implied, on behalf of the DISTRICT.

The SWCD will comply with the laws and requirements of all federal, state, local and other governmental units in connection with performing the Services and will procure all licenses, permits and other rights necessary to perform the Services. In performing the Services, the SWCD will ensure that no person is

excluded from full employment rights or participation in or the benefits of any program, service or activity on the ground of race, color, creed, religion, age, sex, disability, marital status, sexual orientation, public assistance status or national origin; and no person who is protected by applicable federal or state laws, rules or regulations against discrimination otherwise will be subjected to discrimination.

9. ASSIGNMENT. Neither party shall assign, or otherwise transfer, its rights or obligations hereunder without the written consent of the other party.

10. AUDIT. All documents and records relating to this Agreement shall be available for inspection by the DISTRICT and the state auditor for six years. The DISTRICT may audit all records of the SWCD relating to the costs, expenses and Services performed. If the audit shows that the payment by the DISTRICT to the SWCD exceeds the amount due the SWCD, the excess amount shall be returned to the DISTRICT and the SWCD shall bear the expense of the audit.

11. DISPUTES. All disputes between the SWCD and the DISTRICT shall be subject to non-binding mediation before either party may commence suit. Either party may demand mediation by serving a written notice stating the essential nature of the dispute, the amount of time or money claimed, and requiring that the matter be mediated within 60 days of service of notice. The parties shall agree on a mediator.

12. TERMINATION. This Agreement shall be terminable at will by either party effective immediately upon written notice to the other party via certified mail. Termination of this Agreement does not relieve either party of its obligations with regard to services provided prior to the time of termination. Insurance obligations; warranties; obligations to indemnify and hold harmless; and document-retention requirements will survive the completion of the Services and the term of this agreement.

13. GOVERNING LAW. This Agreement is governed by and shall be construed according to the laws of Minnesota.

14. NOTICES. All notices and communications to the SWCD under this Agreement shall be to 7151 W. 190th Street, Suite 125, Jordan, MN, 55352. All notices and communications to the DISTRICT under this Agreement shall be to 4646 Dakota Street SE, Prior Lake, MN 55372.

15. ENTIRE AGREEMENT. This Agreement including any attachments incorporated constitutes the entire understanding between the DISTRICT and the SWCD. Any modifications to this Agreement shall be in writing and signed by authorized representatives of the parties.

For the PRIOR LAKE-SPRING LAKE WATERSHED DISTRICT

Signed: _____
Title: _____
Date: _____

For the SCOTT SOIL and WATER CONSERVATION DISTRICT

Signed: _____
Title: Robert Casey, Chair
Date: _____

EXHIBIT A

2019 SCOPE OF WORK AND BUDGET

The Scott Soil and Water Conservation District (SWCD) will provide the Prior Lake Spring Lake Watershed District (DISTRICT) with a variety of conservation services, in support of the goals and objectives in its Water Resources Management and Spring Lake-Upper Prior Lake TMDL Implementation Plans.

Services will be delivered on a time and materials basis. Individual line items may vary as the year progresses due to unpredicted needs and circumstances; however, this Scope is capped with an overall not-to-exceed amount of **\$124,000**. The SWCD may be requested to provide services outside of and in addition to this Scope. These services will be provided on an as-requested basis via separate work order or memoranda, the costs of which will not apply to the not-to-exceed amount.

Task I. Technical Assistance and Cost Share

Scope of Work

The SWCD will provide information, technical, and cost share assistance to landowners within the DISTRICT in support of implementation of conservation behaviors and best management practices that reduce soil erosion, decrease runoff volume, and improve water quality.

A. Conservation Marketing and Promotion

The SWCD will continue targeted marketing initiatives aimed at promoting adoption of priority conservation practices. The focus will be projects identified in 2014 Upper Watershed Assessment and practices identified in the SWCD's 2015 Clean Water Fund grant, including but not limited to native prairie restoration and lakeshore stabilization. Activities will include:

- Identifying targeted parcels and gathering contacts information
- Developing letters, mail lists, and informational materials
- Making personal calls and home visits
- Tracking progress

Deliverable(s):

- 1) Summary report with pertinent information at end of calendar year
- 2) Electronic copies of information materials developed

B. Livestock/Commodity Producer Assistance

The SWCD will provide technical support to livestock and commodity producers on conversation measures providing water quality benefits in the DISTRICT.

- Provide Equipment Rental Program services for cover crops and other conservation seeding
- Assist with animal waste management planning
- Assist with livestock facility and pasture management planning
- Provide information and assistance related to state feedlot regulations, including planning, permitting, inspections, complaint response and pollution discharge

Deliverable(s):

- 1) Copies of completed Equipment Rental Agreement(s)
- 2) Electronic copies of management planning materials

C. Project Design, Construction and Cost Share Assistance

The SWCD will administer a cost share program in accordance with the DISTRICT's approved Docket. These services will be provided to landowners who a) respond with interest to marketing efforts under Task IA and b) call or walk-in with their own conservation issues or concerns. Services provided to producers participating in the FLC cost share program will also fall under this task.

- Follow up
 - Calls and/or visit with landowners
 - Conduct off-site or on-site research

- Project Scoping and Pre-Approval
 - Meet with landowners to clarify goals and interests
 - Conduct preliminary off- and/or on-site research
 - Determine project feasibility and eligibility
- Project Development
 - Complete technical assessment
 - Collect and submit soil samples for nutrient analysis, when applicable
 - Conduct topographic surveys if necessary
 - Meet with landowner to finalize decisions and secure commitments
 - Prepare technical and environmental assessments
 - Prepare concept plans and cost estimates
- Administrative Activities
 - Prepare and process contract applications, fact sheets, and payment vouchers
 - Prepare and send letters of decision (approval or denial)
 - Prepare and issue cost share checks, upon certified completion
 - Track and report budget activity
 - Project/file close out
 - Develop and present proposed Docket revisions
 - Prepare annual report of accomplishments
 - Prepare and provide copies of requested documents
- Design Activities
 - Conduct surveys
 - Prepare and review designs, specifications, and final cost estimates (or coordinate same if engineering services are outsourced)
 - Apply for/secure applicable permits
 - Prepare Operation and Maintenance agreements
 - If requested submit design packet to the DISTRICT for review prior to construction
- Construction Activities
 - Coordinate and lead pre-construction meetings
 - Stake projects
 - Inspect/supervise construction
 - Prepare as-built drawings
 - Provide construction certification

Deliverables (as applicable):

- 1) Project fact sheets with pertinent information at end of calendar year
- 2) Soil sample analysis results
- 3) Concept plans and cost estimates
- 4) Signed contract applications and payment vouchers
- 5) Letters of decision
- 6) Executed Operation and Maintenance agreements
- 7) Final design w/as-built drawings and certification

D. Conservation Planning

The SWCD will provide conservation planning services for cost share program participants, in accordance the Conservation Practice Financial Assistance Program Policy Manual

- Gather data (soils, topography, water resources, management practices, compliance status, etc.)
- Evaluate current resource conditions; identify needs and opportunities
- Prepare preliminary conservation plan; review with land user
- Prepare and deliver final Conservation Plan and Agreement; secure signatures

Deliverable(s):

- 1) Final Conservation Plans and Agreements

Maintenance (O&M) plans, in accordance with cost share contract requirements. Inspections are completed the 1st, 5th, and 9th year following certification.

- Conduct site visit and inspection of project site
- Prepare inspection report
- Conduct follow up inspection and landowner technical assistance, if necessary

Deliverable(s):

- 1) Summary of inspection findings at the end of the calendar year

Budget

Staff services	\$30,000
Cost share (pass through):	<u>\$23,000</u>
	\$53,000

NOTE: Budget amounts in these categories may vary depending on number and types of projects, as well as the availability of other sources of funding for cost share and incentives. For example, additional funds may be dedicated for TA in order to leverage grant funds that can be used for project cost share and incentives.

Task II. Farmer Led Council

Scope of Work

The SWCD will provide technical support to the Farmer Led Council (FC), including but not limited to:

- Meeting with DISTRICT staff for program planning, coordination and reporting;
- Providing input and support on policy and program implementation;
- Participating in FLC meetings including the coordination of guest speakers, related stipends, and miscellaneous expenses;
- Conduct follow up with current and prospective participants to promote FLC goals and programs including any marketing materials and expenses, as needed;
- Assist cooperators with FLC program participation, including but not limited to: delivering and placing water quality inlets; coordinating and implementing the cover crop initiative; conducting lake-friendly farm certification assessments; preparing conservation plans. This includes the purchase of water quality inlets, alum-treated biologs, purchasing Lake-Friendly Farm certification signs, and reimbursement to farmers who operate fields in PLSLWD for their attendance at agronomic education events;
- Assist DISTRICT staff with certification recognition activities

Budget

Staff services	\$22,000
Cost share (pass through)	<u>\$27,000</u>
Total	\$49,000

Deliverable(s):

- 1) review of meeting notes.
- 2) Attendance at Farmer-Led Council Meetings.
- 3) Electronic copies of documents/maps/materials created and/or executed for FLC programming.
- 4) List and map of participants identified, engaged, and/or solicited for FLC programming.

Task III. Monitoring and Data Collection

Scope of Work

The SWCD will assist the DISTRICT with planning and implementing its monitoring program, including but not limited to grab samples, flow measurements, deployments and related activities, as per approved monitoring plan or as otherwise requested by DISTRICT staff.

Budget

Staff services	\$9,000
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Task IV. Other Technical and Management Services

Scope of Work

The SWCD will provide various technical and field services on an as-requested basis, including but not limited to:

- Preparing quarterly and annual progress and activity report
- Participating in watershed planning and rule-making meetings
- Surveying/Mapping/GIS analysis
- Resource concern investigations
- Erosion and sediment control inspections

Deliverables (as applicable):

- 1) Surveys
- 2) Maps
- 3) GIS files
- 4) Erosion & sediment control inspection reports
- 5) Memos and reports

Budget

Staff services	\$3,500
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Task V. EDUCATION PROGRAMMING

Scope of Work

The SWCD will provide various educational programming services. Activities will include those identified in the 2019 Scott Clean Water Education Program (SCWEP) work plan, as well as other DISTRICT educational activities for which SWCD services may be requested.

As part of the 2019 SCWEP, the SWCD will plan, coordinate and host one to two (1-2) workshops, including at least one raingarden and one lakeshore. Activities will include:

- Plan and prepare workshop details in coordination with the WMO and Cities of Prior Lake
- Develop promotional and informational materials and resources
- Plan and implement media marketing/promotion plan
- Coordinate and manage registrations and venue set-up and take-down
- Prepare and present information
- Post-workshop review and follow up with landowners

Deliverable(s):

- 1) Electronic copies of promotional and information materials and resources
- 2) Media/promotion that includes PLSLWD logo
- 3) Two completed workshops
- 4) Contact information for attendees of events

Budget

Services:	\$3,500
Supplies:	Per request

TASK & BUDGET SUMMARY

Task	Description	Amount
I	TACS services	\$30,000
	TACS cost share (pass-through)	\$23,000
II	FLC services	\$22,000
	FLC cost share (pass-through)	\$27,000
III	Monitoring services	\$9,000
IV	Misc. Tech & mgmt services	\$3,500
V	Education services	\$3,500
	Education supplies*	N/A
Total		\$118,000

*On per-request basis

BILLING RATES

All services will be billed on a time and materials basis, according to the following hourly rates.

Position Title	Rate
District Director	\$85
Resource Conservationist II	\$77
Finance and Accounting Specialist	\$72
Engineering Technician	\$72
Resource Conservationist I	\$72
Water Resources Specialist	\$67
Ecological Specialist	\$67
Resource Conservation Technician	\$62
Agricultural Programs Specialist	\$62
Education Coordinator	\$62
Conservation/Seasonal Intern	\$47

PRIOR LAKE – SPRING LAKE
WATERSHED DISTRICT

Resolution 19-331

A Resolution Adopting the District's Governance Policy Amendments and Approving the Governance Manual

Manager _____ offered the following resolution and moved its adoption, seconded by
Manager _____:

WHEREAS the Prior Lake – Spring Lake Watershed District (PLSLWD) Board of Managers wishes to ensure that its governance policies and protocols are up to date and complete to institutionalize sound management of PLSLWD's business, finances and affairs;

WHEREAS the PLSLWD Board of Managers conducted special meetings wherein the managers discussed and reviewed revisions to the established PLSLWD bylaws, policies and protocol documents and directed such changes, additions and improvements as it deemed necessary and prudent; and

WHEREAS the Board of Managers wish to memorialize the policy and protocol updates.

THEREFORE BE IT RESOLVED that the PLSLWD Board of Managers adopts the following amended policies, including:

1. General Governance Policies;
2. Bylaws;
3. Public Data Request Policy;
4. Policy for Management of Permit Fees, Permit Securities and Abandoned Property;
5. Public Purposes Expenditures Policy;
6. Investment Policy and Procedure Manual – Investment of Watershed District Funds;
7. Policy, Controls and Procedures for Financial Management; and
8. Fund Balance Policy.

THEREFORE BE IT FUTHER RESOLVED that the Board of Managers approves the attached Prior Lake – Spring Lake Watershed District Governance Manual, containing the policies named above, as well as the PLSLWD Records Retention Schedule, no amendment of which is made hereby, and related protocols and procedural documents, including a Schedule of Regular Activities to provide for timely conduct of PLSLWD business; and

THEREFORE BE IT FINALLY RESOLVED that the Board of Managers directs the administrator, on advice of counsel, to make such administrative changes as necessary to finalize the manual and to take such further steps necessary and required to comply with state law governing the filing, review and approval of PLSLWD governance documents.

The Resolution was adopted/rejected by the following vote:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>
MYSER			
CORRIGAN			
HENNES			
SPITZMUELLER			
HOWLEY			

Upon vote, the chair declared the resolution adopted.

Charles Howley, Secretary

Dated: _____, 2019

Prior Lake - Spring Lake Watershed District
Governance Manual

February 12, 2019

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Prior Lake - Spring Lake Watershed District

Updated ~~01/16/2019~~ 6/12/2019

Governance Manual – Introduction

The Prior Lake - Spring Lake Watershed District is a special purpose unit of government established under Minnesota Statutes chapters 103B and 103D. The Prior Lake - Spring Lake Watershed District is governed by a five-member Board of Managers appointed to staggered terms by the Scott County Board of Commissioners. The District has an administrator who oversees and directs day-to-day activities and carries out, with the assistance of staff, the District's ~~2010~~ Water Resources Management Plan.

Following is a set of policies and supporting documents constituting the **"Prior Lake - Spring Lake Watershed District Governance Manual"** hereafter referred to as **"The Manual."** The Manual includes policy and protocol documents drafted to fulfill specific statutory or internal management purposes.

The Manual establishes written policies, procedures and instructions for the management of District activities and accounts, complete recordkeeping and records management, and separation of duties among District staff and contractors. The Manual also should help to ensure that similar transactions are treated consistently, that appropriate accounting practices are used, and that records and reports are produced in the form desired by the managers and state review entities, including the Legislature, the Office of the State Auditor and the Board of Water and Soil Resources.

The Manual consists of the following policies and protocols adopted by the District:

- **General Governance Policies** includes brief, focused policy statements on certain specific matters, as well as several specific administrative policies, such as the District's records management policy. (The state Uniform Electronic Transaction Act requires the District to decide "whether, and the extent to which, it will create and retain electronic records and convert written records to electronic records."¹ State law also provides that the District may satisfy any recordkeeping requirement by retaining records in electronic form.²)
- **Bylaws, including a conflict of interest policy,** fulfill the requirement of Minnesota Statutes section 103D.315, subdivision 11. The District bylaws include a conflict of interest policy that goes beyond the financial conflicts prohibited by state law³ to address private interests and relationships that present conflicts. (See Bylaws, section VI.)
- **Public Data Request Policy** fulfills requirements of the state Data Practices Act, Minnesota Statutes chapter 13, applicable to the District. The following auxiliary documents fulfill specific requirements of the Data Practices Act:

¹ Minn. Stat. § 325L.17.

² Minn. Stat. § 325L.12.

³ Minn. Stat. § 10A.07.

- ~~An i~~Index of private and confidential data and records on individuals, ~~fulfilled by the District's Records Retention Schedule.~~⁴
- Procedures to ensure accuracy and security of data on individuals (Minn. Stat. §§ 13.025, subdivision 3, and 13.05, subd. 5) and to notify data subjects of their rights under the DPA (Minn. Stat. § 13.045, subd. 8).
- Tennesen notices and consent forms, created as needed and tailored for specific circumstances where private or confidential data is collected from individuals, such as new employees, or distributed (Minn. Stat. § 13.04, subd. 2). (The Manual includes a basic template.)
- **Records Retention Schedule** allows the District to efficiently manage and, when appropriate, dispose of or archive its files, and fulfills the government recordkeeping requirement of Minnesota Statutes section 138.17, subdivision 7, and the mandate to “make and preserve all records necessary to a full and accurate knowledge of their official activities” in Minnesota Statutes section 15.17, subdivision 1. ~~It also fulfills the Data Practices Act requirement that the District maintain a list of private and confidential data on individuals maintained by the District (section 13.05, subdivision 4).~~ The schedule sets time periods for the retention and disposal of records, and also describes when the District may send records to the Minnesota State Archives for permanent preservation.⁵ The schedule also includes shading indicating information the District stores in hard copy form (as opposed to electronically), in compliance with the records management policy in the General Governance Policies. The schedule has been approved by the state Records Disposition Panel.
- **Policy for Management of Permit Fees, Permit Securities and Abandoned Property** provides protocols to manage assurances collected by the District from permittees and ensures that funds submitted are managed in accordance with the state unclaimed property law (chapter 345 generally and section 345.38 specifically). The policy is an important companion to the District’s Policy, Controls and Procedures for Financial Management, as it provides specific protocols for the only District program that regularly generates revenues and receives other funds (financial assurances) that must be carefully managed to secure the District’s interests and provide a transparent process for permit applicants. This policy is accompanied by:
 - An updated escrow agreement template, for escrow of funds submitted by permittees to fulfill the financial performance-assurance requirements in the District rules. The template specifies the terms under which the District holds, can use and will return the funds, as well as protocols that operate in the event that the party providing the funds cannot be found come time to return the funds.
- **Public Purposes Expenditures Policy** includes protocols and requirements to ensure that the District complies with the requirement in the state constitution that expenditures by government bodies must serve a public purpose.⁶ The policy provides guidance for managers and staff as to allowable expenditures of District funds for

⁴ ~~Min. Stat. § 13.05, subd. 1.~~

⁵ The District may maintain archived documents itself, or send them, in accordance with the schedule, to the Minnesota State Archives. Minn. Stat. § 138.17, subd. 1b.

⁶ Minn. Const. Art X, sec. 1.

travel; training; safety and health programs; recognition and appreciation events and activities; food and beverages; outreach and stakeholder-involvement programs and activities; and memberships.

- **Investment Policy and Procedure Manual – Investment of Watershed District Funds** provides guidance and requirements for the investment of District funds, and contributes to compliance with the statutory requirement that the District ensure the security of funds it has on deposit.⁷
- **Policy, Controls and Procedures for Financial Management** provides terms for the management and administration of District finances, establishing checks and balances to preclude opportunities for misuse of District funds, facilities and equipment. This policy also helps the District comply with the above-mentioned deposited-funds security requirement.
- **Fund Balance Policy** adopted to bring District fund-classification and -naming practices into compliance with general accounting standards.
- **Schedule of Regular Activities** is a list of determinations, updates, reviews and reports the District or administrator makes on a regular schedule to comply with statutory and regulatory requirements and otherwise support sound District management.

The Manual ~~should will~~ be ~~periodically~~ reviewed ~~and updated at least~~ every three years ~~and updated as prudent and necessary~~.

District staff and contractors are expected to conduct District business in accordance with the Manual and to alert the Board of Managers ~~to when~~ improvements and additions ~~are~~ needed.

The policies in this Governance Manual are adopted by the District Board of Managers to guide internal practices only, ~~and~~ should not be read to create a right or expectation in any third party. The Board of Managers may deviate from these policies when, in its judgment, deviation is warranted and legally permitted to best achieve watershed-district purposes, ~~and~~ may amend these policies from time to time.

⁷ Minn. Stat. § 118A.03.

Prior Lake - Spring Lake Watershed District

General Governance Policies

Adopted ~~as amended September 11, 2012~~ ~~February 2/12/, 2019~~ ~~DATE~~

The following general governance policies help ensure sound administration of District business and continued focus of District resources on protection and improvement of the water resources in the Prior Lake - Spring Lake watershed.

I. Per diems

1. Managers may receive a per diem for participation in a meeting of the Board of Managers and participation in ~~for~~ activities undertaken at the specific request of the Board of Managers or the administrator, and otherwise as may be more specified by resolution of the board of managers.
2. Managers will prepare claim forms for per diem payments and expenses in duplicate. The original will be submitted to the District Administrator ~~treasurer~~ to be ~~processed~~ reviewed for consistency with the current rates and protocols adopted by the Board of Managers by resolution ~~Per Diem Policy~~ and approved in the same manner as other claims against the District. If there is a concern that a claim does not satisfy is not consistent with the current adopted Per Diem Policy rates and protocols, the claim will be submitted to the ~~Treasurer for review and approval.~~ A claim for an expense must be submitted within 60 days of the date the expense was incurred. The manager will retain a copy for his or her personal records.
3. A manager may receive only one per diem per day of service to the District.
4. The District may establish a per diem rate by resolution, but the per diem rate will not exceed that specified in Minnesota Statutes section 103D.315, subdivision 8. In the absence of a decision by the Board of Managers setting a different rate, the statutory rate will apply.

II. Records management and retention

- a. The District will make and preserve all records necessary to ensure the availability of a full and accurate accounting of the District's official activities, in fulfillment of Minnesota Statutes sections 15.17, subdivision 1, and 138.17.
- b. The District has adopted and will maintain a records retention schedule, to be approved by the State Archives, governing the retention and/or disposal of records created by the District.
- c. In keeping with the direction of the Uniform Electronic Transactions Act, the District has determined that it will create and retain its records in electronic form to the greatest extent possible. The District's records retention schedule includes indication of records that may be retained in hard copy form, but District policy is to retain all records in electronic form. This policy is prospective as of September 11, 2012; the District does not intend to convert historic records from hard copy to electronic form.
- d. The administrator is the responsible authority for purposes of District compliance with the Data Practices Act, Minnesota Statutes chapter 13.
- e. The administrator is the data practices compliance official for purposes of District compliance with the Data Practices Act.

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Commented [MW1]: Suggest retaining adopted by dates, allowing amendments of individual policies without re-opening review of entire manual.

Commented [MW2]: Draft change to "six months" replaced with reversion to 60 days to avoid possible tax concerns for individual managers. (DL will check with accountant as necessary.)

III. Delegated authority

- a. No employee of the District may exercise authority beyond that which is allocated to the administrator by the District bylaws, the policies that constitute the Governance Manual, or a resolution of the Board of Managers.
- b. Authority delegated to the administrator may not be delegated to other employees or contractors of the District.
- c. Duties assigned to the administrator may be delegated to other employees or contractors by the administrator, however the administrator will remain responsible to the Board of Managers for the proper execution of all delegated duties.
- d. The administrator may not commit funds of the District without the approval of the Board of Managers.

IV. Managers' authority

- a. No manager may speak on behalf of the District unless authorized to do so by the Board of Managers.
- b. No individual manager may provide direction, instructions or authorization to the administrator unless specifically authorized to do so by the Board of Managers.
- c. Managers may request District copies of documents without authorization by the Board of Managers.

Prior Lake – Spring Lake Watershed District

Bylaws

Adopted ~~as amended [DATE]2/12/19~~ September 11, 2012

These bylaws establish governing rules for the Prior Lake - Spring Lake Watershed District (District) Board of Managers (Board), in compliance with Minnesota Statutes section 103D.315, subdivision 11.⁸

- I. **Office.** The District will maintain its principal place of business and its official records at an office located within the watershed, presently ~~14070 Commerce Avenue NE, Suite 4646 Dakota Street SE-300~~, Prior Lake, MN 55372. The Board may change the location of its principal place of business in accordance with Minnesota Statutes section 103D.321, subdivision 2.
- II. **Board of Managers.** The Board consists of five managers appointed by the commissioners of Scott County. Managers serve staggered three-year terms. A manager serves until his or her replacement is appointed.
 - a. *Vacancy.* Any manager who is unable to fulfill his or her term will notify the Scott County Commission to allow the commission to appoint a replacement in a timely manner.
 - b. *Compensation.* The Board may elect to compensate its members for attending meetings and performing other duties necessary for the proper management of the District and reimburse managers for expenses incurred in the performance of official duties. Compensation will be in accordance with Minnesota Statutes section 103D.315, subdivision 8, and ~~policy established by the Board~~ the current current adopted District rates and protocols ~~Per Diem Policy.~~
 - c. *Bonding.* Before a manager assumes his or her duties, the District will obtain and file a bond for the manager at District expense in accordance with Minnesota Statutes section 103D.315, subdivision 2.
 - d. *Insurance.* The Board will provide insurance for the managers for liability protection on such terms and in such amounts as the Board determines.
 - e. *Attendance.* Managers are expected to attend meetings of the Board of Managers. At the Board's discretion, a manager's failure to attend three consecutive regular meetings of the District may be reported to the Scott County Board of Commissioners.
 - e-f. *Bank signatories.* ~~All managers will be signatories on banking documents.~~
- III. **Officers.** The Board annually, ~~at its January meeting,~~ will elect from among its members the following officers: president, vice president, secretary and treasurer. If any officer cannot complete his or her term of office, the Board immediately will elect from among its members an individual to complete the unexpired term. An officer's term as officer

⁸ All references in these bylaws to statutes are to the section or sections as they may be amended.

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continues until a successor is elected or the officer resigns. The Board, by action at an official meeting, may appoint a manager as an officer pro tem in the event an officer is absent or unable to act, and action by that officer is required.

a. *President.* The president will:

- i. preside at all meetings as chair of the Board.
- ii. sign and deliver in the name of the District contracts, deeds, correspondence or other instruments pertaining to the business of the District;
- ~~iii. be a signatory to the District accounts;~~
- ~~iv-iii.~~ be a signatory to District documents if the treasurer or secretary is absent or disabled, to the same extent as the treasurer or secretary.

b. *Vice President.* The vice president will:

- i. preside at meetings as chair in the absence of the president;
- ~~ii. be a signatory to the District accounts;~~
- ~~iii-ii.~~ be a signatory to District instruments and accounts if the president is absent or disabled, to the same extent as the president.

c. *Secretary.* The secretary will:

- i. be a signatory to resolutions and other documents certifying and memorializing the proceedings of the District;
- ii. maintain the records of the District;
- ~~iii. make the required public and Board notice of all meetings in accordance with Minnesota Statutes chapter 13D;~~
- ~~iv-iii.~~ ensure that minutes of all Board meetings are recorded and made available to the Board in a timely manner and maintain a file of all approved minutes;
- ~~v. keep a record book in which is noted the proceedings at all meetings.~~

d. *Treasurer.* The treasurer will:

- ~~i. be a signatory to the District accounts and financial records;~~
- ~~ii-i.~~ present a report at the monthly meeting of the Board of Managers that ~~includes a current check register and~~ tracks each of the watershed district's funds and account balances;
- ii. provide such other records as are necessary to inform the Board of the financial condition of the District.

The following officers' duties will be performed by the administrator under the direction of the Board of Managers:

- i. develop and maintain the District's financial accounts and records;
- ii. arrange for the annual audit of the District's financial records;

- iii. provide the Board with such records as are necessary to describe the financial condition of the District;
- iv. deposit all monies, drafts and checks in the name of and to the credit of the District at such banks and depositories as the Board may approve.
- v. maintain records of the District;
- vi. ensure that minutes of all Board meetings are recorded and made available in a timely manner to the Board, and, maintain a file of all approved minutes including corrections and changes;
- vii. provide for proper public notice of all meetings.

IV. **Committees.** All standing and special committees will be appointed by majority vote of the managers. Committees may include persons who are not managers, but no member of a committee who is not a manager may offer a motion or vote on a matter put before the Board. It will be the duty of a committee to act promptly and faithfully in all matters referred to it and to make reports as directed on the date established by the chair or Board. A complete and accurate copy of written reports will be made by the secretary and filed and recorded in the office of the Board.

- a. *Citizen~~s~~ Advisory Committee.* There is established, in accordance with Minnesota Statutes section 103D.331, a District citizen~~s~~ advisory committee. The committee is known as the Citizen~~s~~ Advisory Committee (CAC). The CAC advises the Board of Managers on water resource-related community concerns and issues, and assists with the development and implementation of the education and outreach activities of the District. The CAC will meet according to a schedule its members set in January each year annually by the Board of Managers and at such other times as may be determined by a majority of the members of the CAC. All meetings of the CAC are open to the public.
- b. *Technical Advisory Committee.* There is established, in accordance with Minnesota Statutes section 103D.337, a technical advisory committee (TAC) to the Board of Managers. The TAC is convened as necessary and appropriate to advise the Board of Managers on regulatory, watershed planning and other technical matters.
- c. The Board of Managers may not delegate supervision of the District administrator or any District employee to a committee.

V. **Meetings.** In January each year the Board will set a schedule of regular meetings for the coming year. Adjourned and special sessions may be held at such times as the Board deems necessary and proper.

- a. Special meetings and emergency meetings may be called by the chair or any manager. Notice of a special meeting or emergency meeting will be made by the secretary in accordance with the Open Meeting Law, Minnesota Statutes chapter 13D.
- b. All meetings of the Board will be open to the public, except that a meeting or portion of a meeting may be closed in accordance with the Open Meeting Law.
- c. At all meetings of the Board, a majority of the members appointed will constitute a quorum necessary to do business, ~~but a minority may adjourn from day to day.~~

Commented [MW3]: Consider retaining. This is a purely functional item, allowing less than a quorum to adjourn a meeting after the quorum is lost to prevent a meeting from being inordinately left open.

- d. *Conduct of meetings.* At the time appointed for a meeting, the members will be called to order by the president as chair, or, in his or her absence, ~~the temporary chair. Upon appearance of a quorum, the vice president, secretary and/or treasurer, in that order. If a quorum is present,~~ the Board will proceed to do business in accordance with the agenda, as may be amended and approved by the Board.
- i. The chair will preserve order and decide questions of order, subject to an appeal by any member. The chair may make motions, second motions, or speak on any questions, provided, however, that he or she will do so only after vacating the chair and designating a temporary chairman, on demand of any one or more Board member. The chair will be entitled to vote in the same manner as other members of the Board.
- ii. The order of business for a meeting may be varied by the chair, but no public hearing convened by the Board will be closed before the time specified for the hearing in the notice.
- iii. ~~Every member before speaking~~Before speaking, ~~every~~a member will address the chair and will not proceed until recognized by the chair. A member ~~called to order~~will immediately suspend ~~his~~ remarks until the point of order is decided by the chair.
- iv. Any person may address the Board on a matter properly before the Board. The chair may limit the time allowed for a manager or other person addressing the Board to speak.
- v. Any person may request that a matter be heard by the Board, and the Board will consider such request and determine whether and, if approved, when to take up the matter or to defer the matter pending receipt of additional information ~~thereon~~and to direct the administrator to obtain ~~such the~~ information.
- e. *Appeal of a chair ruling.* A manager may appeal to the Board ~~from regarding~~ a ruling of the chair. If the appeal is seconded, the manager may speak once solely on the question involved and the chair may explain his or her ruling, but no other manager will participate in the discussion. The appeal will be sustained if it is approved by a majority of the managers present, exclusive of the chair.
- f. *Amendment of meeting rules.* These rules may not be repealed, altered or amended except by majority vote of all members of the Board and upon notice given at a preceding meeting. In all points not covered by these rules, the conduct of a meeting of the Board will be governed by ~~the latest edition of Robert's Rules of Order, Newly Revised (10th Edition).~~Robert's Rules may be temporarily suspended by consent of a majority of the managers.
- g. *Resolutions.* A resolution will be presented in writing at a meeting or ~~the~~ Board may order that staff prepare a resolution reflecting action taken by the Board. The material terms of a resolution must be stated in the motion to adopt. Each resolution passed by the Board will be signed by the secretary and filed in the official actions of the District maintained at the District office.

Commented [MW4]: Not an issue worth spending a whole lot of time on, but recommend against this change because:

1. The basics of Robert's Rules will provide sufficient structure for meetings;
2. Proposed changes creates need to update, whether the new edition is useful to PLSLWD or not, and creates uncertainty in the bylaws as to what governs (in the event a change is made that counsel and/or the administrator or managers are unaware of the change. .

- h. **Minutes.** Minutes of all meetings of the Board of Managers and committees will be made. At the regular meeting of the Board of Managers, draft minutes of the preceding meeting will be reviewed by the Board and adopted as may be amended. Adopted minutes will be kept at the District offices. Minutes of the meeting will be kept by the secretary, and, when signed, will constitute an official record of the Board proceedings. All written communications addressed to the Board, other materials included in a Board meeting packet, and all documents and materials submitted to the record in the course of a Board meeting will be filed in the District office with the minutes of the meeting.
 - i. **Voting.** When the chair puts a question to the Board, every manager present will vote, unless for special reasons the Board excuses him or her. The manner of voting on any business coming before the Board may be by voice vote. Any affirmative or negative vote by any member will be entered in the minutes on his or her request. Affirmative and negative votes will be recorded on any motion at the request of a manager and the results entered in the minutes.
- VI. **Conflict of Interest.** The Prior Lake - Spring Lake Watershed District Board of Managers seeks to operate in accordance with high ethical standards and wishes to establish clear guidelines for the ethical conduct of District business. Ensuring that conflicts of interest do not affect District proceedings is an essential element of maintaining high ethical standards. Therefore, to supplement and specify its commitment to compliance with the Ethics in Government Act, Minnesota Statutes section 10A.07, the Board of Managers adopts the following conflict of interest policy:
- a. **Disclosure of conflicts.** A manager who has a personal financial interest, or other private interest or relationship that limits the manager's ability objectively to consider, deliberate or vote, in a matter scheduled to come before the Board must prepare a written statement describing the matter requiring action and the nature of the potential conflict. The manager affected will deliver the statement to the president of the Board of Managers prior to the Board's consideration of or taking action on the matter. If a potential conflict arises and a manager does not have sufficient time to prepare a written statement, the manager must orally inform the Board prior to discussion of the matter.
 - b. **Abstention.** A manager must abstain from chairing any meeting, participating in any vote, offering any motion, or participating in any discussion on any matter that may substantially affect the manager's financial interests or those of an associated business or family member, unless the effect on the manager is no more than on any other member of the manager's business classification, profession or occupation. Managers must also abstain from chairing any meeting, participating in any discussion, offering any motion, or voting on any matter in which a private interest or relationship of the manager limits the manager's ability objectively to consider, deliberate or vote. The manager's nonparticipation in the matter will be recorded in the minutes.
- VII. **Bylaws.** These bylaws are adopted to facilitate the transaction of Board business. They should not be permitted to divert or hinder the expressed intent and desire of the Board. Informal compliance and substantial performance will be sufficient under the foregoing

provisions in the absence of an objection seasonably taken. An objection will be deemed not seasonably taken as to any procedural matters provided for herein if a manager present at the meeting fails to object and request compliance with these bylaws during the meeting. To be seasonably taken by an absent member, an objection must be taken at the next regular meeting of the Board.

- a. Any provision of these bylaws may be suspended temporarily by a majority vote of the Board, except a provision that preserves the right of an absent manager.
- b. These bylaws may be amended by a majority of the Board of Managers on 30 days written notice of the proposed change(s), unless such notice is waived by all managers. Notice of any amendment is to be contained in the notice of the meeting at which the proposed amendment is to be considered. An amendment to these bylaws must be approved by a four-fifths majority of the Board.
- c. Interpretation of the bylaws and any amendment thereto will rest with the Board of Managers. The bylaws are to be interpreted as consistent with the state watershed laws, Minnesota Statutes chapters 103B and 103D, and other governing laws. In the event of a conflict, the governing laws control.

~~d. These bylaws will be reviewed by the Board at least once every five years.~~

~~e.d.~~ These bylaws govern internal conduct of the business of the Prior Lake - Spring Lake Watershed District and neither create nor elucidate any right in any third party.

Adopted by the Board of Managers of the Prior Lake - Spring Lake Watershed District this ~~11th~~ 12th day of ~~September, 2012~~ February.

Date:

Charlie Howley~~Marianne Breitbach~~, Secretary

Prior Lake – Spring Lake Watershed District

Public Data Request Policy

Adopted as amended ~~2/12/19~~ September 11, 2012

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Commented [MW5]: Jan. 8, 2013, adopted changes?

Policy Statement

It is the policy of the Board of Managers of the Prior Lake-Spring Lake Watershed District (District) to provide access to public data in accordance with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 (DPA). The DPA states that data of public bodies are to be available to the public unless specifically ~~exempted-protected as non-public~~ under the law ~~in cases~~ where individual privacy would be violated or where other valid concerns outweigh the interest in public availability. The Prior Lake – Spring Lake Watershed District (District) wishes to ensure that its conduct and practices strictly comply with the DPA to ensure access to District data while appropriately protecting private and confidential District data. Where the DPA allows for the exercise of judgment, the District will exercise that judgment consistent with the public interests underlying the law.

This policy is adopted pursuant to sections 13.025, subdivision 2, and 13.03, subdivision 2, of the DPA, which ~~requires-state that every public bodies-body must to~~ establish procedures to implement the DPA. In addition, in compliance with section 13.025, subdivision 1, the District has adopted and maintains as Appendix A an Inventory of Not-Public Data on Individuals to ensure that access to private and confidential data on individual is limited to District personnel whose work or management assignments require access-a records retention schedule, which is an index of the records and data maintained by the District and describes private and confidential data on individuals collected by the District, in compliance with section 13.05, subdivision 1. The District will manage data on individuals to ensure that such data are accurate and complete and to safeguard the data's security, in accordance with section 13.05, subdivision 5. The District keeps its records in such an arrangement and condition as to make them easily accessible for convenient use. The District also maintains a document setting forth the rights of data subjects under the DPA and procedures to guarantee the rights of data subjects, in compliance with section 13.025, subdivision 38.

This policy is in effect for all persons or entities making a request to inspect and copy public data of the District. Data in the District's files are public unless classified by statute, temporary classification pursuant to ~~Minnesota- Statutes- section~~ 13.06, or federal law, as not public.

Responsible Authority & Data Practice Compliance Official: The District administrator has been designated as the Responsible Authority and Data Practices Compliance Official for management of the data practices of the District.

Procedure for Review of District Documents: All requests to inspect or receive copies of District data, and all other inquiries regarding the DPA, must be in writing and ~~sent by U.S. Mail,~~ delivered to:

DPA Responsible Authority, Prior Lake-Spring Lake Watershed District

~~14070 Commerce Ave NE, Suite 300~~4646 Dakota Street SE

Prior Lake, MN 55372

952 447 ~~47664~~166

Access to data of the District means inspection at the District office only. District files or data therein may not be removed from the District office.

Form of Request: A request for public data must be written. Requests to inspect or obtain copies of District data must be in writing to ensure that the District's response is timely and complete.

Timing of Request: The DPA requires that individuals be permitted to inspect or copy data within a reasonable time after making a request. The District will respond to requests as quickly as possible. The response time will vary depending on the breadth and clarity of the request. Appointments will be scheduled in response to requests for data either at the time of the request or as soon as possible thereafter, depending upon the availability of appointments, the Responsible Authority or the designee and the status of the requested data. Appointments will be scheduled on days when the District office is open and during District's normal business hours, which are Monday through Friday between ~~7:30~~8:00 a.m. and ~~3:30~~4:30 p.m. The staff may provide general assistance; however, the person requesting the data remains responsible for searching through the data to find the desired information.

Copies: All copies will be made by the Responsible Authority or designee. If a person requests copies of data and the Responsible Authority or designee is not able to provide copies at the time a request is made, copies will be supplied as soon as reasonably possible after the request is made. The ability to provide copies immediately depends on the number of copies requested, the availability of copying equipment, staff workload and the need to deliver the data elsewhere for copies to be made (e.g., oversize documents, tapes, electronic data).

Costs: There is no cost to inspect District documents. Copies will be charged 25 cents per page for up to 100 ~~letter- or legal-sized~~ standard-sized black-and-white copies. There is no charge for delivery by email or other digital means of less than 100 pages or the equivalent (as determined by the District) of data. ~~Copies of documents will not be certified as true and correct copies unless certification is specifically requested. The fee for certification is \$1 per document.~~ Pursuant to Minnesota Statutes section 13.03, subdivision 3, a party requesting copies or the electronic transmittal of more than 100 pages of data is responsible for the District's actual cost, including the cost of staff time, to search for and retrieve data and to make, certify (if requested), compile and transmit copies. Staff costs will be assessed based upon established hourly rates. The District does not charge for separating public from not public data. The person requesting the data shall pay all charges for copying and services provided by the District in advance of receiving copies of the requested data.

The District may make arrangements with a vendor when a request for data involves reproduction of District photographs or slides, large maps, plan sheets, diskettes, cassette tapes, videotapes, electronic or computer files or other media requiring coping procedures not available

at the District's office. Prices will vary depending on the service requested. Quotes for copying these forms of data may be obtained from the District Responsible Authority.

If a requesting party wishes, the District will advise of the approximate number of pages of documents responsive to a request or the likely cost of responding to a request before copies are made. Payment may be made by check. The District may require payment in advance.

When a request for data involves any person's receipt of copies of District data that has commercial value, the District may charge a reasonable fee that relates to the actual cost of developing the data in addition to the costs of making, certifying and compiling the copies. Any such fee charged shall relate to the actual development costs of the data. The District will, upon request, provide ~~sufficient~~ enough documentation to explain and justify the fee being charged. As a condition of making certain commercially valuable data available, the District may require execution of a license agreement limiting use or further distribution.

Denial of Access

If the Responsible Authority determines that the requested data are classified so as to deny the requesting person access, the Responsible Authority will inform the requesting person of the determination either orally at the time of the request or in writing as soon after that time as possible, and will cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based. Upon the request of any person denied access to data, the Responsible Authority will certify in writing that the request has been denied and cite the specific statutory section, temporary classification or specific provision of federal law upon which the denial was based.

Remedies

These policies will be administered consistently with the Laws of Minnesota. In the event that a request for data is denied and the person making the request believes that these policies or implementation thereof are contrary to the Laws of Minnesota, that person may register an objection in writing with the president of the Board of Managers, who will provide a prompt ruling.

Prior Lake – Spring Lake Watershed District

Private and Confidential Data – Rights of Data Subjects

In accordance with the Minnesota Data Practices Act, Minnesota Statutes chapter 13 (DPA), the following protocols and information are established by the Prior Lake – Spring Lake Watershed District (District). This information is provided to you, as the subject of private or confidential data collected by the District to explain (1) how the District assures that all data on individuals collected by the District are accurate, complete and current for the purposes for which they were collected, and (2) the security safeguards in place for District records containing data on individuals.

Rights to Access Government Data

Minnesota law gives you, as the subject of private or confidential data collected by the District, and all members of the public the right to see data collected and maintained by the District, unless state or federal law classifies the data as not public. In addition, the DPA gives you and all members of the public the right to have access to or, if you wish, to copy any public data for any reason, as long as the data are not classified as not-public or copyrighted.

You have the right to:

- be informed, upon request, as to whether you are a subject of District data and how those data are classified;
- know what the District's procedures are to request government data;
- inspect at no charge any public data that the District collects and maintains;
- see public data that the District collects and maintains without telling the District who you are or why you want the data;
- obtain copies of any public District data at a reasonable cost to you;
- be informed by the District in writing as to why you cannot see or have copies of not-public District data, including reference to the specific law that makes the data not-public;
- receive a response from the District to a data request in a reasonable time;
- contest the accuracy and completeness of public or private data the District has on you and appeal a determination by the District as to whether the data are accurate and complete;
- ask the District, if you are under 18 years old, to withhold information about you from your parents or guardian;
- consent or revoke consent to the release of information the District has on you; and
- release all, part or none of the private data the District has on you.

Security of Private and Confidential Data

State law protects your privacy rights with regard to the information the District collects, uses and disseminates about you. The data the District collects about you may be classified as:

- Public – anyone can see the information;
- Private – only you and authorized District staff can see the information;

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Commented [DL6]: Charlie asked if this could just be referenced in Statute?

Commented [DL7R6]: The Board agreed it could, unless Smith Partners disagrees

Commented [MW8]: It fulfills a statutory requirement, so must be retained.

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- Confidential – only authorized District staff can see the information.

When the District asks to you provide data about yourself that are private, the District will give you a notice called a Tennesen warning notice. This notice describes what the District can do with the data collected from you and the circumstances under which the District can release the data. The District will ask for your written permission before using private data about you in a way that is different from what is stated in the Tennesen notice you receive. The District also will ask for your written permission before releasing private data about you to someone other than those identified in the notice.

State law requires that the District protect private and confidential data about you. The District has established appropriate safeguards to ensure that your data are not inadvertently released or wrongfully accessed. The District disposes of private, confidential and other not-public data in accordance with its Records Retention Schedule. Printed data are disposed of by shredding or other method sufficient to prevent the data from being readily ascertainable. Electronic data are destroyed or erased from media in a manner that prevents the data from being accessed or read. Data-storage systems in District computers are erased in the process of recycling.

Prior Lake – Spring Lake Watershed District

Tennessen Warning for Applicants and Employees

In accordance with the Minnesota Government Data Practices Act, the Prior Lake – Spring Lake Watershed District (District) must inform you of your rights as they pertain to the private information collected from you. The District is asking you to provide information, including information classified as public (anyone can obtain it), private (the public may not access it, but you can) and confidential (even you cannot see the information). Much of the data the District obtains and maintains about you is public according to Minnesota Statutes section 13.43, subdivisions 2 and 3.

Information which you will be asked to provide to the District as part of application for or employment with the District is considered private data includes, but is not limited to:

- home address
- home phone number
- Social Security number
- date of birth
- conviction record
- sex
- age group
- racial/ethnic group
- disability type

The information the District requests from you may be used for one or more of the following purposes:

- To distinguish you from other applicants or employees and identify you in District personnel files;
- To determine your eligibility for employment or promotion;
- To enable us to contact you when additional information is required, send you notices, and/or schedule you for interviews;
- To enable us to contact you or your designees (e.g., parent, spouse) in an emergency;
- To determine whether or not your conviction record may be a job-related consideration affecting your suitability for the position you applied for;
- To determine if you meet the minimum age requirement (if any);
- To enroll you and/or your family members in the District health insurance plan;
- To account for wages paid;
- To justify travel expense reimbursement;
- To account for other employer-paid benefits;
- To compile Equal Opportunity and Affirmative Action reports;
- To enable us to ensure your rights to equal opportunities;

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Commented [DL9]: Include by reference only, if agreed to by Smith Partners

Commented [MW10]: PLSLWD must provide a Tennessen warning when asking someone for not-public data, and the recommended way to make it quick and efficient for staff to administer such warnings is to keep a template in a known place where it will be readily accessible. That need not be the manual, but including in makes the manual effectively complete. (A Tennessen warning form also should be maintained separately on the PLSLWD server for ready access and use by the administrator.)

Commented [DL11]: Curt asked if we allowed to ask for and provide this information by law?

Commented [DL12R11]: Will check with Smith Partners

Commented [MW13]: The law and policy define this as private data, and that's what the policy is meant to do. Whether PLSLWD collects such info or not is a separate matter. (But the reasons for collecting the information are stated here (second set of bullets); PLSLWD legally may collect such data as necessary, but must manage it in accordance with the law and policy.

If you are an applicant for employment with the District, furnishing your Social Security number, date of birth (unless a minimum age is required), sex, age group, racial/ethnic, and disability data is voluntary. But refusal to supply other requested information will mean that an application for employment may not be considered.

If you are hired by the District, you will be legally required to supply your Social Security number and all applicable tax information. This information will be sent to federal and state tax authorities and to the federal Social Security Administration, and will enable us to compute your salary deductions. The collection of your Social Security number on tax forms is mandated by section 1211 of the Tax Reform Act of 1976 and also Minnesota Statutes section 270.66. This information will be shared with the state Department of Revenue and the Internal Revenue Service. In most other cases the disclosure of your Social Security number is voluntary. The information you provide may be shared with the District payroll services providers, insurance contractors, the Public Employee's Retirement Association, the federal Internal Revenue Service, and the state departments of Revenue, Finance, Economic Security, Employee Relations and Labor and Industry.

Insurance data that you will be required to furnish in order to participate in District health and life insurance plans will be classified as private as will payroll deduction data.

In addition to District management, District counsel may be given access to private information you provide. Information may also be shared with other entities authorized by law to receive specific data related to:

- Absent/non-supportive parents;
- Civil/human rights complaints;
- Worker's Compensation;
- Unemployment Compensation;
- Labor contracts (to the extent specified in Minnesota Statutes chapter 179);
- Employee assistance programs;
- Child/vulnerable adult abuse.

Private information may also be released if required by a court order.

If you have any questions about this notice, the District administrator will explain it to you. The information on this form applies to your future contact with the District whether the contact is in person, by mail or by phone.

Employee/Applicant:

I have read and understand the above Tennessen Warning.

Employee/Applicant Signature

Date

Private and Confidential Data –
Tennessen Notice
Prior Lake – Spring Lake Watershed District

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September 11, 2012[DATE]

Commented [DL14]: Curt—check on the legality of this

Commented [DL15R14]: Will check with Smith Partners

Commented [MW16]: These are examples of uses for which the data may be provided to one of the entities named above. Not every supporting reason will be cited each time the template is used. (The template is drafted broadly because, frankly, we know that as a practical matter sometimes it will be used in specific circumstances without having been edited/tailored for those circumstances.)

Prior Lake – Spring Lake Watershed District

Records Retention Schedule

Adopted September 11, 2012

All District records are created and retained in electronic forms, except that record series shaded below may be created and/or retained in hard copy form.

Administration

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Advisory and technical committees – agendas, minutes, reports, related documents	Retain 10 years, then may be transferred to state archives	Public	
Affidavits of publication <ul style="list-style-type: none"> a. General notices, including project public hearings b. Rules 	<ul style="list-style-type: none"> a. Retain 6 yrs b. Retain permanently 	<ul style="list-style-type: none"> a. Public b. Public 	
Agenda, board meetings and workshops	Retain 10 years, then may be transferred to state archives	Public	
Agreements and contracts, not otherwise scheduled herein	Retain 10 yrs after paid and audited	Public	
Annual reports	Retain 10 yrs, then transfer to state archives	Public	
Attorneys' opinions <ul style="list-style-type: none"> a. Opinions of District attorney and correspondence relating thereto b. Official interpretation regarding questions of legal rights or liabilities affecting District 	<ul style="list-style-type: none"> a. Retain permanently or transfer to state archives when no longer needed b. Retain 10 yrs, then transfer to state archives 	<ul style="list-style-type: none"> a. Public b. Public/Private-nonpublic 	<ul style="list-style-type: none"> a. b. 13.393 13.39
Authority to dispose of records	Retain permanently	Public	

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Commented [MW17]: DL should change as she sees appropriate; especially as to hard copy. This "policy" must be useful. (But if you change, need to resubmit for approval to dispose of documents in accordance therewith.)

Commented [DL18]: Include just a citation, unless Smith Partners requires this to be spelled out.

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Commented [MW19]: Not sure of the question. But at 2/1 meeting DL concurred that schedule can be retained as adopted in 2012 to avoid needing to go back through state archives approval process.

Bids and Quotations			
<ul style="list-style-type: none"> a. Accepted, noncapital projects b. Rejected, noncapital projects 	<ul style="list-style-type: none"> a. Retain 10 yrs after completion of project b. Retain 6 yrs 	<ul style="list-style-type: none"> a. Public/nonpublic b. Public/protected nonpublic until all bids opened 	<ul style="list-style-type: none"> a. 13.37 b.
Budgets – record copy	Retain permanently or transfer to state archives	Public	
Consultant Contracts	Retain 10 yrs	Public	
Correspondence			
<ul style="list-style-type: none"> a. Constituents b. Municipalities/State Agencies c. Engineer d. Financial e. Transitory, such as electronic mail not in one of the above categories 	<ul style="list-style-type: none"> a. Retain 6 yrs, then archive if documents historical b. Retain 6 years, then archive if historical c. Retain 10 yrs, then transfer to state archives d. Retain 5 yrs then transfer to state archives e. Retain until read 	Private/public	13.37; 13.44
Drafts, duplicates, notes and other documents that have not become part of an official transaction, not otherwise scheduled herein	Retain 2 yrs	Public	
Governance			
<ul style="list-style-type: none"> a. Bylaws b. Policies 	<ul style="list-style-type: none"> a. Retain permanently b. Retained until superseded 	<ul style="list-style-type: none"> a. Public b. Public 	
Historical data and photographs	Retain permanently or transfer to state archives	Public	
Inventories – equipment supplies, etc.	Retain 10 yrs	Public	
Lawsuits			
<ul style="list-style-type: none"> a. General b. Civil Lawsuits c. Criminal Lawsuits d. Attorneys' opinions, attorneys' briefs, testimony, 	<ul style="list-style-type: none"> a. Retain 10 yrs after settlement or resolution by court, administrative order and then transfer to state archives 	<ul style="list-style-type: none"> a. Public/private b. c. d. Public/private 	<ul style="list-style-type: none"> a. 13.30, 13.39 b. c. d. 13.393,

depositions, correspondence, etc.	b. Retain 20 years after last activity c. Retain 2 years after last activity d. Retain 10 yrs, then archive	and non-public	13.39
Leases	Retain 10 yrs after expiration of lease	Public	
Levy (tax) files – tax levies, related correspondence	Retain 5 yrs then transfer to state archives	Public	
Membership association documents (MAWD, Metro MAWD, etc.)	Retain 3 yrs	Public	
Minutes – Board meetings and workshops	Retain permanently	Public	
Newsletters, press releases generated by the District	Retain 10 yrs	Public	
Notices – official District meetings	Retain 6 yrs	Public	
Public hearings records	Retain 6 yrs or until recorded in minutes, do not archive	Public	
Recordings a. Board meetings and workshops – audio recordings, closed meetings b. Board meetings and workshops – open	a. Tapes and other recordings may be discarded 3 yrs after meeting; 8 yrs or until purchase or sale is completed or abandoned for real estate negotiations. b. Tapes and other recordings may be reused or discarded 1 yr after formal approval of written minutes by board	a. Nonpublic/public b. Public	a. 13D.05, subd. 3; 13.37
Technical Information a. Printed material regarding the District b. Printed material not regarding the District	a. Retain 10 yrs, then transfer to state archives b. Discard when no longer needed	a. Public b. Public	

Real Estate

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Deeds	Retained until property is sold, then transfer to new owner; maintain copy permanently	Public	
Ditch records	Retain permanently	Public	
Easements a. Originals b. Temporary easements	a. Retained permanently and do not archive b. Discard after project completion or when no longer needed, whichever is later	a. Public b. Public	
Hazardous materials reports – phase I and II reports, leaking underground storage tank reports	Retain permanently	Public	
Property records (well records, building inspections, etc.)	Retain 20 yrs after sale of property	Public	
Property surveys	Retain permanently	Public	
Transaction records	Retain 10 yrs after sale of property	Public/ Confidential/ Protected Non-public	13.44; 13.585

Bonds

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Contractor license bonds, certificates of insurance, etc.	Retain 6 yrs after completion of contract	Public	
Fidelity bonds – managers	Retain 6 yrs after completion of service by manager	Public	
Performance and payment bonds	Retain 6 yrs after completion of contract	Public	
Permit financial assurances – bonds, letters of credit	Retain 6 yrs after permit closure ⁹	Public	

Commented [DL20]: Charlie wondered what this was

Commented [DL21R20]: Staff isn't aware of this

Commented [DL22R20]: Staff with check with Smith Partners

Commented [MW23]: DL checking to ensure that these are provided by LMCIT as part of insurance coverage.

Commented [DL24R23]: Yes, this is included in our CMC—Liability for \$50,000 per manager

⁹ Retain copy if original returned to provider.

Financial/Accounting

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Assessment rolls – copies of assessment rolls received from county auditor	Retained 6 yrs after final payment	Public	
Audit reports	Retain permanently	Public	
Billing statements	Retain 6 yrs	Public	
Bank statements – slips, bonds and reconciliations	Retain 6 yrs	Public	
Budget expenditure reports	Retain permanently	Public	
Checks – paid and returned a. Accounts payable b. Payroll	a. Retain 6 yrs b. Retain 6 yrs	a. Public b. Public/ private	
Receipt registers	Retain permanently, and not archived	Public	
Deposit slips	Retain 6 yrs	Public	
General ledger – general, month-end	Retain permanently and do not archive	Public	
Investment documents – amounts invested and interest earned	Retain 4 yrs after maturity	Public	
Payroll	Retain permanently	Public/private	13.43
Pension and retirement plan	Retain permanently	Public or private	
Purged accounts	Retain 6 yrs (irrespective of audit)	Public	
Receipts and receipt books	Retain 6 yrs and do not archive	Public	
Staffing lists	Retain 6 yrs	Public	
Time sheets	Retain 6 yrs	Public/Private	13.43
W-2 statements	Retain 6 yrs	Public/Private	13.43
W-4 statements	Retain until replaced		
Workers' compensation reports	Retain 20 years	Public/Private	176.231
1099 statements	Retain 6 yrs	Public/Private	13.43

Insurance

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Insurance – automobile, fire or other perils, property, public officials, general liability, umbrella liability	Retain 6 yrs after expiration	Public	
Workers' compensation			
a. Claim register	a. Retain permanently	a. Public	a. 176.231
b. Policies	b. Retain 6 yrs after expiration	b. Public	

Permits

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Applications – permits	Retain 10 yrs, then transfer to state archives	Public	
Correspondence – relating to permits	Retain 10 yrs, then transfer to state archives	Public	
Engineer's reports	Retain 10 yrs, then transfer to state archives	Public	
Inspectors' reports – includes reports, inspectors' documents relating to permit inspections	Retain 10 yrs, then transfer to state archives	Public	
Permit financial assurances – bonds, letters of credit	Retain 6 yrs after permit closure	Public	
Permits	Retain permanently	Public	
Plans (submitted by applicants)	Retain permanently	Public	

Personnel

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Affidavit of publication for job opening	Retain 2 yrs	Public	13.43
Affirmative action files	Retain permanently	Public/Private	13.39, 13.43
Applications for employment – not hired	Retain 1 yr	Public	
Personnel policies and procedures, administrative policies	Retain permanently	Public	
Employment contracts	Retain 5 yrs after expiration	Public	
Equal employment opportunity reports, summary date	Retain 3 yrs	Public	
Examination file – completed examinations	Retain 2 yrs	Private	13.43
Employee medical records	Retain 5 yrs after separation from District	Public/private	13.43
Family Medical Leave Act documents	Retain 3 yrs in medical file, not in employee personnel file	Private	13.43
Grievance file	Retain 5 yrs after separation, not in employee personnel file	Public/private	13.43
Job descriptions	Retain until superseded	Public	
Personnel files – applications, accident reports, background check results, citations, personal history, employee references, attendance, disciplinary actions, performance evaluations, letters of appointments or promotion, termination or resignation	Retain 5 yrs after separation	Public/private	13.43
Payroll record – master copy	Retain permanently	Public/private	13.43
Unemployment claims, compensation	Retain 6 yrs	Public/private	13.43
Background check results – not hired	Retain 30 days	Nonpublic	13.87

Projects

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Board documents – resolutions, findings, conclusions	Retain 10 yrs, then transfer to archives	Public	
Contracts <ul style="list-style-type: none"> a. Petitioned projects b. Nonpetitioned projects 	<ul style="list-style-type: none"> a. Retain permanently b. Retain 10 yrs, then transfer to state archives 	Public	
Correspondence	Retain 10 yrs, then transfer to state archives	Public	
Engineer's reports and related documents	Retain 10 yrs, then transfer to state archives	Public	
Petitions (for projects)	Retain 10 years, then transfer to state archives	Public	
Property surveys	Retain permanently	Public	
Public hearing documents – non-petitioned projects	Retain 10 yrs, then transfer to state archives	Public	
Public hearing documents – petitioned projects <ul style="list-style-type: none"> a. notices, written testimony, audio b. Related public hearing documents 	<ul style="list-style-type: none"> a. Retain 6 yrs or until recorded in minutes; do not archive b. Retain 10 years and do not archive 	<ul style="list-style-type: none"> a. Public b. Public 	

Commented [DL26R25]: Charlie noticed it was redundant

Commented [MW25]: Deletions eliminated per note above.

Programs

<i>Name – Description</i>	<i>Retention, Archiving Instructions</i>	<i>Classification</i>	<i>State Statutory Reference</i>
Water quality, lake elevation, stream-flow a. Field notes and raw data b. Final reports	a. Retain until final report completed b. Retain permanently or transfer to state archives	Public	
Public opinion surveys	Retain permanently or transfer to state archives	Public	
Plans a. Watershed management plans b. Capital improvement program c. Local water management plans d. Program plans and work plans – approved by Board	a. Retain permanently or transfer to state archives b. Retain 10 yrs after completion and do not archive c. Retain until updated d. Retain 6 yrs and do not archive	a. Public b. Public c. Public d. Public	
Rules – District approved	Retain permanently	Public	

Prior Lake – Spring Lake Watershed District

Policy for Management of Permit Fees, Permit Securities and Abandoned Property

Adopted as amended, ~~September 11, 2012~~[DATE February 12, 2019]

As provided by state law, the Prior Lake – Spring Lake Watershed District (District) receives fees from applicants to reimburse the District for the costs of processing and administering permits required by the District rules. The District also receives bonds, letters of credit and cash deposits (checks) as securities to assure the performance of permittees in compliance with permit terms and conditions. To ensure that such assets are managed in accordance with sound financial practices and state law governing local government financial practices and management of abandoned property, the District establishes the following policy and protocols for the management of permit fees, financial instruments and cash escrows.

Permit Fees

It is the policy of the Prior Lake-Spring Lake Watershed District (District) Board of Managers to require applicants to pay the costs of administering and reviewing permit applications and inspecting approved activities (Rule K, paragraph 1), and to provide security (Rule L, paragraph 1) to assure compliance with the District's Rules and any conditions of permit approval. To implement these policy and rule requirements, the District requires that permit applicants provide the following:

1. A Permit Fee Deposit to cover the costs of application review, inspections and compliance efforts.
2. Permit Security to ensure compliance with the District's Rules and the conditions, if any, of District approval of the associated application.

Permit Fee Deposits

The Permit Fee Deposit is due at the time that the permit application is submitted to the District. A Permit Security acceptable to the District must be submitted before the permit to which it applies will be issued. The following paragraphs provide further detail on the amounts and requirements for the Permit Fee Deposit and Permit Security.

The District will accept, process and maintain permit fees in accordance with District rules and the following protocols.

1. The District will not accept cash in payment of permit fees.
2. Checks received by the District in payment of permit fees will be deposited within 10 business days of receipt.

The Permit Fee Deposit includes ~~a \$10 application fee and~~ an amount held in escrow to be used for the actual costs of permit review, field inspections, monitoring and related expenses. The Permit Fee Deposit schedule is set by the District Board by resolution and revised from time to

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Commented [MW27]: Should be fine to eliminate, but statute states \$10 application fee.

time. Fees will not be charged to the federal government, the State of Minnesota or a political subdivision.

The District does not accept cash payment of permit fee deposit amounts.

District staff will meet with a potential permittee for a pre-application consultation at no charge. Beyond the initial meeting, the District will track the actual costs of the permit application review (including engineering and legal costs) and charge those costs against the Permit Fee Deposit. When an application is approved by the District Board, any review costs not covered by the initial deposit will be billed to the applicant as a condition of approval, and no permit will issue until outstanding costs have been reimbursed and the required deposit provided. If at any time during the project the Permit Fee Deposit falls below 25% of the original amount, the permittee must replenish the deposit to the original balance.

Once the District determines that the permitted activity has been completed in accordance with the permit and the District Rules, the District will return any unused portion of the Permit Fee Deposit to the applicant, minus the \$10 application fee. The District does not pay interest on escrow deposits. Any costs incurred by the District greater than the Permit Fee Deposit balance will be billed to the applicant or deducted from the Permit Security. The Permit Fee Deposit must be provided in accordance with the Permit Fee Deposit schedule. See the District website [Projects and Programs tab-Permits--](http://www.plslwd.org/permits.shtml)for the current schedule:
<http://www.plslwd.org/permits.shtml>.

Permit Security

The District Rules require submittal of a performance bond, cash security or an irrevocable renewable letter of credit to ensure completion of the permitted activity in accordance with the permit and the rules of the District. Submittal of the required Permit Security is a condition of permit issuance.

Requirements for Escrow Security – an escrow provided as a security will be held by the District until final completion of the project. The District may draw on the security to correct any default by the permittee under the permit or the District Rules, or to pay for any outstanding actual costs incurred by the District for permit review, field inspections, ~~short term establishment of vegetation and maintenance~~ and monitoring or related expenses. Once the District determines that the permitted activity has been completed in accordance with the permit and the District Rules, the District will ~~not~~ return any unused portion of the Permit Security to the applicant. The District does not pay interest on escrow deposits.

Deposit of a check to meet permit the Rule L security requirement is disfavored by the District. But when, in the judgment of the District administrator, it is not reasonable to require a permit applicant to obtain a bond, letter of credit or other form of security, an applicant may submit a check for deposit by the District to comply with the applicable security requirement. In such circumstances the permittee or escrow provider will be required as a condition of permit issuance, transfer or renewal to enter into a cash escrow agreement with the District that specifies the terms and conditions under which the District accepts and holds the escrow, as well as the

Commented [MW28]: Not in statute. Recommend that you put these in rules, but better off being broad, generic in policy.

Commented [MW29]: Should be returned, unless PLSLWD is going to shift to 'averaged' (flat rate) fee structure.

circumstances under which the District may use the escrowed funds. The District maintains a cash escrow agreement template for use by permittees/escrow providers.

No check will be accepted by the District to serve as a financial assurance to secure performance of permit terms and conditions until District staff has verified receipt of a properly executed escrow agreement. The District will accept only certified checks or other bank drafts in payment of escrows.

Permit approval may be revoked for failure to comply with these requirements.

Permit Security Management

The District will catalogue and maintain Permit Securities in accordance with the following protocols:

1. Security instruments (bonds, letters of credit and checks) received by the District to assure performance in compliance with permit conditions will be logged in the Permit Securities Log created for such purposes, then copied. A copy will be filed at the District offices. The Permit Securities Log will include, at a minimum, the following information:
 - a. Permit number for which the security is provided;
 - b. Name of the permittee/escrow provider;
 - c. Name, for bonds and letters of credit, of the surety;
 - d. Amount(s) of the security provided;
 - e. Expiration date, if any, of the security;
 - f. Location of the security instrument or deposit.
2. Original bonds and letters of credit will be deposited for safekeeping at a location to be designated annually by the District Board of Managers.
3. A permittee providing a check to satisfy Permit Security requirements will be required to enter into a cash escrow agreement with the District that specifies the terms and conditions under which the District accepts and holds the escrow, as well as the circumstances under which the District may use the escrowed funds.
 - a. The District, on advice of counsel, will maintain a cash escrow agreement template for use by permittees/escrow providers.
 - b. The District will accept only certified checks or other bank drafts in payment of cash escrows.
 - c. Permit approval may be revoked for failure to comply with the escrow-agreement requirement.
4. No check will be accepted by the District to serve as a Permit Security to secure performance of permit conditions until District staff has verified receipt of an associated executed escrow agreement, specifying the required deposit amount and permit to be secured by the escrow. The check must be in the amount specified in the associated escrow agreement and must bear the number of the District permit(s) to be secured.

5. Checks received by the District as Permit Securities will be deposited within 10 business days of receipt in an account designated by the administrator exclusively for permit escrows at a board-designated depository institution.

Maintenance of Permit Securities

To ensure that the District has the capacity to assure compliance with its rules and protect the District's water resources in the event of noncompliance with permit conditions and/or rules, District staff will follow the protocols below to ensure that permit securities remain valid and enforceable:

1. District compliance with the protocols in this section will be the responsibility of the District administrator.
2. The administrator will designate a District staff member to serve as the permit securities officer.
3. The permit securities officer will maintain the Permit Securities Log.
4. The permit securities officer will review the Permit Securities Log monthly to ensure the continuing validity of securities provided for active permits by identifying bonds and letters of credit that will expire within the ensuing 90 days.
5. The permit securities officer will determine – in the course of his or her monthly review of the Permit Securities Log – whether replacement of a Permit Security is needed for a particular project, and, if so, alert the permittee to the need to provide a replacement instrument at least 60 days prior to the expiration of the existing instrument.
6. If deemed necessary in response to a permittee's unwillingness or inability to provide a replacement Permit Security, the Permit Security officer will contact District counsel at least 30 days prior to the expiration of the Permit Security to initiate procedures to draw on the existing instrument.
7. The Permit securities officer will ensure that the District administrator is timely informed of the need to draw on a Permit Security, and the administrator will ensure that proper authorization for a Permit Security draw is secured in a timely manner, with a priority on the protection of District water resources.

Return of Permit Securities

Permit Securities will be returned in accordance with applicable District rules, most notably Rule B, paragraph 14.

1. The permit securities officer will monthly designate permit securities that may be returned in whole or in part to the surety (with notice to the principal/permittee) and, upon receipt of required documentation, take the steps necessary to return such instruments and/or funds.

2. The permit securities officer will maintain record of returned permit securities in the Permit Securities Log and retain a copy of original Permit Securities documents in compliance with the District records retention schedule.

Requirements for Bonds and Letters of Credit –

Security provided in the form of a bond or letter of credit must be issued for a minimum term of one year. The District shall be authorized to draw against the bond or letter of credit after any default by the permittee under the permit or the District Rules, if the permittee fails to replace any security at least 30 days before its expiration, or to pay for any outstanding actual costs incurred by the District for permit review, field inspections, monitoring or related expenses.

The Permit Security schedule is set by the District Board by resolution. ~~See the District website for the current schedule: <http://www.plslwd.org/permits.shtml>.~~ See the District website Projects and Programs tab-Permits--for the current schedule

Abandoned property procedures

State law imposes requirements applicable to any intangible asset in the District's possession that remains unclaimed for three years or more after the asset is no longer needed for District purposes (e.g., three years after a permitted project is completed and the associated permit security becomes eligible for release in accordance with District rules). To ensure compliance with abandoned-property requirements, the District establishes the following protocols.

The District will annually assess whether cash escrows remain on deposit after completion of the applicable permitted work and attempt to return them. For cash escrows that have been in the District's possession for three years or more, unclaimed by the owner, staff will commence unclaimed property return procedures as follows.

1. By July 1 of each year, District staff will take reasonable steps to notify owners by mail of unclaimed property. A letter should be sent to all known addresses on file for the owner, notifying owner of the amount still held by the District and describing steps necessary to claim the property. Staff need not send such a letter if documentation in the District's possession indicates that the address(es) it has for the owner are inaccurate.
2. **If the owner cannot be found,** the assets are deemed legally abandoned and the District will remit them to the state commissioner of the state Department of Commerce, along with the report required by Minnesota Statutes section 345.41, as may be amended, containing information on the identity of the owner of the unclaimed assets in the District's possession, a description of the assets, the date the assets became payable or returnable to the owner and any other information that may be required by the commissioner. Formatting and filing of the report will be in compliance with Department of Commerce guidance.
3. By October 31 each year, the required report, verified by the administrator, should be filed with the commissioner and all assets unclaimed as of the preceding June 30 should be remitted to the commissioner.

Commented [DL30]: Ask Smith Partners if this is the protocol.

Commented [MW31]: Yes.

4. The District may deduct a service charge from the unclaimed assets remitted to cover costs of attempting to locate an owner and, if necessary, reporting and paying the unclaimed funds to the commissioner only if the escrow provider has agreed to the deduction of such charges.

Commented [DL32]: Curt asked if we need to express a certain charge for administering unclaimed assets?

Commented [DL33R32]: Staff has reduced the permit fee property to primarily one company. Otherwise, staff expenses have been paid from the fees

Commented [DL34R32]: Do the contracts specify how much \$ goes back to the District?

Commented [DL35R32]: What does Smith Partners think?

Commented [MW36]: Super rare; don't spend time on.

Escrow Agreement

Between the Prior Lake-Spring Lake Watershed District and [-]

This Agreement is made by and between the Prior Lake-Spring Lake Watershed District, a watershed district with purposes and powers set forth at Minnesota Statutes Chapters 103B and 103D (District), and [-], a [] (Permittee), for the purpose of establishing a cash escrow in fulfillment of financial assurance requirements under District Permit XX-XXX.

Recitals

A. Pursuant to Minnesota Statutes §103D.345, the District has adopted and implements permitting rules governing development and other activity within the boundaries of the District that may have an impact on water resources.

B. The District Rules require as a condition of permit approval that a permittee provide and maintain a financial assurance in the form of a bond, letter of credit or cash escrow for the purpose of covering costs the District may incur in monitoring and inspecting activity under the permit and in responding to violations of District statutes, rules, permits and orders. The Rules specify the framework for the District to hold, use and return financial assurances.

C. ~~The purpose of this Agreement is to document that a cash escrow has been submitted by the Permittee's submission or on the Permittee's behalf of a cash escrow in fulfillment of a to fulfill~~ a financial assurance obligation under Permit XX-XXX and ~~to specify~~ the conditions and procedures under which the District will hold and may draw on the escrow.

D. Permittee and the District, in executing this Agreement, concur that it is legally binding.

Agreement

1. Permittee has submitted a cash escrow in the amount of \$XXXXX. The District will hold the escrow in an escrow account where it may be commingled with escrow funds held by the District on behalf of parties other than Permittee. The District need not hold the funds in an interest-bearing account and Permittee will not be entitled to interest on the escrow. If the escrow is submitted in a form other than cash and the escrow amount is not credited promptly to the District account, the District may declare this Agreement null and void by written notice to Permittee.

2. Additional escrow funds will be submitted by Permittee or on the Permittee's behalf, and unused funds will be released to Permittee, in accordance with the District Rules and duly adopted resolutions and policies of the District Board of Managers.

3. Escrow funds will become the sole property of the District, and Permittee agrees to the relinquishment of all legal and equitable interest therein, as follows:

- a. The District may invoice Permittee for permit review, compliance monitoring, and

other eligible costs in accordance with duly established District procedures.

b. If after notice and opportunity to be heard the District finds ~~Permittee to be in violation of a District statute, rule, permit or order, the District may give written notice to Permittee. The notice will describe the violation and the action required to correct it. If within twenty (20) days of notice delivery the violation has not been corrected or other arrangements acceptable to the District have not been made, the District without further notice may take steps it deems reasonable to correct the violation, and may have access to the property during reasonable times for that purpose. Provided, that the District will give 24 hours' notice before entry and exercise due care to avoid unnecessary disturbance or damage to the property. If the District finds that entry is required to address an occurring or imminent threat to water resources, it may exercise the right to enter and correct without prior hearing or opportunity to cure, but only to the extent reasonably necessary to address the threat. The District may invoice Permittee for reasonable costs incurred for activity under this paragraph. If the invoice is not paid within 30 days of the invoice, the District may transfer funds from the escrow account into District accounts and credit permittee accordingly.~~ violation of a District rule, permit or order, District will issue an order describing the violation and the action required to correct it. If within twenty (20) days of delivery of the order the violation has not been corrected or arrangements acceptable to District have not been made, without further notice District may take steps it deems reasonable to correct the violation. District may access the property during reasonable times to correct the violation, provided that District will give 24 hours' notice before entry and exercise due care to avoid unnecessary disturbance of or damage to the property. If District finds that entry is required to address an extant or imminent threat to water resources, it may enter and correct without prior hearing or opportunity to cure, but only to the extent reasonably necessary to address the threat.

c. ~~District may invoice Permittee for reasonable costs incurred for activity under paragraph 3b. If payment is not made within 30 days, District may transfer funds from the escrow account into District accounts and credit Permittee accordingly. Permittee will be liable for any costs incurred by District for activity under paragraph 3.b in excess of escrow funds provided by Permittee.~~

4. Escrow funds submitted hereunder are submitted to secure the performance of Permittee under permit no. [REDACTED]. If the permit is issued, and if the Permittee and any agent, employee or contractor well and faithfully performs all activities and things undertaken and authorized by permit no. [REDACTED] in compliance with all applicable laws, including applicable statutes, rules, permit conditions, orders, agreements and stipulations of District and pays, when due, all fees or other charges required by law, including all costs to District of administering and enforcing the terms of the above-stated permit and this agreement, including reasonable attorneys' fees, then District will release the escrowed funds to Permittee within 30 days of written notification to District of same and District's confirmation thereof.

5. All obligations of District under this agreement in holding and using the escrow funds are to Permittee only. Nothing in this agreement creates any right in any third party as against District or in any way waives or abridges any immunity, defense or liability limit of District. Permittee indemnifies District for any claim, liability or cost District incurs as a result of a party other than Permittee asserting ownership in or a right to the escrow funds or any part thereof. Permittee will

not assign or purport to assign any interest in the escrow funds or this agreement to any third party, except in conjunction with a transfer of Permittee's permit approved in writing by District.

6. Nothing in this agreement affects Permittee's legal right, if any, to appeal a finding of violation or seek a legal determination of the purposes to which District may use the escrow funds.

7. The Permittee agrees that, should the escrow funds submitted hereunder remain unclaimed by the Permittee or his successor in interest so as to become "abandoned property" for purposes of the obligations on District under Minnesota Statutes chapter 345, District may assess a service charge from the unclaimed assets to cover costs of attempting to locate the Permittee or his successor in interest and, if necessary, reporting and paying the unclaimed funds as required by law.

8. This agreement is effective on the signature of the parties and terminates when District releases the escrow or declares the agreement null and void under paragraph 1, above. The agreement may be amended only in a writing signed by the parties. An increase or decrease in the amount of escrow funds held by District for permit no. [REDACTED] does not constitute an amendment.

9. Notice to Permittee under this agreement is effective when sent by certified mail to Permittee's address as stated in the permit application or such other address as Permittee subsequently has notified District in writing. The law of the State of Minnesota will govern any legal proceeding concerning this agreement. Venue for any such proceeding will be in the county where the real property that is the subject of this agreement is located. The recitals are incorporated as a part of this agreement.

4. All escrow funds submitted by Permittee hereunder are, at the time of submittal, unconditionally represented by Permittee and accepted by the District as funds of Permittee. All obligations of the District under this Agreement in holding and using the escrow funds are to the Permittee only. Nothing in this Agreement creates any right in any third party as against the District or in any way waives or abridges any immunity, defense or liability limit of the District. Permittee will not assign or purport to assign any interest in the escrow funds or this Agreement to any third party.

5. Nothing in this Agreement expands or diminishes Permittee's legal right, if any, to appeal a finding of violation or seek a legal determination of the purposes to which the District may use the escrow funds.

6. Permittee agrees that if, after notice to the Permittee in compliance with this Agreement and the rules of the District, funds escrowed under this Agreement remain unclaimed and become abandoned property under the terms of the Unclaimed Property Act, Minnesota Statutes sections 345.31 to 345.60, as may be amended, the District may impose a service charge of up to \$100 for the costs of reporting and remittance in accordance with the Act.

7. This Agreement is effective on the signature of the parties and terminates when the District releases the escrow or declares the Agreement null and void under paragraph 1, above. The

~~Agreement may be amended only in a writing signed by the parties. An increase or decrease in the amount of escrow funds held by the District for permit XX XXX does not constitute an amendment of the Agreement.~~

~~8. Notice to Permittee under this Agreement is effective when sent by certified mail to Permittee's address as stated in the permit application or such other address as Permittee subsequently has notified the District in writing. The law of the State of Minnesota will govern any legal proceeding concerning this Agreement. Venue for any such proceeding will be in the county where the real property that is the subject of this Agreement is located. The recitals are incorporated as a part of this Agreement.~~

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

PRIOR LAKE-SPRING LAKE WATERSHED DISTRICT

By _____ Date:
Administrator

APPROVED AS TO FORM and EXECUTION

By _____
Its Attorney

[ESCROW PROVIDER]

By: _____ Date:

Title:

This instrument was acknowledged before me on ____ (date) by ____ (name(s) of person(s)) as ____ (type of authority, e.g. officer, trustee, etc.) of ____ (name of party on behalf of whom the instrument was executed).

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Prior Lake – Spring Lake Watershed District

Public Purposes Expenditures Policy

Adopted as amended September 11, 2012 [DATE]

Minnesota law mandates that governmental entities make expenditures only for public purposes and only as authorized to accomplish the purposes for which the entity was created. The Prior Lake – Spring Lake Watershed District (District) establishes the following policy and protocols to ensure that District expenditures serve clear, documented watershed district purposes. The District administrator will be responsible for the implementation of this policy and associated protocols.

1. **Travel.** The District may pay reasonable and necessary expenses for travel, lodging, meals and appropriate incidental expenses related to the performance of official District functions. Expenditures must be approved in advance by the administrator (for employees) or Board of Managers (for managers and the administrator), and must be directly related to the performance of District functions.
 - a. An employee or manager will be reimbursed for mileage expenses incurred when using the employee's or manager's personal vehicle to conduct District business. Mileage will be reimbursed at the tax-deductible mileage rate set by the federal Internal Revenue Service. Mileage expenses need not be approved in advance, but mileage expenses will be reimbursed only for travel for District purposes when accompanied by documentation of the date, statement of the purpose of the travel, number of miles traveled, purpose and destination(s). Mileage for employee commuting to and from the District offices will not be reimbursed.
 - b. Overnight in-state travel. Expenses eligible for reimbursement include:
 - i. Registration for workshops, conferences, seminars and other events pertaining to District business;
 - ii. Mileage and parking – use of personal vehicle (only) will be reimbursed at the tax-deductible mileage rate set by the federal Internal Revenue Service;
 - iii. Meals;
 - iv. Gratuities (15 percent of expenses incurred);
 - v. Lodging;
 - vi. Other actual expenses.
 - c. Out-of-state travel. For out-of-state travel, the Board of Managers must approve all expenditures in advance. In determining whether to approve out-of-state travel, the Board of Managers will give particular consideration to whether representation from the District has been requested by a state or federal governmental office or other host entity whose purpose or work particularly relates to the District's purposes, projects or programs. The District will reimburse airfare at the coach rate; mileage will be reimbursed at the IRS rate. If two or more managers or staff travel together by car, only the driver will receive reimbursement. Lodging and meal costs are limited to those which are reasonable and necessary. Receipts are required for lodging, airfare and meals.
 - i. Expenses eligible for reimbursement include:

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1. Round-trip tourist-class (or lesser-cost) airfare;
 2. Registration for conferences, seminars and other events pertaining to District business;
 3. Mileage and parking – use of personal vehicle (only) will be reimbursed at the tax-deductible mileage rate set by the federal Internal Revenue Service and the cost of renting an automobile will be reimbursed only if necessary to conduct District business;
 4. Meals;
 5. Gratuities (15 percent of expenses incurred);
 6. Lodging;
 7. Other actual expenses.
2. **Employee and manager training.** The District may pay reasonable registration, tuition, travel and incidental expenses (including lodging and meals) for education, development and training when expenditures are directly related to the performance of duties. Expenditures must be approved in advance by the administrator (for employees) or Board (for managers and the administrator).
 3. **Safety and health programs.** The District may pay for safety and health programs that promote healthier and more productive employees and reduce costs to watershed taxpayers, including costs associated with workers' compensation and disability benefits claims, insurance premiums and lost time resulting from employee absences.
 4. **Manager and employee recognition and appreciation.** The District may pay for programs that recognize managers and employees for significant contributions to the District's performance and demonstrated commitment to the District's effective and efficient fulfillment of its purposes in accordance with an annual plan and budget for such events, approved by the Board. The District may pay for occasional manager and employee appreciation events or activities conducted in accordance with an annual plan and budget for such events, approved by the Board. No expenditure for manager or employee recognition will be made under this policy unless and until the structure, purposes and criteria for recognition are approved by the Board.
 - a. The District will not pay employees direct non-salary payments (i.e., bonuses) except as conditioned on achievement of performance goals specified in a written employment agreement.
 5. **Food and beverages.** District meetings, workshops and training sessions will be scheduled to avoid the need to provide food whenever possible. But the District may pay for food and beverages when necessary to ensure meaningful, efficient and effective participation of employees, managers and/or the public in activities, events and functions directly related to District purposes. Circumstances under which District expenditures for food and beverages will be allowed include:
 - a. Circumstances under which District expenditures for food and beverages will be allowed include:
 - i. A conference, workshop, work session, outreach meeting or seminar with a structured agenda, when the topic or subject relates to the official business of the District and the majority of the participants are not District employees or managers;
 - ii. A workshop or formal meeting primarily for District employees or managers where food and/or beverages are necessary to facilitate the

Commented [DL37]: This is now illegal. Correct Smith Partners?

Commented [MW38]: A bonus can be provided (i.e., they are not barred across the board) but only under the circumstances and with the kind of written framework of goals/milestones described here in place in advance.

conduct of the meeting, to ensure continuity and support the participation of employees, managers and other participants. Examples of potential qualifying events include:

1. An extended planning or operational analysis meeting;
 2. An extended meeting to develop long-term strategic plans;
 3. A structured training session for employees generally; or
 4. Official meetings of the District Board or a committee, task force or advisory group.
- iii. Occasional employee and manager recognition and appreciation events and activities, when approved by the Board in accordance with a District recognition and appreciation plan and budget;
 - iv. a meeting or event attended by employees and/or managers, the primary purpose of which is to discuss, negotiate or evaluate a plan, program, project or other endeavor directly related to District purposes.
- b. The District will not pay for alcoholic beverages under any circumstances.
6. **Outreach and stakeholder involvement.** The District may pay for community and stakeholder outreach and involvement programs to ensure that efficient and effective District programs, projects and meetings are conducted to gather public and intergovernmental input and participation in District planning, research, rulemaking and program or project design.
 7. **Membership, donations.** The District may pay for membership in the Minnesota Association of Watershed Districts in accordance with Minnesota Statutes section 103D.335, subdivision 20. District funds may be expended for membership in other professional organizations if the organization is an association of a civic, educational or governmental nature and its activities are directly related to District purposes or the improvement of District operations. District funds may ~~not~~ be donated to any professional, technical or charitable organization, ~~person~~ or private institution or as a sponsorship, where the District would be recognized for its contribution. Donations or sponsorships must be approved by the Board of Managers. The District may contract for services rendered by such organizations.
 8. **Use of District property**
 - a. District property, including but not limited to computers, phones, fax machines and other office equipment, will be used exclusively for District business, except for incidental personal use by District staff that does not interfere with or impede the conduct of District business to any substantial degree.
 - b. District property must be used for only its intended purposes.
 - c. The administrator may not dispose of any District property with a value of more than \$1,000 without prior authorization of the Board of Managers.
 - ~~9. **Miscellaneous.**~~
 - ~~a. The District administrator will secure an approval described above for expenses he or she will incur from the president of the Board of Managers, except that the administrator may approve or pay expenses for District conducted programs, events and activities.~~
 - 10.9. **Protocols.** The following protocols are established to ensure compliance with above policies:

Commented [MW39]: Recommend that PLSLWD keep the text as adopted (i.e., reject changes) and utilize the "contract for services" provision to authorize agreements for "sponsorship" resting on a record determination by the managers that PLSLWD will receive a contribution (perhaps in some cases a non-quantifiable one) to its watershed district purposes from the funds provided.

- a. For employees other than the administrator, the ~~written~~ approval of the administrator must be secured prior to an event or activity to qualify as a District expenditure.
- b. ~~All invoices and reimbursement requests must include or be accompanied by a copy of the administrator's written approval and~~ must include itemized receipts or other appropriate documentation of expenses incurred. ~~Documentation also must include the date the expense(s) were incurred, location, purpose, participating or attending individuals and relevant affiliation, explanation of the need for food and/or beverage for the meeting, event or activity, and any other relevant information.~~
- c. Copies of all documentation specified herein will be recorded and maintained in accordance with the District records retention policy.
- d. Expenses of less than \$25 for a particular event or meeting need not be approved in advance, but documentation must be submitted ~~and the expense approved at a regular meeting of the Board of Managers within 45 days of the date the expense was incurred to the District Administrator.~~

Commented [MW40]: Suggest keeping, but understand that written approval is not the current practice.

Commented [MW41]: Again, suggest keeping.

Prior Lake – Spring Lake Watershed District

Investment Policy and Procedure Manual – Investment of Watershed District Funds

Adopted ~~as amended~~ ~~[DATE 2/12/19]~~ ~~December 21, 2011~~

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The District shall maintain a set of procedures for the investment of District funds and the policy shall address the following elements:

1. A listing of authorized investments.
2. Investment and diversification guidelines which are appropriate to the nature of the funds, the purpose for the funds, and the amount of the public funds within the investment portfolio.
3. Investment portfolio duration as to maximum term with respect to time of investment.
4. Guidelines regarding collateral requirements, if any, for the deposit of public funds in a financial institution made pursuant to State Statute, and, if applicable, guidelines for contractual arrangements for the custody and safekeeping of that collateral.
5. A system of internal controls and operational procedures designed to prevent losses of funds that might arise from fraud, employee error, misrepresentation by third parties, or imprudent actions by employees of the watershed district.
6. Appropriate periodic review of the investment portfolio, its effectiveness in meeting the watershed district's needs for safety, liquidity, rate of return, and diversification, and its general performance.
7. Ethics and conflicts of interest provision.
8. The standard of care that must be maintained by the persons investing the public funds.
9. Procedure for selection of investment advisors.
10. At least quarterly written reports of investment activities by the District administrator for submission to the District Board.

The District administrator ~~and the District's Treasurer are the District's Financial Management Team aka (the "Team").~~ The Team shall establish such procedures as included within the investment policy for the Board's approval and shall periodically review and propose needed amendments. Such procedures and this policy shall be kept available at all times for public review at the District's administrative offices.

A. Scope

This investment procedure applies to all funds of the District. These funds are accounted for in the District's annual financial report and include all current funds, and any other funds that may be created from time to time. The ~~District-Team~~ will seek to ensure that at least 90-75 percent of funds designated for savings are available funds are invested. ~~at all times.~~ All transactions involving the funds and related activity of any funds shall be administered in accordance with the provisions of this procedure Manual.

B. Objectives

1. Safety of Principal – Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of principal in the overall portfolio. To attain this objective only appropriate investment instruments will be purchased and insurance or collateral may be required to ensure the return of principal.
2. Liquidity - The District's investment portfolio shall be structured in such manner as to provide sufficient liquidity to pay obligations as they come due.
3. Return on Investments - The investment portfolio shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the risk constraints, the cash flow characteristics of the portfolio and legal restrictions for return on investments.
4. Maintaining the Public's Trust - The investment officers shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the District and oversight as executed by its investment officers.

C. Investment Instruments

District funds will be invested only in instruments allowed by Minnesota Statutes section 118A.04, as may be amended. The District has chosen to limit its allowable investments to those instruments listed below:

1. Bonds, notes, certificates of indebtedness, treasury bills or other securities now or hereafter issued by the United States of America and its agencies;
2. Interest bearing checking and savings accounts, or any other investments constituting direct obligations of any FDIC financial institution;
3. Certificates of deposit with federally insured institutions that are collateralized or insured in excess of the \$250,000 provided by the Federal Deposit Insurance Corporation coverage limit;
4. Money market accounts that are 100% invested in above referenced government securities.
5. Commercial paper meeting the following requirements
 - a) The corporation must be organized in the United States.
 - b) The corporation's assets must exceed \$500,000,000.

- c) The obligations at the time of purchase must be rated at the highest classifications by at least two of the three standard rating services (Standard and Poor's, Moody's and Fitch Investors Service).
 - d) The obligations cannot have a maturity longer than 270 days.
 - e) The total investment in any one corporation cannot exceed 10% of that corporation's outstanding obligations.
 - f) The total investment in any one corporation cannot be more than \$500,000 dollars.
6. Investments may be made only in those savings banks or savings and loan associations the shares, or investment certificates of which are insured by the Federal Deposit Insurance Corporation.
7. Investment products that are considered as derivatives are specifically excluded from approved investments.

D. Diversification

It is the policy of the District to diversify its investment portfolio. Investments shall be diversified to eliminate the risk of loss resulting in over concentration in a specific maturity, issuer, or class of securities. Diversification strategies shall be determined and revised periodically by the ~~District administrator Team. The diversification shall be as follows:~~

- ~~a) Up to 100% of C.1., but not less than 10%.~~
- ~~b) Up to 90% of C.2. and C.3.~~
- ~~c) Up to 20% of C.4.~~
- ~~d) Up to 10% of C.5.~~

E. Investment Maturity

It is the policy of the District to require that no investment maturity shall extend beyond five (5) years in length. Subject to market conditions and cash flow requirements, it is desirable for the District's investments to be laddered over time ~~in an effort~~ to reduce interest rate market risk and to provide availability of funds for current obligations.

F. Collateralization

1. Collateralization will comply with Minnesota Statutes section 118A.03. The collateral must be placed in safekeeping at or before the time the District buys the investments

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so that it is evident that the purchase of the investment is predicated on the securing of collateral.

2. Safekeeping of Collateral

- a) Safekeeping is required for all collateral. To accomplish this, the securities must be held at one or more of the following locations:
 - 1) at a Federal Reserve Bank or its branch office;
 - 2) at another custodial facility in a trust or safekeeping department through book-entry at the Federal Reserve;
 - 3) by an escrow agent of the pledging institution; or
 - 4) by the trust department of the issuing bank
- b) Safekeeping will be documented by an approved written agreement between the District and the governing counsel of the bank that complies with FDIC regulations. This may be in the form of a safekeeping agreement.
- c) Substitution or exchange of securities held in safekeeping for the District can be approved by the District administrator, subject to the amount of the investment.

G. Safekeeping of Securities

- 1. Safekeeping is required for all securities and commercial paper. To accomplish this, the securities must be held only at the following locations:
 - a) at a Federal Reserve Bank or its branch office;
 - b) at another custodial facility, which shall be a trust or safekeeping department through book-entry at the Federal Reserve, unless physical securities are involved; or
 - c) Investments held in safekeeping by a broker dealer must provide asset protection of \$500,000 thru Securities Investor Protection Corporation (SIPC) and at least an additional \$49.5 million dollars of supplemental insurance protection.
- 2. Safekeeping will be documented by an approved written agreement between the District and the holder of the securities. This may be in the form of a safekeeping agreement, trust agreement, escrow agreement or custody agreement.

3. Written confirmations of investment transactions shall be required indicating purchase price, type of security, settlement date, interest rate, call provisions etc.
4. Original certificates of deposits will be held by the originating bank except with brokered certificate of deposit programs whereby a master certificate is held in safekeeping at the broker designated depository. A safekeeping receipt will be acceptable documentation.

H. Qualified Financial Institutions and Intermediaries

1. Depositories - Demand Deposits (Checking Accounts)

- a) Any financial institution selected by the District shall provide normal banking services, including, but not limited to: checking accounts, wire transfers and safekeeping services.
- b) The District will not maintain funds in any financial institution that is not a member of the FDIC system.
- c) All financial institutions acting as a depository for the District must enter into a "Depository Agreement."

2. Banks and Savings and Loans - Certificates of Deposit

Any financial institution utilized by the District to purchase certificate of deposits must:

- a) provide wire transfer and certificate of deposit safekeeping services;
- b) be a member of FDIC system and be willing and capable of posting required collateral or private insurance for funds in excess of FDIC insurable limits and in amounts required by the District; and
- c) meet at all times the financial criteria as established in the investment procedures of the District.

3. Brokerage Dealers

Any financial brokerage dealer selected by the District to handle investments must:

- a) provide wire transfer and deposit safekeeping services;
- b) be a member of a recognized U.S. Securities and Exchange Commission Self-Regulatory Organization such as Municipal Securities Rule Making Board, Financial Industry Regulatory Authority, etc.;
- c) provide an annual audit upon request;

- d) maintain an office within the State of Minnesota and be licensed to conduct business in this State; and
- e) be familiar with the District's policy and accept financial responsibility for any investment not appropriate according to the policy.

I. Management of Program

1. The ~~following individuals (members of the Team, acting jointly,~~ jointly are authorized to purchase and sell investments, authorize wire transfers, authorize the release of pledged collateral, and to execute any documents required under this procedure:

- a) District administrator
- b) Board Treasurer

These documents include:

- 1) Wire Transfer Agreement
 - 2) Depository Agreement
 - 3) Safekeeping Agreement
 - 4) Custody Agreement
2. Management responsibility for the investment program is hereby delegated to the ~~Team~~District administrator, who shall establish operational procedures designed to prevent losses of funds that might arise from fraud, employee error, misrepresentation by third parties, or imprudent actions by employees of the entity. Such procedures shall include explicit delegation of authority to persons responsible for the execution under the direction of the District administrator of specific financial transactions, including: check reconciliation, deposits, payment obligations, report preparation and wire transfers. No person may engage in any investment transaction except as provided for under the terms of this policy. The District administrator shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinates.

J. Performance

The ~~District administrator~~Team will seek to earn a rate of return appropriate for the type of investments being managed, given the portfolio objectives defined in Section B of this document for all funds. ~~In general, the District administrator will strive to earn an average rate of return equal to or greater than the 6 month (180) day U.S. Treasury Bill rate.~~

Commented [MW43]: Meaning that they can only take the actions described together (not individually) <= confirm that this is the intention.

K. Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Further, no officer involved in the investment process shall have any interest in, or receive any compensation from, any investments in which the District is authorized to invest, or the sellers, sponsors or managers of those investments.

L. Indemnification

Investment officers and employees of the District acting in accordance with this Investment Policy who exercise due diligence and act with reasonable prudence, shall be relieved of personal liability for an individual security's credit risk or market changes.¹⁰

M. Investment Advisor Selection

1. The ~~District administrator~~ Team is hereby authorized to determine those investment brokers that would serve the best interests of the District in providing investment advice and services consistent with the requirements of this Investment Policy.
2. For purposes of administering the District's investments on an efficient and timely basis, the number shall be limited to no more than two (2) investment advisors.
- ~~3. Participation in the League 4M Fund is hereby endorsed by the District Board for the investment of the District's available money market funds.~~
- ~~4-3.~~ All brokers must acknowledge annually receipt of the District's statement of investment restrictions in writing¹¹ and agree to handle the District's account in accordance with these restrictions and requirements of this Investment Policy.

N. Reporting

~~In the Treasurer's Report presented monthly at Board meetings, the The District Treasurer will provide an update on the total funds deposited; cash; fixed income-securities and interest earned. administrator shall submit to the District Board a quarterly investment report that shall include information regarding securities in the portfolio by type, advisor affiliation, principal amount and aggregate rate of return as of the report date. A Board-approved listing of authorized investments for information purposes will accompany the report.~~

~~O.~~ Amendment

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¹⁰ Minn. Stat. § 118A.02, subd. 2.

¹¹ Minn. Stat. § 118A.04, subd. 9.

Investment Policy and Procedures Manual – 52

Adopted ~~as amended [DATE]~~ December 21, 2011

Investment of Watershed District Funds

Prior Lake – Spring Lake Watershed District

This policy shall be reviewed from time to time by the ~~District administrator~~Team with regards to the Investment Policy's effectiveness in meeting the District's needs for safety, liquidity, rate of return, diversification, and general performance. The policy may be revised only by the action of the District's Board Managers.

Prior Lake - Spring Lake Watershed District

Policy, Controls and Procedures for Financial Management

Adopted as amended [DATE2/12/19] ~~September 11, 2012~~

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This policy is adopted to provide the Prior Lake – Spring Lake Watershed District (District) with written internal controls and procedures for financial management. Adherence to this policy and these procedures will help ensure that the District’s finances are managed in accordance with generally accepted accounting principles and best practices, and will minimize District administrative costs.

- I. Annual budget.** The District administrator, with support from staff and consultants as needed, annually develops a proposed budget for presentation to the Board of Managers for review. After adjustments as directed by the board, the District schedules and issues appropriate notice for a public hearing on the proposed budget. Following the public hearing but before September 15 of each year, the Board of Managers adopts the annual budget and certifies it to the Scott County auditor.
 - a. Amounts in any approved budget ~~category-line item~~ may not be reallocated or exceeded by \$5,000 ~~or more than 10 percent, whichever is greater,~~ without approval of the Board of Managers.
- II. Monthly financial management protocols**
 - a. The District contracts with a certified public accountant to monthly review the District bank accounts, payroll and investment funds, and to assist with monthly bookkeeping.
 - b. The District administrator¹² receives monthly bills and invoices and makes payment recommendations; the administrator prepares checks pursuant to the recommendations to pay the monthly bills.
 - c. The administrator prepares a monthly claims list and financial report for review by the board of managers.
 - d. At the monthly Board meeting, the treasurer presents the financial report. The Board of Managers receives and discusses, as necessary, the financial report, then authorizes payment of the monthly bills as presented in the claims list.
 - e. Following Board authorization to pay the bills, the administrator mails payment to vendors as authorized.
- III. Contracting and spending authority**
 - a. The District will contract in accordance with applicable law, including but not limited to the Uniform Municipal Contracting Law,¹³ as may be amended.
 - b. All expenditures by the District must be approved in advance by the board, except that the board has delegated to the administrator the authority to:

¹² The administrator may delegate certain tasks to District staff or consultants. Responsibility for performance of such tasks in accordance with this policy and state law remains with the administrator.

¹³ Minnesota Statutes § 471.345.

- i. Enter into a contract for up to \$25,000 for goods or services included in an approved budget without prior Board approval.
 - ii. The administrator may approve without prior Board approval contract amendments or change orders resulting in up to a 10 percent increase from the original contract amount or an increase of \$10,000, in aggregate, whichever is less, provided that sufficient funds have been included in an approved budget.
 - iii. Expend up to \$5,000 on a single purchase of goods or services included in an approved budget.
- c. The administrator may not purchase any real estate or easements on real estate without prior authorization by the Board of Managers.
- d. *District credit card.* The administrator and administrative assistant are authorized to incur charges to the District credit card, with a maximum single charge of \$5,000 and allowable billing-period maximum charges totaling \$5,000.
- i. Receipts must be obtained for all District credit card purchases. The District must be reimbursed by the individual making the purchase for a credit card purchase for which a detailed receipt is not provided.
 - ii. ~~A designated representative of The-the~~ board monthly reviews a list of credit card charges, itemized and documented by receipts, amounts of which are- assigned to a District budget account, ~~and described in detail, as other items on the claims list, and approves payment on the credit card debt.~~
 1. ~~Credit card and charge account purchases must be documented by itemized original receipts, showing the item or service purchased, the individual who made the purchase, the vendor, date and amount, along with the District account to which each purchase is proposed to be charged. Attendees at a non-public meeting must be listed. The original copies the statement and receipts will be presented monthly to the Board president and treasurer for their review and may be viewed by other Board members and the District auditor at any time.~~

Commented [MW44]: Change makes protocol less useful.

IV. Banking

- a. The District maintains a current signature card at the depository bank.
- b. The administrator or treasurer may transfer funds between District accounts and may deposit funds into District accounts.
- c. Cash withdrawals from District accounts are prohibited.
- d. The ~~administrator-Team~~ is authorized to invest District funds in accordance with the latest District Investment Policy and Procedure Manual, ~~adopted December 21, 2011.~~
- e. All deposits to District accounts must be made intact, and the District's bank is instructed not to return cash from a deposit to a District account.
- f. Checks may be endorsed by electronic signature.

V. Checking

- a. All checks, drafts or other orders for the payment of money, notes or other evidence of indebtedness issued in the name of the District will not be valid

unless signed by two managers, except that a check, draft or other order for payment of less than \$1,000 is valid with one manager's signature.

- b. The administrator is not an authorized signatory of District checks.

VI. Reporting

- a. All expenditures and investments, receipts and disbursements made must be compiled for presentation to the Board of Managers by the treasurer in a timely manner.
- b. The administrator and treasurer will regularly review relevant records and documents for any of the following, and report to the treasurer (for the administrator) or the Board of Managers (for the treasurer) any of the following if found:
 - i. An unusual, unexpected or unexplained discrepancy between actual performance and anticipated results (costs in general expense categories well beyond the budgeted amount);
 - ii. receipts that do not match deposit slips;
 - iii. disbursements to unknown and/or unapproved vendors;
 - iv. a single signature on a check for more \$1,000 or pre-signed blank checks;
 - v. gaps in receipt or check numbers;
 - vi. late financial reports;
 - vii. evidence of disregard of internal control policies and procedures.
- c. *Annual financial statements and audit.* Financial statements and an audit of the District finances are prepared for and approved by the Board of Managers each year at a regular meeting. The statements and audit are then filed by the auditor with which the District contracts to conduct the annual audit Auditor with the Board of Water and Soil Resources and the Office of the State Auditor within 120 days of the end of the District's fiscal year (January 1 – December 31). In preparation for the annual audit, the administrator prepares the following documents:
 - i. Copies of approved budgets and all budget amendments;
 - ii. Detailed general ledger (through year-end);
 - iii. Bank reconciliation and bank statements;
 - iv. Copies of disbursements and receipts;
 - v. Copy of tax (levy) settlements from Scott County;
 - vi. Copy of certification levy;
 - vii. Listing of accounts payable and copies of signed checks;
 - viii. Grant and other funding agreements;
 - ix. List of capital assets, showing all deletions and additions;
 - x. Copies of invoices;
 - xi. Approved minutes.

Commented [MW45]: Check this.

Commented [DL46R45]: Diane asked the Auditor

VII. Depositories and collateralization. In accordance with state law, the District annually names an official depository or depositories each year (depository bank(s)). In the event the Board of Managers does not designate a depository in any particular year, the last-designated depository will continue in that capacity. Each depository bank provides the

District with a proof of collateralization, as necessary, in accordance with state law¹⁴ and the District's Investment Policy and Procedure Manual, ~~adopted December 21, 2011~~. Collateral will be held in safekeeping in compliance with state law.

VIII. Permit fees, permit securities and abandoned property. See District Policy for Management of Permit Fees, Permit Securities and Abandoned Property, ~~adopted~~, ~~September 11, 2012~~.

IX. Miscellaneous

- a. The District will not maintain a petty cash fund.
- b. The District will not cash personal or third-party checks.
- c. The administrator must ~~not fail to~~ insure District property against theft and casualty loss ~~or and ensure fail to maintain~~ a District property schedule is updated and maintained.

¹⁴ Minnesota Statutes § 118A.03
Policy, Controls and Procedures for 57
Adopted ~~as amended [DATE]~~ September 11, 2012
Financial Management
Prior Lake – Spring Lake Watershed District

Prior Lake - Spring Lake Watershed District

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Fund Balance Policy

Adopted ~~as amended [DATE]December 7, 2011~~ 2/12/19

I. Purpose

The purpose of this policy is to establish specific guidelines the Prior Lake Spring Lake Watershed District will use to maintain an adequate level of fund balance to provide for cash flow requirements and contingency needs because major revenues, including property taxes and other government aids are received in the second half of the District's fiscal year. The purpose of this policy is to also establish specific guidelines the Prior Lake Spring Lake Watershed District will use to classify fund balances into categories based primarily on the extent to which the District is legally required to expend funds only for certain specific purposes.

II. Classification of Fund Balances, Procedures

1. Nonspendable

- This category includes fund balance that cannot be spent because it is either (i) not in spendable form or (ii) is legally or contractually required to be maintained intact. Examples include inventories and prepaid amounts.

2. Restricted

- Fund balance should be reported as restricted when constraints placed on those resources are either (i) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or (ii) imposed by law through constitutional provisions or enabling legislation.

3. Committed

- Fund balance that can only be used for specific purposes pursuant to constraints imposed by formal action of the District Board of Managers. The committed amounts cannot be used for any other purpose unless the District removes or changes the specified use by taking the same type of action it employed to commit those amounts.
- The District Board of Managers will annually or as deemed necessary commit specific revenue sources for specified purposes by resolution. This formal action must occur prior to the end of the reporting period, however, the amount to be subject to the constraint, may be determined in the subsequent period.
- To remove the constraint on specified use of committed resources the District Managers shall pass a resolution

4. Assigned

- Amounts that are constrained by the ~~government's~~ District's intent to use for specified purposes, but are neither restricted nor committed. Assigned fund balance in the General fund includes amounts that are intended to be used for specific purposes.
- The District Managers have delegated the authority to assign and remove assignments of fund balance amounts for specified purposes to the District administrator.

~~5. Unassigned~~

- ~~• Unassigned fund balance represents the residual classification for the General fund. This includes amounts that have not been assigned to other funds and that have not been restricted, committed, or assigned to specific purposes within the General fund. The General fund should be the only fund that reports a positive unassigned fund balance amount.~~
- ~~• The District will maintain an unrestricted fund balance in the General fund of an amount not less than 50% of the next year's budgeted expenditures of the General fund. This will assist in maintaining an adequate level of fund balance to provide for cash flow requirements and contingency needs because major revenues, including property taxes and other government aids are received in the second half of the District's fiscal year.~~

III. Monitoring and Reporting

The District administrator shall annually prepare the status of fund balances in relation to this policy and present to the District Managers in conjunction with the development of the annual budget.

When both restricted and unrestricted resources are available for use, it is the District's general policy to first use restricted resources, and then use unrestricted resources as they are needed. When committed, assigned or unassigned resources are available for use, it is the District's general policy to use resources in the following order; 1.) committed 2.) assigned and 3.) unassigned. The Prior Lake Spring Lake Watershed District recognizes there may be instances where this ordering criteria does not serve the best interest of the District. In those instances, the District administrator will use his/her best judgment in fund utilization to achieve the best result for the District.

A negative residual amount may not be reported for restricted, committed, or assigned fund balances in the General fund.

Prior Lake - Spring Lake Watershed District

Schedule of Regular Activities

Updated ~~September 2012~~[DATE]

Commented [MW47]: Discretionary

The District will observe the following schedule of required activities to ensure continued compliance with laws and regulations:

- The District conducts its annual business meeting in January. At that meeting the Board of Managers:
 - ~~Elects officers.~~
 - Approves a schedule of regular meetings of the Board of Managers and Citizens Advisory Committee for the ensuing year.
 - ~~Reviews insurance needs and current coverage. Insurance coverage will be reviewed as policies are due for renewal.~~
 - Authorizes, biennially, the solicitation of engineering, legal, auditing, accounting and other professional services proposals, per Minnesota Statutes section 103B.227, subdivision 5.
 - Names:
 - a District depository bank(s),
 - a permit security depository for bonds and letters of credit
 - a permit security depository for cash escrows,
 - and an official newspaper for publication of notices.
 - Names individuals to serve on the District's Citizens Advisory Committee, in compliance with Minnesota Statutes section 103D.331.
 - Reviews the District's fee and permit security schedules and directs the administrator to prepare revisions as warranted for adoption by resolution.
 - Reviews and, as necessary, directs the preparation of updates to its Governance ~~Manual~~Manual.
- The District's Auditor submits to the Office of the State Auditor an audit report annually within ~~+20-180~~ days of the end of the District fiscal year per Minnesota Rules 8410.0150, subpart 1.
- The District annually publishes a newsletter or other watershed-wide communication that explains the District's programs, lists the members of the Board of Managers and notes District contact information, per Minnesota Statutes section 103B.227, subdivision 4. The District will maintain this information on its website as well.
- The District annually audits its accounts and expenditures, per Minnesota Statutes section 103D.335, subd. 1.
- The District annually submits to the Board of Water and Soil Resources ~~an financial, activity and audit~~ report annually within 120 days of the end of the District's ~~fiscal calendar~~ year, per Minnesota Statutes section 103B.231, subdivision 14, and Minnesota Rules 8410.0150, subpart 1.
- The District's ~~administrator~~ Accountant annually prepares, in July, a report to the board on the status of fund balances in relation to the Fund Balance Policy.

Commented [MW48]: Optional: CAC can and probably should set its own schedule.

Commented [MW49]: Can't give assignments by policy to contractors, except auditor.

- The administrator, as the Data Practices Act responsible authority, reviews in July each year the District's DPA policy and associated protocols to ensure harmony with current law, in accordance with Minnesota Statutes section 13.05, subd. 1.
- The administrator annually assesses in July each year whether the District has abandoned property and returns abandoned property, if any, in accordance with the schedule in the Policy for Management of Permit Fees, Permit Securities and Abandoned Property.
- Annually on or before September 15, after conducting a duly noticed public hearing and announcing the final opportunity to comment on the budget and levy discussed below, the District adopts a budget for the next year and decide on the total amount of funding necessary to be raised from ad valorem tax levies to meet the budget. The District submits a resolution certifying the next year's Administrative and Metropolitan Water Management Tax Levy and Scott County's Proposed Levy Certification for Taxes Payable in (the next year) to Scott County. The District has until December 15 to decrease its levy and then provide the same information with the new amount. If there is no change in the levy, the District does not have to do anything more in December.
 - The District also issues notice for and provides a second opportunity for public comment on the annual budget and levy at its regular meeting in December each year in accordance with the state Truth in Taxation law.

Appendix A
Prior Lake – Spring Lake Watershed District
Inventory of Not-Public Data on Individuals

February 2019

This document describes private or confidential data on individuals maintained by the Prior Lake – Spring Lake Watershed District in accordance with Minnesota Statutes section 13.05 and Minnesota Rules 1205.1200.

This index is also part of the District's procedures for ensuring that not-public data are accessible only to individuals whose work assignment or management responsibilities reasonably require access (see Minn. Stat. 13.05, subd. 5). In addition to the employees listed, the District managers and District legal counsel also may have access to not-public data as needed as part of specific assignments or under certain circumstances.

Please direct all questions about this inventory to the District Data Practices Compliance Official:

Diane Lynch, administrator
dlynch@plslwd.org
952-440-0067

Prior Lake – Spring Lake Watershed District
Not-Public Data Inventory
February 2019

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<u>Name of Record, File, Process, Form or Data Type</u>	<u>Description</u>	<u>Data Classification(s)</u>	<u>Citation for Classification(s)</u>	<u>Employee Access</u>
<u>Appeal data</u>	<u>Data maintained as a result of processing appeals of determinations about the accuracy and/or completeness of public and private data on individuals</u>	<u>Public</u> <u>Private</u>	<u>Minn. Stat. § 13.03, subd. 4</u>	<u>Administrator</u>
<u>Attorney Data</u>	<u>Data related to attorney work product or data protected attorney-client privilege</u>	<u>Private</u>	<u>Minn. Stat. § 13.393</u>	<u>Staff on as needed basis as part of specific work assignments.</u>
<u>Citizen Advisory Council member data</u>	<u>Data pertaining to advisory council applicants and appointees.</u>	<u>Public/Private</u> <u>Confidential</u>	<u>Minn. Stat. § 13.601</u>	<u>Administrator; other staff as needed.</u>
<u>Civil investigative data</u>	<u>Data that are collected in order to start or defend a pending civil legal action, or because a civil legal action is expected</u>	<u>Confidential/</u> <u>Public</u>	<u>Minn. Stat. § 13.39</u>	<u>Administrator; other staff as needed.</u>
<u>Continuity of Operations</u>	<u>Personal home contact information used to ensure that an employee can be reached in the event of an emergency or other disruption affecting continuity of operation of a government entity.</u>	<u>Private</u>	<u>Minn. Stat. § 13.43, subd. 17</u>	<u>Administrator</u>

<u>Employment applicant records</u>	<u>Completed assessments and results, related documentation, and application forms.</u>	<u>Public/ Private</u>	<u>Minn. Stat. § 13.43</u>	<u>Administrator</u>
<u>Employee expense reports</u>	<u>Expense reimbursement requests</u>	<u>Public/ Private</u>	<u>Minn. Stat. § 13.43</u>	<u>Administrator</u>
<u>Employee personnel records</u>	<u>Record of prior and current employment history. Data relating to hiring, assessments, payroll, pension and retirement, promotion, medical, family leave, grievances and discipline and related administrative personnel actions; drug-and-alcohol-testing and background-check results.</u>	<u>Public/ Private</u>	<u>Minn. Stat. § 13.43</u>	<u>Administrator</u>
<u>Motor vehicle data</u>	<u>Information on license plate numbers, owners and registration status of vehicles.</u>	<u>Private</u>	<u>Minn. Stat. § 168.346</u>	<u>Administrator</u>

<u>Personal contact and online account information</u>	<u>Telephone number, email address and usernames and passwords collected, maintained, or received by the District for notification purposes or as part of a subscription list for an entity's electronic periodic publications as requested by the individual.</u>	<u>Private</u>	<u>Minn. Stat. § 13.356</u>	<u>Administrator; consultants as needed for specific projects and programs.</u>
<u>Personnel data</u>	<u>Data about employees, applicants, volunteers and independent contractors; data disclosed for the purpose of administration of the workers' compensation program</u>	<u>Public/Private/Confidential</u>	<u>Minn. Stat. § 13.43 179A.03, subd. 4</u>	<u>Administrator</u>
<u>Response to data requests</u>	<u>Data collected by the District data practices compliance official in responding to requests for data maintained by the District.</u>	<u>Public/Private</u>	<u>Various</u>	<u>Administrator; staff as necessary.</u>
<u>Security information</u>	<u>Data that would substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury, if the data were released to the public</u>	<u>Private</u>	<u>Minn. Stat. § 13.37</u>	<u>Administrator</u>

<u>Social Security numbers</u>	<u>Individuals' Social Security numbers</u>	<u>Private</u>	<u>Minn. Stat. § 13.355</u>	<u>Administrator</u>
<u>Unemployment compensation billings</u>	<u>Records of billings for employee unemployment compensation</u>	<u>Private</u>	<u>Minn. Stat. § 13.43</u>	<u>Administrator</u>
<u>Workers compensation billings</u>	<u>Records of billings for employees who receive workers compensation benefits</u>	<u>Private</u>	<u>Minn. Stat. § 13.43</u>	<u>Administrator</u>

PLSLWD
Education &
Outreach Plan

2019

"Our mission is to manage and preserve the water resources of the Prior Lake-Spring Lake Watershed District to the best of our ability using input from our communities, sound engineering practices, and our ability to efficiently fund beneficial projects which transcend political jurisdictions."

Prepared By:
Kathryn Keller-
Miller, Outreach
Specialist
&
Diane Lynch,
District Administrator

PRIOR LAKE - SPRING LAKE

WATERSHED DISTRICT

Executive Summary

The purpose of the Prior Lake-Spring Lake Watershed District's (PLSLWD) education and outreach program is to improve understanding of local water resources and practices among all stakeholders in the District. The education and outreach program also fulfills the requirements of the MS4 permit for the Prior Lake Outlet Channel (PLOC).

In 2019, the education and outreach program will include coordinated efforts with the Scott County Soil and Water Conservation District (SWCD), the Scott County Clean Water Education Program (SCWEP—managed by the Scott SWCD), Prior Lake, Shakopee, Savage, Spring Lake Township and Sand Creek Township to continue a community-wide approach to develop an understanding of local water resource issues and outcomes, with special emphasis on flooding, runoff, phosphorus reduction, water conservation, water quality and illicit discharge.

Background and Overview

The District will partner with the Scott Soil and Water Conservation District, SCWEP, local cities and townships to educate the public and help meet its education and outreach responsibilities as an MS4 permit holder. The District's Citizen Advisory Committee, a group of 13 volunteers who meet monthly, will help implement the District's citizen engagement activities.

The District holds an MS4 (Municipal Separate Storm Sewer System) general permit for the PLOC which carries stormwater to the Minnesota River. MS4 permits give owners or operators of publicly managed stormwater infrastructure approval to discharge stormwater to lakes, rivers and wetlands in Minnesota. The permits are mandated by federal regulations under the Clean Water Act and are locally enforced by the MN Pollution Control Agency.

PLOC Outreach and Education

In June 2014, PLSLWD experienced nearly \$1 million of damage to the Prior Lake Outlet Channel. Citizens in Prior Lake experienced flooding of their homes and lack of access to arterial streets and businesses. Local funds and those from the Federal Emergency Management Administration (FEMA) paid for the repair of damaged culverts and the removal of downed trees and a sediment delta. Work on the remaining FEMA project, repair of major channel bank erosion, is planned for 2019. PLSLWD will provide education and outreach to landowners living along the channel, including letters advising them of the repair work.

General Outreach and Education

Scott Clean Water Education Program (SCWEP)

The District will continue to partner with the Scott Clean Water Education Program (SCWEP) to extend its education and outreach efforts. This program includes the following partners: Scott Watershed Management Organization, Vermillion River Watershed Joint Powers Board, Scott Soil and Water Conservation District (SWCD), Spring Lake Township, Credit River Township,

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WATERSHED DISTRICT

Jackson Township, Louisville Township, Vermillion River Watershed Joint Powers Board and Scott County.

SCWEP's vision is that making clean water choices becomes "second nature" for people who live and work in Scott County. The key message SCWEP is promoting is, "Clean Water Starts with Me!" and will focus upon illicit discharge, natural borders and stormwater runoff. Audiences include: agriculture/rural landowners; urban and lakeshore residents; and community groups, schools and government.

SCWEP will conduct prairie and shoreline restoration workshops; promote cost-share programs; participate in events; and develop targeted outreach activities. SCWEP will be represented at community events; publish rack cards, fact sheets, brochures and newsletters; submit news articles and press releases; rotate the new Clean Water Display the Scott County Conservation Center and utilize social media to get its messages out.

The District will also participate in SCWEP's Scott County Outdoor Education Days. Staff will help run stations highlighting water and other important natural resources for 1,500 students from local schools.

Local Schools Partnership

The District will seek to revitalize its collaboration with local area schools. District staff will work with staff from local schools, including the Prior Lake-Savage (PLS) schools' District Naturalist to identify opportunities for the District to provide programming and support for teachers. This may include giving classroom presentations or providing teachers with lesson plan ideas relating to water resources, etc.

Clean Water Clean-Ups

The District will continue to partner with the City of Prior Lake and the City of Savage to host a spring and fall Clean Water Clean-Up. The clean-ups are a great way to engage volunteers, who help rake up leaves and remove buckthorn from City parks. Volunteers will be recruited through emails to past volunteers and notices on the District's and City's websites, Facebook and Twitter pages. The events will be publicized in the Prior Lake American, Savage Pacer and the Scott County SCENE.

PLSLWD Boundary Signs

The District is in the process of designing a new District logo. The District will research, design and install PLSLWD boundary signs using the updated logo. The boundary signs will be placed along roadways to mark district boundaries, similar to a "City Limits" sign. Riley Purgatory Bluff Creek and Minnehaha Creek Watershed District have similar signs along roadways marking their district boundaries.

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WATERSHED DISTRICT

PLSLWD Management Plan Updates

The District began the process of updating its Water Resources Management Plan, the District's ten-year plan, in 2018. Work will continue in 2019 on the plan which must be completed by 2020. Public input will be solicited throughout the process through a combination of public meetings and public comment periods. The District's Citizens Advisory Committee (CAC) will also provide feedback and recommendations on management plan updates.

Citizens Advisory Committee (CAC)

The District will to engage its Citizens Advisory Committee to obtain feedback and recommendations for District programs and the District's Water Resources Management Plan updates. The CAC will also help implement the District's citizen engagement activities and explore ways to become more involved.

The CAC will review the Water Quality Improvement Award and decide whether to continue the award program. The CAC began sponsoring the annual Water Quality Improvement Award in 2016 to recognize the positive contributions of local citizens improving water quality who implemented projects, such as rain gardens and shoreline buffers.

Residential and Agricultural Cost Share

In addition to SCWEP, the District will continue to contract with the SWCD to meet with landowners to promote rural and urban incentive and cost share programs and encourage their participation. The District currently offers up to \$250 for rain gardens, shoreline restorations and buffers; \$50 for rain barrels; and 50% of the cost (up to \$150) for installing a water pump to use lake water to irrigate shoreline properties.

For residential incentive programs, PLSLWD will promote citizen participation in the SCWEP raingarden and shoreline restoration workshops as well as District cost share programs. In 2018, the District greatly increased its promotion of the urban cost share programs; as a result, over 40 residents applied for urban cost share in 2018. The District seeks to continue this momentum in 2019.

The District will encourage public official and community leaders, including the PLSLWD Board of Managers, City Council members, Mayors and lake association board members to install water quality projects and become ambassadors and spokespersons. Community contacts could work to recruit a group of neighbors to get together and each install water quality projects on their own properties. Outreach could target certain neighborhoods to encourage a group of neighbors to install projects.

In rural areas, the District will provide construction incentive payments for filter strips, wetland restoration, well decommissioning, water and sediment control basins (WASCOB) and other stormwater management best management practices (BMP). The District will review and approve Conservation Practice Payment Dockets, which define practices, payments and evaluation tools.

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Farmer-Led Council (FLC)

The District will partner with the SWCD to continue its staff support of the Farmer-Led Council. Agricultural lands make up a majority of the landscape in the Spring Lake and Upper Prior Lake watersheds. The role of the FLC is to develop and guide the implementation of strategies that the District will use to accomplish agriculture's share of nutrient reduction goals.

It will:

- Inform decision-makers and the public about soil and water conservation opportunities
- Identify base level and site-tailored practices that are available and needed
- Define the best approach for engaging with and assisting farmers to implement practices
- Identify potential barriers to implementation, along with tools and resources needed to overcome them

In addition, the FLC is sponsoring the **Lake-Friendly Farm Program** which was created to recognize the farmers that are doing an outstanding job of managing their farms in a way that protects the water resources in the District. The program both identifies and publicly recognizes existing best management practices in the watershed and assists farmers in identifying areas for improvement to help protect our water resources.

Projects

Spring Lake Parcel

The District acquired a piece of land in 2013 along the north side of Spring Lake that is used as a shoreline demonstration site. The property is roughly 0.25 acres, includes about 350 feet of shoreline. Restoration was completed in 2016 through a grant with Great River Greening and two interpretive signs were installed in 2017. We will continue to use this site as a demonstration for shoreline restorations.

Raymond Park

In 2017, four acres of upland and shoreline were restored at the City of Prior Lake's Raymond Park; the project serves as a demonstration site for shoreline & upland restoration area for the public. The restoration was supported by a Conservation Legacy Partners grant from the MN DNR and the District's project partners were the City of Prior Lake, Spring Lake Township and Great River Greening. The restoration included: a beach restoration; lawn area was converted to low-maintenance turf; an oak savanna restoration and a shoreline restoration. Maintenance on the site will continue in 2019. Educational interpretative signs will be designed and installed at the Park.

Sand Point Beach Park

As the final part of the Lower Prior Lake Protection Implementation Project, the District and the City expanded two pre-treatment basins at Sand Point Beach Park, installed a large iron-enhanced sand filter and seeded the surrounding upland area with native prairie. During peak rain events, stormwater will be diverted from these basins to the iron-enhanced sand filter which will remove

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WATERSHED DISTRICT

additional phosphorus before being sent to Lower Prior Lake. An interpretative sign explaining the project's iron-enhanced sand filter was installed in 2018, in addition to a sign identifying the prairie restoration area and small plant identification signs highlighting individual plant species in the native prairie restoration area.

Stormwater & Storage Projects

The District continues to work to acquire upstream storage for stormwater, as identified in the 2016 Stormwater Management and Flood Mitigation Study. In 2019, the District will begin work on a storage project on Sutton Lake. Upstream storage holds water in the upper watershed on the land longer, delaying when the water reaches the lakes. The District will partner with landowners to achieve this goal. Outreach will be targeted to landowners living near potential upstream storage areas. If an agreement with landowners for an upstream storage site is reached, the District may also write articles for the District website and press releases for the Prior Lake American, Savage Pacer and Scott County SCENE newspapers.

Project Interpretative Signs

Interpretative signs will be designed and installed at recently completed projects, such as Indian Ridge Park. Additionally, small native plant identification signs, designed by one of our summer interns, will be ordered and installed at the 12/17 wetland restoration site.

Project Outreach

Staff will conduct literature drops to residents residing near PLSLWD construction projects. If necessary, letters may also be sent to the residents. The District will provide information on these projects through social media, the District website, meetings/articles for lake associations and press releases to the Prior Lake American, Savage Pacer and the Scott County SCENE.

District Tours

District staff will organize 1-2 District tours in 2019. Possible focuses of District tours include highlighting district projects or examples of residential water quality projects.

Conservation Easements

The District has nearly 40 conservation easements with over 170 landowners which are inspected annually. In the spring, landowners receive an annual newsletter and reminder letters to remedy any issues if violations were present. Landowners also receive a pre-inspection letter prior to the annual site visit and a post-inspection letter noting the inspection findings, including any violations. Landowners are encouraged to join staff on site visits if they are interested. In 2019, staff will continue to follow-up and work with landowners to fix the violations.

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WATERSHED DISTRICT

Marketing

The District's education and outreach program anticipates a variety of passive and active marketing techniques to reach out to various stakeholders in the watershed. Some potential activities include:

- Participation at Lakefront Days, potentially including a rain barrel giveaway
- Speaking at the Prior Lake and Spring Lake Associations' annual meetings
- Annual update presentations to Prior Lake, Shakopee, Savage, Sand Creek and Spring Lake Townships, Scott County and others, as requested
- Targeted mailings, especially regarding project updates and cost share programs
- Publishing fact sheets/rack cards, banners, newsletters and articles
- Placing fact sheets and rack cards at kiosks, such as at McColl Park in Savage
- Submitting news articles and press releases to the Prior Lake American newspaper, Savage Pacer and the Scott County SCENE, as well as pitching story ideas to local reporters as applicable
- Posting articles and information on the District's website and social media
- Soliciting input from the public, CAC members, PLOC Technical Advisory Committee (TAC) and PLOC Cooperators

The District will work to maintain partnerships with other jurisdictions and interest groups that share the District's goals, including:

- | | |
|--|--|
| ➤ Prior Lake Association | ➤ Spring Lake Township |
| ➤ Spring Lake Association | ➤ Sand Creek Township |
| ➤ City of Prior Lake | ➤ Scott Soil and Water Conservation District |
| ➤ City of Savage | ➤ Scott County |
| ➤ City of Shakopee | ➤ Scott County Watershed Management Organization |
| ➤ Minnesota Association of Watershed Districts | ➤ Prior Lake-Savage School District |
| ➤ Shakopee Mdewakanton Sioux Community | |

Website and Social Media

The District will continue to share a variety of information including District news, project updates, news; articles covering water and conservation related topics; and related conservation news on its website and social media. Article topics could include highlighting success stories, project updates, District events & workshops. Trivia Tuesday is a weekly trivia question posted on social media each week with answers posted on Wednesday. Staff will work obtain website traffic information to better tailor outreach information.

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PLSLWD 50th Year Anniversary Planning

The District will be celebrating its 50th anniversary in 2020; in order to mark the occasion, the District seeks to plan events and marketing surrounding the 50th anniversary to honor the District's 50 years and engage the public. This would provide a great opportunity for the CAC to be more involved; the CAC could help District staff brainstorm and plan events as well as involve the public.

Budget

In 2019, the budget for MS4 activities is \$15,000; \$4,000 for the CAC; \$250 for the Prior Lake-Savage schools partnership and \$2,000 for project educational signs. In addition, the District budgeted \$58,000 for residential and agricultural cost share incentives, \$5000 for SCWEP and \$51,000 for the Farmer-led Council, which includes money for FLC sponsored cost share. Note: Budget numbers do not include staff time.

Outcomes & Evaluation

The desired outcome for 2019 education and outreach is to improve understanding of local water resources and practices among all stakeholders in the District; this strategic goal will be evaluated mostly by compliance with the MS4 permit. A large part of the Storm Water Pollution Prevention Program (SWPPP), a component of the MS4 permit, requires identification and documentation of BMPs undertaken to reduce the discharge of pollutants from the MS4 to the maximum extent practicable. Metrics used to measure the impact of marketing strategies include:

- Number of participants at a specific District hosted event or workshop
- Number of direct mailings, brochures, and newsletters distributed
- Number of submitted press releases and published articles

To maintain compliance with the MS4 permit, District staff will continue to record and quantify the above metrics which help illustrate the success or benefit of each BMP.

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4.10 AIS Challenges and Opportunities

Kathryn Keller-Miller will provide a matrix and discussion at the Board Meeting.

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W A T E R S H E D D I S T R I C T

4.11 LCCMR Grant Opportunities

Maggie Karschnia will present information on LCCMR and other grant opportunities for in-lake phosphorus management.

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W A T E R S H E D D I S T R I C T

4.12 Election of Officers

There are four officer positions to be elected for 2019: President, Vice President, Secretary and Treasurer.

A motion must be made to nominate a candidates for the positions. The positions may be voted on individually or as a slate of candidates. The President can reside as the chair or presider of the meeting and announces the opening of nominations at the appointed time, when they are in order.

According to Roberts Rules of Order, a motion relating to nominations:

- Can't interrupt a speaker who has the floor or a member making a nomination
- Must be seconded
- Isn't debatable
- Can be amended
- Requires a majority vote (except the motion to close nominations, which requires a 2/3 vote)
- Can be reconsidered if it's a negative vote to reopen nominations

After the votes are counted, the chair reads the results and concludes with a formal declaration of the results.

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WATERSHED DISTRICT

Citizen Advisory Committee

Thursday January 31, 2019

6:30-8:00 p.m.

Prior Lake City Hall

4646 Dakota Street SE Prior Lake, MN 55372

The meeting was cancelled due to bad weather.

PRIOR LAKE – SPRING LAKE

WATERSHED DISTRICT

WORKSHOP MEETING MINUTES

Tuesday, January 8, 2019

Prior Lake City Hall

Members Present: Curt Hennes, Woody Spitzmueller, Charlie Howley, Fred Corrigan & Mike Myser

Staff Present: Diane Lynch, District Administrator

Others Present: Dave Beer, Scott County; Annette Thompson, City of Prior Lake; Jim Fitzsimmons, SWCD; Marianne Breitbach, CAC and Bruce Loney, incoming Board Manager

The meeting was called to order by President Fred Corrigan at 4:30 p.m.

AIS Ideas

Managers and staff brainstormed ways to organize review of and management for aquatic invasive species. Staff will populate a matrix for discussion at the February Board meeting.

Governance Manual Revisions Review

Managers completed their review of the Governance Manual. Staff will ask the District's Accountant and Attorney to review the draft and will provide a final draft copy for review at the February Board meeting.

The meeting adjourned at 5:45 p.m.

PRIOR LAKE – SPRING LAKE

WATERSHED DISTRICT

REGULAR MEETING MINUTES

Tuesday, January 8, 2019

Prior Lake City Hall

6:00 PM

Members Present: Mike Myser, Fred Corrigan, Curt Hennes, Charlie Howley & Woody Spitzmueller

Staff & Consultants Present: Diane Lynch, District Administrator
Maggie Karschnia, Water Resources Project Manager
Carl Almer, EOR, District Engineer

Others Present: Marianne Breitbach, CAC
Bruce Loney, Resident
Beth Neuendorf, MDOT
Hailu Shakur, MnDOT

- **CALL TO ORDER/PLEDGE OF ALLEGIANCE:** Meeting called to order by Chair, Fred Corrigan at 6:01 PM.
- **2.0 PUBLIC COMMENT:** None
- **3.0 APPROVAL OF AGENDA:**
Manager Hennes moved to approve the agenda. Second by Manager Myser. All ayes. Motion passed 5-0.

OTHER OLD/NEW BUSINESS

- **4.1 MANAGER PRESENTATIONS**
Managers presented on liaison meetings they have attended and/or other events in the District they have participated in.
- **4.2 PROGRAMS & PROJECT UPDATES**
Staff gave updates on ongoing District projects and activities.
- **4.3 PERMIT #18.05 TH13 PROJECT**
Manager Howley moved to approve the request for eliminating the permit security. Second by Manager Spitzmueller. Motion passed 3-1. Manager Hennes against. Manager Myser abstained.

- **4.4 2019 LEGISLATIVE STRATEGY REGARDING FLOOD STORAGE & CARP MANAGEMENT**

Manager Myser moved to support Flood Storage Initiatives as a priority. Second by Manager Hennes. All ayes. Motion passed 5-0.

Manager Myser moved to support Carp Management Rule Revision as a priority. Second by Manager Hennes. All ayes. Motion passed 5-0.

- **4.5 RESOLUTION 19-330 UPDATED FEE DEPOSIT AND PERMIT SECURITY REQUIREMENTS**

Manager Hennes moved to approve revised amounts as presented in staff report. Second by Manager Myser. All ayes. Motion passed 5-0.

- **5.0 APPROVAL OF CONSENT AGENDA**

Manager Myser moved to approve the consent agenda. Second by Manager Spitzmueller. All ayes. Motion passed 5-0.

- **6.0 TREASURER REPORT/FINANCIAL REPORT**

Manager Spitzmueller gave updates on current financial reporting.

- **6.1 CLAIMS LIST**

Manager Myser moved to approve the claims list. Second by Manager Spitzmueller. All ayes. Motion passed 5-0.

- **7.0 UPCOMING MEETINGS/EVENTS**

- CAC Meeting Thursday, January 31, 6:30-8:00 PM

ADJOURNMENT

Manager Myser moved to adjourn meeting. Second by Manager Hennes. All ayes. Motion passed 5-0. Meeting adjourned at 7:28.

Charlie Howley, Secretary

2/12/2019
Prior Lake Spring Lake Watershed District
Claims list for Invoice Payments due for the prior month

Managers will consider approving this claims list - Staff payroll and Manager per diems have already been paid via ADP.

After the managers vote, two Managers will sign checks within three days of the meeting for approve claims.

Then, staff will US mail checks (written on the Klein Bank) to the claims list parties.

Staff will request that all vendors provide information on their invoices to fit into the categories below

UPDATED 2/7/2019

Vendor	Invoice	Description	Amount
1. Watershed District Projects (excluding staff payroll)			
EOR	00758-0019	Storage & Infiltration Projects	295.75
Blue Water Science		2018 Aquatic Plant Surveys	18,050.00
Creative Graphics	88379	Logos for FLC & LFF	463.50
EOR	00758-0018	Rule Revision	591.50
EOR	00758-0018	General Engineering	253.50
EOR	00758-0015	Permitting	677.83
EOR	00758-0018	District Plan Update	10,794.00
EOR	00758-0018	Public Infrastructure	2,743.50
EOR	00758-0014	Sutton Lake Outlet Modification Plan	365.00
Gopher State One Call	9001291	Annual Operator Fee	50.00
Great River Greening	3077	Raymond Park	2,614.00
Navico	140230	Annual EcoSound Subscription	2,700.00
Scott County Abstract & Title	I-30064-01	Title Search Fees	912.50
Scott SWCD	2018-105	3rd Quarter 2018	14,562.73
Scott SWCD		4th Quarter 2018 (estimated)	43,364.23
WSB	R-011960-000-8	Geis Wetland & PIT Project	4,811.50
WSB	003032-010 39	Carp Project	4,382.50
Xcel	624326675	January	13.03
Subtotal			107,645.07
2. Outlet Channel - JPA/MOA (excluding staff payroll)			
EOR	00758-0038	PLOC Engineering Assistance	452.00
EOR	00758-0128	2019 PLOC XP-SWMM Updates	62.50
EOR	00758-0085	PLOC MOA Revisions	42.25
EOR	00758-0102	FEMA Segment 5 Sediment Delta	62.50
Messerli & Schadow		January	250.00
Subtotal			869.25
3. Payroll, Office and Overhead			
ADP Manager Per Diems		Already Paid	0.00
ADP Staff Payroll		Already Paid	19,246.08
ADP Taxes & Benefits		Already Paid	12,152.16
Connexus Credit Union		Health Savings Account	115.38
H SA Bank		Health Savings Account	115.38
Iceberg Web Design	26331	Website Hosting	29.99
MAWD		Annual Dues	7,500.00
Messerli & Schadow		January	2,312.50
Metro Sales	1262361	Copy Machine Contract	110.60
NCPERS		Life Insurance	80.00
Northland Securities	5632	Annual Continuing Disclosure Report	435.00
Prior Lake Chamber of Commerce	8413	Annual Dues	110.00
Smith Partners	40325	General Admin & Legal	1,589.10
Southwest News	100426	Legal Notice	78.90
UMN		Training Registration	85.00
VISA		January	4,534.47
Subtotal			48,494.56
4. Debt repayment and Interest			
Northland Trust Services		Principal	
Northland Trust Services		Interest	
Northland Trust Services		Agent Fee	
Subtotal			0.00

2018 Expenses

TOTAL

157,008.88