Agenda
Vermillion River Watershed Joint Powers Board Meeting
July 27, 2017, 1 p.m., Conference Room 334
Dakota County Western Service Center, Apple Valley, MN

1. Call to Order
2. Audience Comments on Items Not on the Agenda
3. Approval of Agenda
4. Approval of Minutes from the June 22, 2017, Meeting
5. Approval of Expenses
6. Acceptance of Treasurer’s Report
7. Business Items
   a. Delegation of Authority to the Administrator to Accept Gifts on Behalf of the Vermillion River Watershed Joint Powers Board Under Certain Circumstances
   b. Vermillion River Watershed Joint Powers Board Delegation of Permit Approval Authority to Staff
   c. Appointment of Joshua Borton to the Vermillion River Watershed Planning Commission (WPC)*
8. Staff Reports
9. Adjourn

*Additional materials included in the packet
Next Meeting Date: August 24, 2017 – Western Service Center, Room 334 at 1:00 p.m.
Meeting Minutes

Vermillion River Watershed Joint Powers Board Meeting
June 22, 2017, 1:00 p.m.
Dakota County Western Service Center, Apple Valley, Conference Room 334

Board Members in Attendance
Dakota County Commissioner Mike Slavik, Chair
Scott County Commissioner Tom Wolf, Vice-Chair
Dakota County Commissioner Mary Liz Holberg, Secretary/Treasurer

Others in Attendance
Mark Zabel, VRWJPO Dakota County Administrator
Melissa Bokman, VRWJPO Scott County Co-administrator
Helen Brosnahan, Dakota County Attorney’s Office
Travis Thiel, VRWJPO Watershed Specialist
Mark Ryan, VRWJPO Watershed Engineer
Jen Dullum, VRWJPO Education and Outreach Specialist

1. Call to Order
Meeting was called to order by the Board Chair at 1:02 p.m. All Board members were in attendance.

2. Audience Comments on Items Not on the Agenda
There were no comments from the audience.

3. Approval of Agenda
Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to approve the agenda for the June 22, 2017 meeting.

4. Approval of Minutes from the May 25, 2017 Meeting
Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous vote to approve the minutes of the May 25, 2017, meeting, as presented on June 22, 2017.

5. Approval of Expenses
Mark Zabel described the expenses. The $2,840 invoice from Jean Beattie Consulting is for design work on four interpretive signs to be placed at various completed projects throughout the watershed. The P-Card for Menards for $51.72 was for supplies for live staking at the Middle Creek Remeander. The $200 P-Card expense for MPARS is for DNR fees for the Rambling River Park and Blair property projects. The other three expenditures are routine.

Res. No. VRW 17-29: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a 3-0 roll call vote to approve the expenses totaling $33,727.77 that occurred between May 18, 2017, and June 14, 2017, as submitted on June 22, 2017.
6. Acceptance of Treasurer’s Report
Mark Zabel provided an overview of the Treasurer’s Report. Changes reflect revenues as well as expenditures from grants; the totals show the entire budget according to the revised budget that was adopted on May 25, 2017 (Res. No. VRW 17-26). All expenses to date and expenses pending are within the budgeted amounts.

Res. No. VRW 17-30: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a 3-0 roll call vote to accept the Treasurer’s Report as presented on June 22, 2017.

7. Business Items

7a. Authorization to execute a contract with Sunram Construction, Inc. for the South Creek Stream Habitat Restoration Project
Travis Thiel proposed authorization to award a contract to Sunram Construction, Inc. for stream habitat restoration in South Creek. The bid was favorable and about $30,000 under the engineer’s estimate. The other bids were competitive. Commissioner Holberg asked whether the VRWJPO had done work with this company before. Staff indicated that we have not; however, our consultant working on South Creek (Wenck) has worked with them before.

Res. No. VRW 17-31: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to execute a contract with Sunram Construction, Inc. for the South Creek Stream Habitat Restoration Project.

WHEREAS, the Vermillion River Watershed Joint Powers Organization (VRWJPO) received a Minnesota Department of Natural Resources (DNR) Conservation Partner’s Legacy (CPL) grant for a project to improve and restore stream habitat within South Creek in Farmington; and

WHEREAS, the project includes:

- Construction of bioengineering restoration practices on the banks and channel of the Vermillion River, including: tree pins, brush mattresses, toewood stabilization, and boulder toe stabilization.
- Controlled site access to sensitive areas with the intent of minimizing temporary wetland impacts.
- Excavation that will require landscape-size equipment that minimizes damage to the existing site conditions and use of prescribed backfill material, woody material, and landscape boulders and rock.
- Landscaping that will include seeding, erosion control blanket, installation of mulch, and other various site landscaping tasks that may be necessary.

WHEREAS, the VRWJPO received bids on the project from three companies, which were evaluated based upon a pre-determined set of criteria; and

WHEREAS, the VRWJPO has selected the bid from Sunram Construction, Inc. as best fulfilling the requirements set forth in bidding documents and meeting the needs of the project.

NOW, THEREFORE, BE IT RESOLVED, that the Vermillion River Watershed Joint Powers Board authorizes the chair to execute a contract with Sunram Construction, Inc. in an amount not to exceed $233,989.00 for the South Creek stream habitat restoration project in Farmington.

7b. Authorization to Execute a Contract with Sunram Construction, Inc. for the Rambling River Park Stream Habitat Restoration Project in Farmington
Travis Thiel proposed authorization to award a contract to Sunram Construction, Inc. for stream habitat restoration in Rambling River Park. The bid was favorable. The other bid was substantially higher.
Res. No. 17-32: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to Execute a Contract with Sunram Construction, Inc. for the Rambling River Park Stream Habitat Restoration Project in Farmington.

WHEREAS, the Vermillion River Watershed Joint Powers Organization (VRWJPO) received a Minnesota Department of Natural Resources (DNR) Conservation Partner’s Legacy (CPL) grant for a project to improve and restore stream habitat within Rambling River Park in Farmington; and

WHEREAS, the project includes:

- Construction of bioengineering restoration practices on the banks and channel of the Vermillion River, including: cedar tree revetments, toewood stabilization, and boulder toe stabilization.
- Controlled site access to sensitive areas with the intent of minimizing temporary wetland impacts.
- Excavation that will require landscape-size equipment that minimizes damage to the existing site conditions and use of prescribed backfill material, woody material, and landscape boulders and rock.
- Landscaping that will include seeding, erosion control blanket, installation of mulch, and other various site landscaping tasks that may be necessary.
- Reconstruction of the existing bituminous trail in the project work area and extension of a spur trail to a fishing access location.

WHEREAS, the VRWJPO received bids on the project from two companies, which were evaluated based upon a pre-determined set of criteria; and

WHEREAS, the VRWJPO has selected the bid from Sunram Construction, Inc. as best fulfilling the requirements set forth in bidding documents and meeting the needs of the project.

NOW, THEREFORE, BE IT RESOLVED, that the Vermillion River Watershed Joint Powers Board authorizes the chair to execute a contract with Sunram Construction, Inc. in an amount not to exceed $188,284 for the Rambling River Park stream habitat restoration project in Farmington.

7c. Granting a VRWJPO Permit to Debra McNab for a Pole Barn Construction Project in Eureka Township

Mark Ryan presented information on this project. The VRWJPO took back permitting authority for Eureka Township in January 2017 and based on the Watershed Rules, the Board needs to approve the permit. The plan is for a pole barn. Also provided are a location map, erosion control plan, and application. Payment has been provided. Staff recommends approval of the permit. Commissioner Slavik inquired about how many hours of staff time were involved. Mark Ryan estimates between 2-3 hours were spent on this project, including some time communicating with the Dakota County Soil and Water Conservation District because there is an existing conservation practice on this property adjacent to the proposed construction. Commissioner Slavik suggested that the Watershed Planning Commission and staff should decide on these applications rather than seeking Joint Powers Board approval. Rules and policies are in place for these purposes and going to this administrative level may add to delays in permitting. In Commissioner Slavik’s opinion, permits like this are not policy issues and he is wondering if there has been discussion of eliminating the JPB from these decisions, or if it is even an option. Mark Zabel noted that a change such as this would require a delegation from Board to staff. Mark Ryan has developed some discussion points for Staff Updates.

Res. No. 17-33: Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous vote to grant a VRWJPO Permit to Debra McNab for a Pole Barn Construction Project in Eureka Township.

WHEREAS, the Vermillion River Watershed Joint Powers Board (VRWJPB) commenced enforcement of the VRWJPO Watershed Rules in portions of Eureka Township located within the Vermillion River Watershed at its January 26, 2017, meeting (Res. No. VRW 17-03); and
WHEREAS, Eureka Township and VRWJPO staff have agreed on a process to allow VRWJPO review of township building permits for applicability of the Watershed Rules, a process that requires VRWJPB action on permit applications prior to any approvals by Eureka Township; and

WHEREAS, Debra McNab has applied to the VRWJPO to construct a pole barn at 26125 Dodd Blvd. in Eureka Township; and

WHEREAS, the VRWJPO Stormwater Management Rule applies to the proposed construction and requires the following:

1. Erosion and sediment control measures shall be sufficient to retain sediment on site;
2. All temporary erosion and sediment controls shall be installed on all down-gradient perimeters before commencing the land-disturbing activity, and left in place and maintained as needed until removed per VRWJPO approval after the site has been stabilized; and
3. All permanent erosion control measures shall be installed and operational per the design and as required by the VRWJPO; and

WHEREAS, Debra McNab has submitted a VRWJPO permit application and the required escrow for VRWJPO review and inspection and has satisfied the requirements of the application process; and

WHEREAS, staff has reviewed the permit application and plans and recommends that the VRWJPB grant the permit to Debra McNab.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB hereby grants a VRWJPO permit to Debra McNab to construct a shed in Eureka Township, pursuant to the VRWJPO Watershed Rules, on the following conditions:

1. All project construction shall be completed in accordance with the design plans submitted by the permittee with the permit application as approved by the VRWJPO. The permittee must obtain prior approval from VRWJPO staff for any modifications to the approved design plans.
2. The permittee and/or permittee’s agents must abide by the terms of this permit, the VRWJPO Watershed Rules, and all other applicable statutes, rules, regulations and ordinances.
3. If the permittee has not yet done so, the permittee must pay the sum of $510 to the VRWJPO for permit and inspection fees. The inspection fee will be held in escrow and used to pay the VRWJPO’s actual costs for reviewing the application, administering the permit, investigation and analysis of the proposed activity including staff time at a rate of $113/hour, outside consultant expenses (if any), printing, copying, and mailing costs. If the actual costs exceed the above escrowed amount, the permittee must remit additional funds into the escrow as requested by the VRWJPO.
4. Upon final completion of the project and the issuance of a Certificate of Completion by the VRWJPO, any unspent balance of the escrow shall be returned to the permittee, less the $10 permit application fee. No interest will be paid by the VRWJPO on said escrow.
5. Permittee shall allow VRWJPO staff entry onto permittee’s property to conduct progress inspections and a final inspection of the project to verify that the project is constructed in accordance with the approved plans, the VRWJPO permit, and the VRWJPO Watershed Rules.
6. Any and all claims that arise or may arise on behalf of the permittee or permittee’s Contractor, its agents, servants, or employees as a consequence of any act or omission on the part of the permittee or permittee’s Contractor or its agents, servants, employees related to the project shall in no way be the
obligation or responsibility of the VRWJPO. The permittee and the permittee’s Contractor shall indemnify, hold harmless and defend the VRWJPO, its officers and employees against any and all liability, loss, costs, damages, expenses, claims or actions, including attorney’s fees that the VRWJPO, its officers or employees may hereafter sustain, incur or be required to pay, arising out of or by reason of any act or omission of the permittee or permittee’s Contractor, its agents, servants or employees, in the execution, performance, or failure to adequately perform their respective obligations as related to the project.

7d. Authorization to Accept a Donation from the Southern Dakota County Sportsman’s Club
Travis Thiel stated that the Southern Dakota County Sportsman’s Club (SDCSC) has been working with the Minnesota Department of Natural Resources (DNR), staff and the Dakota County Soil and Water Conservation District (SWCD) on participating in the Rambling River Park Stream Habitat Restoration Project in Farmington. The SDCSC purchased three limestone blocks to be used as sitting areas near the fishing area at the project site. The SDCSC will pay the VRWJPO who will in turn pay the contractor to place them. Commissioner Slavik inquired about the VRWJPO’s gift practice. Currently the VRWJPO has no set policy. Generally the VRWJPO has not had issues regarding the acceptance of gifts before this instance. Helen Brosnahan suggested that the policy could follow Dakota County’s which is derived from State Statute. Anything over $500 needs to go before the Board, and the VRWJPO is following that practice in this instance.

Res. No. 17-34: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to authorize a donation from the Southern Dakota County Sportsman’s Club.

WHEREAS, the Vermillion River Watershed Joint Powers Organization (VRWJPO) received a Minnesota Department of Natural Resources (DNR) Conservation Partner’s Legacy (CPL) grant for a project to improve and restore stream habitat within Rambling River Park in Farmington; and

WHEREAS, as part of the project, the DNR and SDCSC requested the VRWJPO explore the possibility of providing improved fishing access to the river as part of the overall project; and

WHEREAS, the VRWJPO and City of Farmington were supportive of this effort; and

WHEREAS, the goals of providing an access are:
- Allows for a pre-identified and accessible access location that will not be degraded, compacted, or eroded as people walk along the stream
- Provides easy accessibility for people of all ages and abilities
- Affords the opportunity to maximize fishing opportunities from one location
- Provides a peaceful and natural area to rest along the trail where recreationists can enjoy the River’s aesthetics

WHEREAS, the SDCSC offered to provide a donation of three limestone boulders to serve as a seating area at the fishing access, and cash in the amount of $1,650 to have the boulders placed on site by the VRWJPO’s selected contractor during the stream habitat restoration project.

NOW, THEREFORE, BE IT RESOLVED, the Vermillion River Watershed Joint Powers Board (VRWJPB) authorizes the acceptance of limestone boulders and a cash donation in an amount of $1,650 for placement of the boulders from the SDCSC.

7e. Authorization to Proceed with Social Media Outreach Using Facebook and Twitter
Jen Dullum presented draft Facebook and Twitter pages to the Board. Staff has discussed moving into the social media world to gain new audiences. Jen has been in touch with several other watershed districts about their social media outreach. Most have had positive experiences. Should there ever be any negative comments; staff will use discretion on responding. Commissioner Holberg suggested saving any comments that, due to the nature of the comment may need to be removed from public view, for data practices reasons. Mark Zabel stated that that the
Request for Board Action was written specifically for Facebook and Twitter because we are not ready to launch any other form of social media yet. Commissioner Slavik suggested that a VRWJPO Instagram account might be a popular way to showcase photos of the watershed.

Res. No. 17-35: Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous vote to authorize to Proceed with Social Media Outreach Using Facebook and Twitter.

WHEREAS, social media has changed the way people communicate and get information; and

WHEREAS, the Vermillion River Watershed Joint Powers Organization has an opportunity to connect with diverse audiences through Facebook and Twitter to share our mission and message of education, science, and stewardship.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB authorizes staff to proceed with the social media outreach program.

8. Staff Reports
   a. Melissa Bokman informed the Board that Scott SWCD is continuing bacteria and DNA sampling to obtain more evidence to figure out what is going on in the main stem of the Vermillion in Scott County between VR-24 and Xerxes. When there is something more concrete, information will be provided to the Board.
   
   b. Helen Brosnahan went over County policy on gifts. Dakota County has to authorize gifts in excess of $500. The JPB could set a similar policy as to a level of amount that would have to come before the Board for approval. The Commissioners were in agreement of a $500 threshold. An RBA will be brought to the next JPB meeting for approval.
   
   c. Mark Ryan discussed the possible permitting authority for residential activities. Mark’s three main points were 1) the potential for permit delays being as much as six weeks, 2) other communities could choose to hand over permitting to the VRWJPO leading to increased backlog and staff limitations, and 3) Dakota County already has similar permitting for shoreland and floodplain that is dealt with at the staff level. He also noted that Rule changes may be pending that should make permit requirements clearer for township residents and indicated that the Administrator could be required to sign permits. A final question for the Board was: are there projects of a certain scale where the Board does want to take action to permit? Board action could be limited to appeals, violations, and anything that falls within the Watershed Plan variances. Helen Brosnahan noted that variances should go to the Board but implementation of the policy can be taken care of at the staff level. Mark Zabel will provide a resolution to delegate permit authority to staff to issue permits with exception listed in the VRWJPO Rule.
   
   d. Mark Zabel discussed the Watershed Tour. The tour is planned for September 21 from 1 p.m. – 4 p.m. The Board was in agreement.
   
   e. Mark Zabel updated the Board on the Draft Nitrogen Fertilizer Rule meeting developed by the Minnesota Department of Agriculture (MDA). MDA has developed a Rule which is currently in a 60 day review and comment period, which expires August 11. The anticipated Rule adoption is late 2018. There has been a Nitrogen Fertilizer Management Plan in place since 2008 but there are still issues in parts of the State even when using recommended Best Management Practices. Dakota County is one of those areas and will be a pilot area for the MDA. One of the first steps is the development of a local advisory team. Next will be farmer surveys, along with monitoring. The MDA Rule could result in regulatory actions where BMPs are not being implemented or not implemented correctly. Mark will keep the JPB informed on this topic. Commissioner Holberg asked whether a lot of landowners
would be contacting the County Commissioners about this proposed Rule. Commissioner Slavik suggested that responses would likely be across the spectrum of positive and negative responses.
Adjourn

Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous voice vote to adjourn the meeting at 1:46 p.m.

Next Meeting Date: July 27, 2017 – Western Service Center, Room 334 at 1:00 p.m.

Respectfully submitted:
Jen Dullum
Vermillion River Watershed Joint Powers Organization

Mark Zabel
Administrator for the Vermillion River Watershed Joint Powers Organization

Attest

_____________________________________________________    ____________    
Commissioner Mary Liz Holberg  Secretary/ Treasurer  Date
Vermillion River Watershed Joint Powers Organization
14955 Galaxie Avenue ~ Apple Valley, MN 55124

Agenda Item 5

Date: July 27, 2017
To: Vermillion River Watershed Joint Powers Board
From: Staff
Subject: Joint Powers Organization Expenses

On June 22, 2017, the Joint Powers Board approved expenses from May 18, 2017 through June 14, 2017 totaling $33,727.77

The invoices submitted between June 15th, 2017 and July 11, 2017 for approval are listed below:

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<th>Vendor</th>
<th>Amount</th>
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<td>VRW Planning Per Diem (June and July 2017)</td>
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<td>Dakota County Legal Services</td>
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<td>Dakota County Staff Time</td>
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<td>Friends of the Mississippi River</td>
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<td>Applied Ecological Services</td>
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<td>Wenck</td>
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<td>144Design</td>
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<td>Total approved expenses as presented on July 27, 2017</td>
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Action Requested: Approve all above expenses as presented on July 27, 2017
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Vermillion River Watershed 21 70 70 7000 - Funds moved into Water 01 70 74 140 42149

14 16

11
### Agenda Item 6

## Budget Amounts

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<th>Item</th>
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<th>Expenses to Date</th>
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<td>XI. MN Zoo Grant (217002-0832)</td>
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<td>$5,114.50</td>
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<td>XII. CPL Grant - Rambling River (217002-0833)</td>
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<td>$6,322.87</td>
<td>$789.58</td>
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<td>XIII. CPL Grant - Flagstaff (217002-0835)</td>
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<td>XIV. CWF Grant - Alimagnet (217002-0836)</td>
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<td>XV. CWF Grant - County Road 50 (217002-0837)</td>
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**VRW JPO Revised Budget Expense TOTAL**

|              | $3,991,250.00 | $331,864.88 | $87,992.70 | $3,571,392.42 |

### Budget Funding Sources

- **Scott County Levy** $33,500.00
- **Dakota County Levy** $861,700.00
- **Expected 2016 Carryover (Fund Balance)** $337,938.00
- **Special Use Permit** $-
- **2017 CWF Grants (BWSR)** $1,066,950
- **CPL Grant Rambling River (DNR)** $255,000.00
- **CPL Grant Flagstaff (DNR)** $268,000.00
- **Metropolitan Council Zoo Grant** $230,000.00
- **Fiscal Disp** $110,000.00
- **Expected CIP** $932,000.00
- **Investment Earnings** $15,000.00

**Total Budget Funding Sources** $4,110,088.00
7a. Delegation of Authority to the Administrator to Accept Gifts on Behalf of the Vermillion River Watershed Joint Powers Board Under Certain Circumstances

Meeting Date: 7/27/17
Item Type: Regular-Action
Contact: Mark Zabel
Telephone: 952-891-7011
Prepared by: Mark Zabel
Reviewed by: N/A

PURPOSE/ACTION REQUESTED
- The Vermillion River Watershed Joint Powers Board delegation to the Administrator, or designee, authority to accept gifts to the VRWJPO under certain circumstances.

SUMMARY
Minnesota Statute §465.03 requires that any gift of real or personal property be accepted by resolution of the governing board. The VRWJPB desires to provide the opportunity for the VRWJPO to accept gifts of nominal value, i.e. gifts valued individually at $500 or less, by providing said authority to the Administrator. The Administrator will compile an annual report of gifts received and their estimated values to be presented to the VRWJPB for their review and evaluation. Any individual gifts presented to the VRWJPO above an estimated value of $500 must be brought before the VRWJPB for their acceptance through resolution.

EXPLANATION OF FISCAL/FTE IMPACT
There is no fiscal impact resulting from action on this policy. Fiscal impacts would occur upon the acceptance of gifts based on this policy.
RESOLUTION

7a. Delegation of Authority to the Administrator to Accept Gifts on Behalf of the Vermillion River Watershed Joint Powers Board Under Certain Circumstances

WHEREAS, on September 3, 2002, the Vermillion River Watershed Joint Powers Organization (VRWJPO) was formed under authority of Minnesota Statutes § 471.59 execution of a joint agreement between Dakota County and Scott County; and

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

WHEREAS, Minnesota Stat. § 465.03 directs that any gift of real or personal property be accepted by resolution of the governing board; and

WHEREAS, the VRWJPO desires to provide that gifts of $500 or less in estimated value that help further or promote the mission and programs of the VRWJPO be accepted through authority delegated by the VRWJPO to the Administrator; and

WHEREAS, the VRWJPO Administrator shall prepare an annual report of gifts received by the VRWJPO and their estimated monetary values for presentation to the VRWJPO for their review and evaluation.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPO delegates the Administrator authority to receive gifts of nominal value (individual gifts of estimated monetary value of $500 or less) when such gifts further or promote the mission and programs of the VRWJPO.
7b. Vermillion River Watershed Joint Powers Board Delegation of Permit Approval Authority to Staff

Meeting Date: 7/27/17  
Item Type: Regular-Action  
Contact: Mark Zabel  
Telephone: 952-891-7011  
Prepared by: Mark Zabel  
Reviewed by: N/A

PURPOSE/ACTION REQUESTED
- Vermillion River Watershed Joint Powers Board delegation of permit approval authority to staff

SUMMARY
The Vermillion River Watershed Joint Powers Board (VRWJPB) acted to accept permitting authority for the implementation of the Vermillion River Watershed Joint Powers Organization (VRWJPO) Standards within Eureka Township on January 26, 2017, (Resolution Number 17-03). This action was taken with the consent of the Eureka Town Board.

A permitting program is required to implement the VRWJPO Standards for protection of watershed resources when land disturbing activities take place. The VRWJPO Standards may be incorporated into local government ordinances and implemented through local permitting. When a local unit of government chooses to not include implementation of the VRWJPO Standards through local permitting, the VRWJPO is required to implement its Rules via a permitting program within that local jurisdiction.

Permits issued by the VRWJPO are done so under the authority of the VRWJPB. To date, issuance of permits has been through specific VRWJPB action at regularly scheduled meetings. The VRWJPB has recently discussed the permitting process with staff and identified the potential delays caused by the requirement for VRWJPB approval of permit issuance. Members of the VRWJPB indicated that their primary role is to act on policy development and approval, and that implementation of approved programs should not require additional VRWJPB actions. Therefore, VRWJPO staff and the Vermillion River Watershed Planning Commission are recommending modification of the permit issuance process to be able to more expediently issue permits.

It is reasonable for the VRWJPB to delegate authority to the VRWJPO staff for the issuance of VRWJPO permits. VRWJPO staff will continue to review permit applications and work with individuals applying for permits to ensure that VRWJPO Rules are being met. Staff will regularly report to the VRWJPB on permitting activity and inform the VRWJPB of any issues that may arise in regard to permits or the permitting process. Specific permits of concern will still be brought before the VRWJPB for their consideration and decision.

Those permit types are:
- Variance requests,
- Land disturbance greater than 40 acres in area,
- Sites with greater than 1 acre of new impervious surface,
- Sites where grading constitutes a drainage alteration.

EXPLANATION OF FISCAL/FTE IMPACT
The permit program includes fees that support the processing requirements of the issuance of a permit. Costs of activities associated with individual permits such as site inspections and certification of completion are paid out of escrow associated directly with the permit.
RESOLUTION

7b. Vermillion River Watershed Joint Powers Board Delegation of Permit Approval Authority to Staff

WHEREAS, a permitting program is required to implement the VRWJPO Rules for protection of watershed resources when land disturbing activities take place; and

WHEREAS, the VRWJPO is required to implement its Rules through a permitting program when a local unit of government chooses to not include implementation of the VRWJPO Standards through local permitting; and

WHEREAS, the Vermillion River Watershed Joint Powers Board (VRWJPB) acted to accept permitting authority for the implementation of the Vermillion River Watershed Joint Powers Organization (VRWJPO) Standards within Eureka Township on January 26, 2017, (Resolution Number 17-03) with the consent of the Eureka Town Board; and

WHEREAS, the VRWJPB desires to provide expedient permitting services to applicants.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB hereby delegates authority to the VRWJPO staff for the issuance of VRWJPO permits.

Administrator’s Comments:
- Recommend Action
- Do Not Recommend Action
- Reviewed—No Recommendation
- Reviewed—Information Only
- Submitted at Commissioner Request

Reviewed by (if required):
- County Attorney’s Office
- Financial Services

County Administrator
**7c. Appointment of Joshua Borton to the Vermillion River Watershed Planning Commission (WPC)**

Meeting Date: 7/27/17  
Item Type: Regular-Action  
Contact: Mark Zabel  
Telephone: 952-891-7011  
Prepared by: Mark Zabel  
Reviewed by: N/A

**PURPOSE/ACTION REQUESTED**
- Appointment of Joshua Borton to the Vermillion River WPC

**SUMMARY**
The Joint Powers Agreement governing the Vermillion River Watershed Joint Powers Organization (VRWJPO) established a nine-member advisory Watershed Planning Commission (WPC) composed of citizens of the watershed, eight from Dakota County and one from Scott County. Currently a vacancy exists for a citizen from Dakota County.

Joshua Borton, a resident of Apple Valley, Dakota County, within the Vermillion River Watershed, applied to serve on the WPC. The VRWPC reviewed Mr. Borton’s application and forwarded a recommendation for consideration by the review panel made up of the Chairs of the VRWPC and VRWJPB and the Administrator. The review panel is recommending Mr. Borton be appointed to serve as a Commissioner on the WPC.

**EXPLANATION OF FISCAL/FTE IMPACT**
None
RESOLUTION

7c. Appointment of Joshua Borton to the Vermillion River Watershed Planning Commission (WPC)

WHEREAS, the Joint Powers Agreement establishing the Vermillion River Watershed Joint Powers Organization (VRWJPO) authorized the Vermillion River Watershed Joint Powers Board (VRWJPB) to establish a nine-member advisory Watershed Planning Commission (WPC) composed of citizens of the watershed, eight from Dakota County and one from Scott County; and

WHEREAS, under the Joint Powers Agreement, the VRWJPB is authorized to make appointments to the WPC by resolution; and

WHEREAS, a WPC member is eligible to complete the incumbent vacant term plus two consecutive three-year terms; and

WHEREAS, Joshua Borton has applied and has been determined eligible to be appointed to serve as a Commissioner on the WPC.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB hereby appoints Joshua Borton to the Vermillion River Watershed Planning Commission with his first term ending December 31, 2019.

Administrator’s Comments:
☐ Recommend Action
☐ Do Not Recommend Action
☐ Reviewed–No Recommendation
☐ Reviewed–Information Only
☐ Submitted at Commissioner Request

Reviewed by (if required):
☐ County Attorney’s Office
☐ Financial Services

County Administrator
Part 1: Applicant Information

Applicant Name: Barton Joshua S
Last Name First Name M.I.

Home Address: 15816 Fleet Trail
Street Address
Apple Valley MN 55124 Dakota
City State Zip County of Residence

Commissioner District: (Leave blank if you do not know the number of your commissioner district.)

Telephone/Fax: ( ) ( )
Home Business

E-mail Address:

Part 2: Committee Selection

Indicate below the name of the committee(s) for which you are seeking appointment. If more than one, number them according to preference (1 being your first choice). All applicants: complete Parts 3–7. Review Parts 8–10 and complete only those that apply to the committee(s) you select below.

- Dakota-Scott Workforce Development Board
- Extension Committee
- Library Advisory Committee
- Planning Commission
- Public Art Citizen Advisory Committee

- Special Board of Appeal and Equalization
- Vermillion River Watershed Planning Commission
- Zoning Board of Adjustment
- Other:

Part 3: Your Rights as a Subject of Data/Applicant Declaration

Pursuant to Minnesota Statutes Chapter 13, Dakota County informs you that the following information which you are asked to provide in this application is private data: telephone numbers, fax number, residential street address, email address, business/financial interest, status as recipient of human services, and criminal record. Unless and until you are appointed to an advisory committee, this information will be available only to you and county officials who need it to perform their job duties. Furnishing this information is voluntary. Failure to provide the information requested in Parts 5–11 of this application may disqualify you from appointment to one or more advisory committees. The remainder of the information in this application is public.

State law requires your residential street address and either your email address or telephone number be made public if you are appointed to an advisory committee. Unless you indicate otherwise, Dakota County will make your email address public. If you do not have an email address, Dakota County will make your home telephone number public. You may request that both be made public or that your business telephone number instead of your home telephone number be made public.

If appointed, I request that Dakota County make public (check all that apply):

- [ ] Email Address: joshborton@gmail.com
- [x] Home Telephone Number: __________________________
- [ ] Business Telephone Number: __________________________

Signature of Applicant: __________________________
Date: 4/11/17

Page 1 of 4
Part 4: Per Diem

Most County Board citizen advisory committee appointees, who are not representing a governmental unit, receive $35 per diem (but no additional expense reimbursement) for attendance at regular and special meetings of the committee. Exceptions are appointees to the Personnel Board of Appeals ($35 per diem plus expense reimbursement for attendance), and Special Board of Appeal and Equalization ($175 per day or $87.50 per half-day plus mileage reimbursement). Applicants may choose to decline the per diem at the time of application.

Please check this box if you wish to decline the per diem: ☐ Decline

Part 5: Affiliation with Dakota County

Dakota County employees are not eligible for appointment to any citizen advisory committee, unless otherwise provided by law.

Are you an employee of Dakota County?

☐ Yes ☑️ No

Individuals affiliated with Dakota County are eligible for appointment to any citizen advisory committee but do not receive preference in the appointment process and are not automatically disqualified, unless otherwise provided by law. For purposes of this policy, affiliated means (1) has a contract with Dakota County, or (2) is employed by a Dakota County contractor.

Are you currently under contract with or employed by a contractor of Dakota County?

☐ Yes ☑️ No

If yes, which contractor? ____________________________

Part 6: Criminal Record

Having a criminal record does not automatically exclude an applicant from the appointment process. However, to protect the integrity of its Citizen Advisory Committees, Dakota County reserves the right to exclude from appointment individuals who are on probation for a felony level offense or who have been convicted of any of the following felony or gross misdemeanor offenses: homicide/murder, crimes against the person, sex crimes, crimes against the family, crimes against public safety and health, public misconduct or nuisance, or first-, second- or third-degree driving while impaired. Check one and complete as necessary.

☑️ I am not on probation for a felony level offense and do not have a felony or gross misdemeanor conviction as listed above.

☑️ I am not on probation for a felony level offense and I have the following above-listed felony or gross misdemeanor conviction(s): ____________________________

Part 7: Statement of Qualifications (You may supplement this section by attaching a resume or additional information.)

PLEASE NOTE: In accordance with County policy, no paid employee of Dakota County is eligible to be appointed as a member of any citizen advisory committee unless otherwise specified by law.

Business/Employer: Questar Assessment, Inc

Business Address: 5550 Upper West 147th St Apple Valley MN 55124 Dakota

Job Title: Associate Program Manager

Current Responsibilities: I work with the resource groups to deliver assessments for K-12 students.
Previous Work Experience: In the past, I have been an insurance agent, and worked in property management. I also managed the pool and irrigation division of a landscaping company.

Vocational/Educational Background: I have an MBA with an emphasis in Project Management, my Bachelors is Legal Studies.

Community Service: I am the treasurer for the Southern Dakota County Sportsman’s Club.

Describe your interest in serving on a citizen advisory committee: The watershed is an important resource for community. As a resident of Dakota County for nearly 10 years, I have an interest in helping the people and preserving the natural resources.

PLEASE NOTE: Some committees require additional information from applicants. Review Parts 8–10, and complete only those that apply to the committee(s) you selected in Part 2.

Part 8: Dakota-Scott Workforce Development Board Applicants Only

Minn. Stat. § 268.666, subd. 3, requires that local workforce councils include as members representatives of the private sector (owners of business concerns, chief executives or chief operating officers of nongovernmental employers, or other private sector executives who have substantial management or policy responsibility), organized labor, workforce and community-based organizations, educational agencies that are representative of all educational agencies within the workforce service area, vocational rehabilitation agencies, public assistance agencies, economic development agencies, and public employment service agencies.

Private sector applications must be accompanied by a letter of support from a general purpose business organization (e.g. chamber of commerce). Public sector applications must be accompanied by a letter of support from the parent agency. For further information on the Workforce Development Board, please call Dakota County Workforce Services at 651-554-5633.

Nominating Agency:

Which do you represent: (Check all that apply.)

☐ Private Sector/Small Business ☐ Educational Agencies
☐ Private Sector/Large Business (>500 employees) ☐ Vocational Rehabilitation Agencies
☐ Private Sector/Minority Business ☐ Public Assistance Agencies
☐ Organized Labor ☐ Economic Development Agencies
☐ Community-Based Organizations ☐ Public Employment Service

Part 9: Planning Commission Applicants Only

Minnesota Statutes Section 394.30, subdivision 1, the statutory authority under which the Dakota County Planning Commission has been created, requires that: “No voting member of the commission shall have received, during the two years prior to appointment, any substantial portion of income from business operations involving the development of land within the county for urban or urban related purposes.”

During the last two years, have you received any substantial portion of your income from business operations involving the development of land within Dakota County for urban or urban related purposes?

☐ Yes ☐ No
Part 10: Vermillion River Watershed Planning Commission Applicants Only

The Vermillion River Watershed Joint Powers Board, consisting of commissioners from Dakota and Scott Counties, makes appointments to the Watershed Planning Commission. Qualified applicants must reside in the watershed (residency will be verified upon receipt of this application) and may be elected officials. Employees of local governments located in the watershed are not eligible for appointment.

1. Are you an elected official?
   □ Yes  ✔ No  If yes, for what government entity?

2. Do you have personal or employment experience in a field related to watershed management?
   □ Yes  ✔ No  If yes, please specify relevant experience:

THANK YOU!

Return completed form to:

Sr. Administrative Coordinator to the Board
Administration Center
1590 Highway 55
Hastings, MN  55033

Email: board@co.dakota.mn.us
Fax: (651) 438-4405

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