Agenda

Vermillion River Watershed Joint Powers Board Meeting
February 22, 2018, 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 January 25, 2018, Meeting
5. Approval of Expenses
6. Acceptance of Treasurer’s Report
7. Business Items
   a. Execute a Joint Powers Agreement with Scott Soil and Water Conservation District for Services in 2018*
   b. VRWJPO Permit Program Fee and Security Schedule Modifications Public Hearing & Adoption*
   c. Approve Watershed Planning Commission Appointments
   d. Approval of Bachman’s Greenhouse Expansion Permit Application*
   e. Approval of Progressive Resources Warehouse Site Permit Application*
8. Staff Reports
9. Adjourn

*Additional materials included in the packet

Next Meeting Date: March 22, 2018 – Dakota County Western Service Center, Room 334 at 1 p.m.
Meeting Minutes
Vermillion River Watershed Joint Powers Board Meeting
January 25, 2018, 1 p.m.
Dakota County Western Service Center, Apple Valley, Conference Room 334

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

Others in Attendance
Mark Zabel, Watershed Administrator
Melissa Bokman, Watershed Co-administrator
Helen Brosnahan, County Attorney
Mark Ryan, VRWJPO Watershed Engineer
Jen Dullum, VRWJPO Education and Outreach Specialist
Brian Watson, Dakota County Soil and Water Conservation District
Adam Flett, Friends of the Mississippi River

1. Call to Order
Meeting was called to order by Mark Zabel at 1:00 p.m. All Board members were in attendance.

2. Election of VRWJPB Officers for 2018

Res. No. VRW 18-00: Motion by Commissioner Wolf to nominate Commissioner Slavik as chair of the VRWJPB, second by Commissioner Holberg. Mark Zabel called for any other nominations three times. There were none. The VRWJPB cast a unanimous aye to elect Commissioner Slavik as chair for 2018. Commissioner Slavik then assumed control of the meeting.

Motion by Commissioner Holberg to nominate Commissioner Wolf as vice chair of the VRWJPB, second by Commissioner Slavik. Commissioner Slavik called for any other nominations three times. There were none. The VRWJPB cast a unanimous aye to elect Commissioner Wolf as vice chair for 2018.

Motion by Commissioner Wolf to nominate Commissioner Holberg as Secretary/Treasurer of the VRWJPB, second by Commissioner Slavik. Commissioner Slavik called for any other nominations three times.
times. There were none. The VRWJPB cast a unanimous aye to elect Commissioner Holberg as Secretary/Treasurer for 2018.

3a. Audience Comments on Items Not on the Agenda
There were no comments from the audience.

3b. Approval of Agenda
Commissioner Holberg proposed item 7e; Appointment of Watershed Planning Commission Member, in light of Jim Guttmann’s resignation.

Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to approve the agenda, with the addition of item 7e; Appointment of Watershed Planning Commission Member.

4. Approval of Minutes from the December 7, 2017, Meeting

Motion by Commissioner Holberg, Second by Commissioner Slavik, and passed with two ayes and one abstained vote to approve the minutes of the December 7, 2017, meeting, as presented on January 25, 2018.

5. Approval of Expenses
Mark Zabel discussed invoices that were not routine monthly expenses. The Dakota County Soil and Water Conservation District invoices are for regular services. The invoice from 144Design was for website maintenance and support. The Wenck invoice is for fish monitoring. The Scott County invoices are for staff support. The Friends of the Mississippi River invoice is for support for the Vermillion River Stewards volunteer program. Paradigm Cart & Captioning invoiced for hearing impairment accommodations for a presentation given at the last Technical Advisory Group meeting. The invoice from the city of Lakeville comes from completing the 205th Street stream stabilization project. The Minnesota DNR invoice supports stream gauging. There is an automatic charge for interest/late payment on two Pcard payments. Wetland Habitat Restorations submitted an invoice for work on the Middle Creek remeander for mowing services. The invoice from Menards was for supplies for interpretive sign installation. The three Pcard purchases are for pencils and handouts, supplies for the live staking event, and catering for a winter salt workshop.

Res. No. VRW 18-01: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a 3-0 roll call vote to approve the expenses totaling $196,830.65 that occurred between November 30, 2017, and December 31, 2017, as submitted on January 25, 2018.

6. Acceptance of Treasurer’s Report
Mark Zabel provided an overview of the treasurer’s report. All amounts are within the budgeted amounts. The wetland bank joint powers agreement has not been completed, so a transfer has not taken place. Everything is up to date and expected to be close to 2017 end of year amounts.

Res. No. VRW 18-02: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a 3-0 roll call vote to accept the Treasurer’s Report from January 25, 2018.

7. Business Items
7a. 2017 Vermillion Stewards Activity Report
Adam Flett, FMR Stewardship and Education Program Director, gave an overview of the 2017 stewards program; goals, activities, accomplishments, and funding. Working with local cities and partners, FMR organized 9 VRWJPO sponsored program events (1 cancelled) and held 12 other events within the watershed as part of its role implementing the Vermillion Stewards Program. VRWJPO program events attracted 177 volunteers and event participants contributing 337.5 volunteer hours to the program. Approximately 36 percent of 2017 VRWJPO tracked program participants were watershed residents. Overall, from the 20 events held in the watershed, there were 586 program participants, 798 volunteer hours, and approximately 72 percent of the participants were watershed residents.

Commissioner Slavik noted the positive feedback he has heard from participants.

7b. Execute a Joint Powers Agreement with Dakota County Soil and Water Conservation District for Services in 2018
Brian Watson from the Dakota County Soil and Water Conservation District (SWCD) provided detail on the types of services provided under the agreement, including capital improvement projects and monitoring. The total proposed budget of $251,400 is a decrease from the $265,450 JPA budget from 2017.

Mark Zabel noted that with some of the shifts in the SWCD budget, the amounts are not all accurately reflected in the current VRWJPO budget. Corrections will be made in the updated budget. Commissioner Slavik noted that it seems as if appropriate adjustments are being made annually to the SWCD budget and asked if historically the budget has matched the what not to exceed amount. Brian Watson responded that they do revise the budget as things change and believes that they are at 80% of what not to exceed; they charge only actual costs. Mark Zabel mentioned that especially in the capital improvement projects, some needs are being met by state grants and the budget adjusted accordingly.

Res. No. VRW 18-03: Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a 3-0 roll call vote to execute a Joint Powers Agreement with Dakota County Soil and Water Conservation District for Services in 2018.

7c. Modify the VRWJPO Permit Program Fee and Security Schedule
Mark Ryan began by stating that permit fees were originally created in 2007. After the Rules were revised and updated in October 2017, staff began review the current fee schedule which had not been updated since 2010. Mark went over the proposed Tier One and Tier Two permit application fees, field inspection fees, securities, and escrow amount requirements for field inspection fees.

Commissioner Wolf questioned how the $100 per hour amount was reached and wonders if $133 might not be a better fit for covering costs. Mark Zabel noted that the amount set by Dakota County to recover staff costs is higher than our costs. Brian Watson responded that other cities and watersheds that the Dakota County SWCD works with charge around $125 per hour. Commissioner Slavik asked for an overview of the permit process. Mark Ryan stated that the permit process is about what he expected in terms of staff time, effort, and amount of permits. Commissioner Slavik also asked if Eureka Township was engaged in this process. They were not, but staff will document more effectively in 2018. Staff will also create a handout detailing the permit fee and security schedule and intend to be at the township meeting in March to present. Commissioner Holberg is agreeable with the $100 per hour staff rate. Commissioner Wolf is as well as long as we are recouping costs. Commissioner Slavik wants to make
sure that we are recouping costs and not making a profit. Staff will evaluate this program at the end of one year.

**Res. No. 18-04:** Rescind motion by Commissioner Holberg, Second by Commissioner Wolf, to modify the VRWJPO Permit Program Fee and Security Schedule. Motion by Commissioner Wolf, Second by Commissioner Holberg, to hold a public hearing to set the VRWJPO Permit Program Fee and Security Schedule.

### 7d. Authorization to Release a Request for Qualifications for Professional Services in 2018-2019

Mark Zabel explained that the Board of Water and Soil Resources (BWSR) requires solicitation for Request for Qualifications (RFQ) for professional services are conducted bi-annually. Staff will send an RFQ to the current list of consultants and post on the Vermillion River Watershed JPO and Dakota County websites. RFQ requirements have not changed significantly and staff expects similar results.

**Res. No. 18-05:** Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous vote to authorize to Release a Request for Qualifications for Professional Services in 2018-2019.

### 7e. Watershed Planning Commission Appointment

Mark Zabel stated that the Vermillion River Watershed Planning Commission has one current vacancy. This opening comes after commission member Jim Guttmann’s first term expired in December 2017. Between the last opening and this one there have been two applicants, Bill Middlecamp and Rich Fortman. In addition, Michael Greco decided to keep his application available for appointment since the last vacancy was filled. This gives us three eligible candidates, however, Michael Greco will not be considered as he is the Chair of the Dakota County Planning Commission.

The commissioners discussed the possibility of interviewing candidates or choosing a candidate during the meeting. After discussion of the candidates, it was decided that Rich Fortman would be appointed to fill the Watershed Planning Commission vacancy.

**Res. No. 18-06:** Motion by Commissioner Holberg, Second by Commissioner Wolf, passed on a unanimous vote to appoint Richard Fortman to the Vermillion River Watershed Planning Commission.

### 8. Staff Reports

a. Melissa Bokman discussed the recent meeting held with the four watershed districts in Scott County to discuss One Watershed – One Plan (1W-1P). Before the meeting was held, the Board of Water and Soil Resources (BWSR) decided that all entities with a state approved water plan are eligible for funding under 1W-1P. This means cities with water management plans will be eligible recipients. The group has not reached out to local cities yet but has decided that they will work collaboratively. Scott County will receive $750,000 in funding to distribute. A draft plan for distribution includes; $150,000 in grants, $75,000 for each watershed, 50% distributed based on area, and the other 50% distributed based on either population or assessed value. Cities would work through their watershed to assess these funds. A final plan needs to be finalized and submitted to BWSR by June 30, 2018, before funds can be distributed.

Brian Watson has set up a meeting with local units of government in Dakota County on February 7, 2018, to work through this planning. Dakota County was allocated $1,018,000. Mark Zabel will advocate for collaboration. Commission Slavik delegated Mark Zabel as the Joint Powers Board
for Dakota County and Melissa Bokman as the Joint Powers Board Representative for Scott County for the meeting on February 7, 2018.

Res. No. 18-07: Motion by Commissioner Wolf, Second by Commissioner Holberg, passed on a unanimous vote to delegated Mark Zabel as the Joint Powers Board Representative for Dakota County and Melissa Bokman as the Joint Powers Board Representative for Scott County for the One Watershed-One Plan meeting on February 7, 2018.

b. Helen Brosnahan noted that item 7c., Permit Program Fee and Security Schedule, is an official control and a public hearing is needed. Action was rescinded and a public hearing is set for February 22, 2018.

Helen also noted that by Statute, after 45 days, if payment is not made on an invoice, an automatic late charge is incurred.

c. Jen Dullum informed the Commissioners that the VRWJPO would be at the Rosemount Home and Business Expo on March 3, 2018 from 9 a.m. to 3 p.m.

d. Mark Ryan let the Commissioners know that the Clean Water Fund Grant application for the Johnny Cake Ridge Road stormwater improvements partnered on with the City of Apple Valley did not receive funding this cycle. The project has been pushed back until 2019. Other funding options will be looked into. This project benefits Long and Farquar Lakes.

Crews are currently working on the County Road 78 Nitrate Reduction project. Construction work should be completed within two to three weeks’ time.

Bids were released for Lakeville’s South Creek Golden Pond Temperature Reduction Project. They are due back February 12, 2018.

A permit for Bachman’s should be coming through in February for a greenhouse expansion in Eureka Township.

e. Mark Zable talked about the Request for Proposals for the Vermillion River Stewards program. There were three responses; Friends of the Mississippi River (FMR), Fortin Consulting, Inc., and Wetland Habitat Restorations. Staff is proposing to enter into a new contract with FMR.
Adjourn

Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous voice vote to adjourn the meeting at 2:31 p.m.

Next Meeting Date: February 22, 2018 – Western Service Center, Room 334 at 1 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
Minutes
Vermillion River Watershed Planning Commission (VRWPC) Meeting
January 10, 2017 - 3:30 p.m.
Dakota County Western Service Center, Room 334, Apple Valley, MN

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<th>WPC Members in Attendance</th>
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<tr>
<td>Chuck Clanton</td>
<td>Mark Zabel, VRWJPO</td>
<td>Curt Coudron, SWCD</td>
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<td>Jim Guttmann</td>
<td>Mark Ryan, VRWJPO</td>
<td>Adam Flett, FMR</td>
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<td>Mark Henry</td>
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<td>Carolyn Miller</td>
<td>Paula Liepold, VRWJPO</td>
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1. Call to Order
The meeting was called to order by Chair Guttmann at 3:33 p.m., and opened with the recital of the Pledge of Allegiance.

2. a. 2018 Election of Officers
Before Mark Zabel opened nominations for Chair of the 2017 Watershed Planning Commission, Chair Guttmann announced that this was his last meeting as a member of the VRWPC.

   Motion by Commissioner Rohrenbach to nominate Carolyn Miller as Chair. Mark Zabel called for other nominations three times, none were received. Mark Zabel then asked for any objections to elect Carolyn Miller as Chair by acclimation. Carolyn was unanimously elected Chair of the 2018 VRWPC.

Chair Miller called for nominations for Vice Chair of the 2018 Watershed Planning Commission.

   Motion by Commission Clanton to nominate Mark Henry as Vice Chair. Chair Miller called for other nominations three times, none were received. Mark Henry was unanimously elected Vice Chair of the 2018 VRWPC.

b. Approval of Agenda

   Motion by Commissioner Rydeen, second by Commissioner Wotzka, to approve the agenda. The agenda was unanimously approved as presented.
3. Approval of minutes

Motion by Commissioner Guttmann, second by Commissioner Rohrenbach, to approve the minutes of the November 29, 2017 meeting as presented. The minutes were unanimously approved.

4. Business Items

a. Vermillion Stewards 2017 Program Report

Adam Flett, Friends of the Mississippi River (FMR) Stewardship and Education Program Director, gave an overview of the 2017 stewards program. Working with local cities and partners, FMR organized 9 VRWJPO sponsored program events (1 cancelled) and held 12 other events within the watershed as part of its role implementing the Vermillion Stewards Program. VRWJPO program events attracted 177 volunteers and event participants contributing 337.5 volunteer hours to the program. Approximately 36 percent of 2017 VRWJPO tracked program participants were watershed residents. Overall, from the 20 events held in the watershed, there were 586 program participants, 798 volunteer hours, and approximately 72 percent of the participants were watershed residents.

Commissioner Rohrenbach asked more about live staking. Commissioner Miller asked if the focus would be the same in 2018. Adam responded yes and that FMR is currently working on securing matching funds for programming. Commissioner Miller also asked how outreach for volunteers was conducted. Adam noted that FMR has a robust list of past volunteers that they can work from. They also do targeted mailing, use volunteer websites, social media, and reach out to local news outlets. Commissioner Rydeen asked about the total budget. In 2017, the Vermillion Stewards budget was just under $55,000 with the VRWJPO contributing $25,000. Commissioner Guttmann suggested reaching out to the local mountain biking club at Lake Marion for volunteers.

b. Election of 2018 Watershed Planning Commission Officers

See 2A.

c. Recommendation to Execute a Joint Powers Agreement with Dakota County Soil and Water Conservation District for Services in 2018

Curt Coudron from the Dakota County Soil and Water Conservation District (SWCD) provided detail on the types of services provided under the agreement, including capital improvement projects and monitoring. The total proposed budget of $251,400 is a decrease from the $265,450 JPA budget from 2017.

Commissioner Clanton questioned how the Master Water Stewards could be associated with the work plan shown. The thought is to tie in Master Water Stewards as project leaders in the Landscaping for Clean Water workshops. Commissioner Miller asked about the budget; has it been growing? Mark Zabel replied that the budget has actually been reduced the last few years. Commissioner Miller also asked if the budget amount for monitoring has and will continue to remain fairly stable. Mark responded that yes, it is fairly stable, especially since monitoring has gone from “chasing storms” to regular grab samples. Commissioner Rydeen asked of other agencies are monitoring as well. Mark said that the MetCouncil does some monitoring but has been cutting that area since the waste water treatment plant has gone off-line in Dakota County. The United States Geologic Survey has one monitoring station at Empire. The Minnesota Pollution Control Agency and
the Minnesota Department of Natural Resources use our monitoring data for their monitoring purposes and collaborate with the VRWJPO on sample collection.

motion by commissioner clanton, second by commissioner henry, to recommend executing a joint powers agreement with dakota county soil and water conservation district for services in 2018

d. recommend modifications to the VRWJPO permit program fee and security schedule
Mark Ryan began by reminding the Commissioners that this past October the Rules were revised and adopted. The Rules update prompted staff to review the current fee schedule which had not been updated since 2010. Mark went over the proposed Tier One and Tier Two permit application fees, field inspection fees, securities, and escrow amount requirements for field inspection fees.

Commissioner Henry asked what Tier aggregate mining for road construction would fall into, which would probably be Tier Two. Mark Ryan replied that staff would rather rely on a size threshold versus identifying individual activities. Commissioner Rydeen asked what a typical project in Eureka Township is. Typical projects include; outbuildings, home sites, business expansion, etc. Overall, projects include any land disturbing activity, with the VRWJPO’s interests being erosion control and stormwater management. Commissioner Rydeen also asked about other municipalities and if they do their own permitting. Currently all other municipalities do. The VRWJPO can take over permitting if the Standards are not being upheld. Commissioner Guttmann had concerns about the discretionary waiver: first, it could be seen as arbitrary or the VRWJPO as being unfair, and second, the Schedule is very concise; if it is not followed, should that be at the VRWJPO’s discretion or the Vermillion River Watershed Joint Powers Board’s (VRWJPB)? There was discussion about fitting criteria to the waiver or striking it from the Schedule. Commissioner Guttmann also questioned having Tier Two being broken down into two categories; Tier Two and Tier Three instead of Tier Two A and Tier Two B.

motion by commissioner rydeen, second by commissioner wotzka, to recommend modifications to the VRWJPO permit program fee and security schedule subject to input from VRWPC meeting discussion

5. updates
a. chairman’s report
None

b. staff updates
Mark Zabel was at a recent meeting regarding the Board of Water and Soil Resources’ One Watershed – One Plan funding pilot program. As watershed based plans are approved across the state, funding allocations from the Clean Water Fund will be provided to implement the plans. Within the seven-county metro area, organizations within each County will have the option of working collaboratively to spend funds from a County-wide pot. Dakota County would receive approximately 20% of the money available to the seven-county metro area, or $1,018,000, in 2019 for a two-year biennium and should anticipate a similar amount in the future. If organizations within Dakota County cannot agree to a collaborative agreement for funding disbursement, the money would then be returned to a metro area pool in which organizations from all metro area Counties compete for funds returned from any non-collaborative Counties. Mark Zabel recommends a
collaborative approach for this first year, and if the VRWJPO finds the funding mechanism disadvantageous, we would advocate for change. Commissioner Miller asked if the competitive funding is comparable to what the VRWJPO has received in the past with competitive grants. In 2017, the VRWJPO was awarded over one million dollars in grant funding for five grants, although that amount is difficult to acquire and maintain each year. Going forward, a similar amount of money would now be shared County-wide; however, the funding would be known and stable.

Mark Ryan let the Commissioners know that the Clean Water Fund Grant application for the Johnny Cake Ridge Road stormwater improvements submitted by the City of Apple Valley did not receive funding this cycle. The VRWJPO assisted the City of Apple Valley with the application and committed $100,000 to the Capital Improvement Program in 2018. Due to the design of the project lagging, it has been pushed back until 2019. Other funding options will be looked into during 2018, and a smaller project than originally proposed could be designed and constructed with funding already dedicated. This project benefits Long and Farquar Lakes by addressing the phosphorus impairments in those waterbodies.

Commissioner Henry asked for an update on the County Road 78 Nitrate Reduction project. Mark Ryan indicated that construction crews will be out again starting next week. Staff had hoped that the project would have been constructed in November and December 2017, but the contractor opted to wait for truly frozen conditions in early 2018.

Commissioner Clanton brought up current events happening in Brown County. The Brown County Board of Commissioners declined to adopt a plan by the Minnesota Department of Agriculture that would test private wells for nitrates and other farm contaminants fearing it could lead to further regulation.

6. Adjourn

Motion by Commissioner Guttmann, second by Commission Rydeen, to adjourn the meeting at 5:17, p.m. The motion was unanimously approved.
Vermillion River Watershed Joint Powers Organization  
14955 Galaxie Avenue ~ Apple Valley, MN 55124  

Agenda Item 5

Date: February 22, 2018
To: Vermillion River Watershed Joint Powers Board
From: Staff

Subject: Joint Powers Organization Expenses

Expenses from November 30 through December 31, 2017 totaled $196,830.65.

The invoices submitted between January 1, 2018 and February 12, 2018 for approval are listed below:

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<td>Dakota County Staff (January 2018)</td>
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<td>VRW Planning Commission Per Diem (January 10, 2018)</td>
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<td>Wenck (Invoice 11800172)</td>
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<td>Metro Watershed Partners (2018 Membership)</td>
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Total approved expenses as presented on February 22, 2018 $80,140.49

Action Requested: Approve all above expenses as presented on February 22, 2018
## Dakota County Staff Cost Related to the Vermillion Watershed

### January 18

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### Funds Moved into Water 01.

- 70 74 42149

Vermillion Watershed 21 70 70 7000 - Funds moved into Water 01 70 74 42149
## 2017 Vermillion River Watershed Joint Powers Organization
### Treasurer's Report
#### February 22, 2018 - Vermillion River Watershed Joint Powers Board Meeting

### Agenda Item 6

#### Budget Amounts

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<th>Category</th>
<th>Budget Amounts</th>
<th>Expenses to Date</th>
<th>Expenses Pending</th>
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<td>VI.</td>
<td>Coordination &amp; Collaboration (217002-0531)</td>
<td>$20,000.00</td>
<td>$4,133.94</td>
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</tr>
<tr>
<td>VIII.</td>
<td>Feasibility/Preliminary Studies (217002-0631)</td>
<td>$127,000.00</td>
<td>$117,604.31</td>
<td>$3,688.56</td>
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<tr>
<td>X.</td>
<td>Capital Improvement Projects (217092-0130)</td>
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<td>$214,125.99</td>
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<td>XI.</td>
<td>MN Zoo Grant (217002-0032)</td>
<td>$260,000.00</td>
<td>$5,128.77</td>
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<tr>
<td>XII.</td>
<td>CPL Grant - Rambling River (217002-0833)</td>
<td>$290,000.00</td>
<td>$207,808.68</td>
<td>-</td>
</tr>
<tr>
<td>XIII.</td>
<td>CPL Grant - Flagstaff (217002-0835)</td>
<td>$298,000.00</td>
<td>$266,517.45</td>
<td>-</td>
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<tr>
<td>XIV.</td>
<td>CWF Grant - Alimagnet (217002-0836)</td>
<td>$291,450.00</td>
<td>$8,909.78</td>
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<tr>
<td>XV.</td>
<td>CWF Grant - County Road 50 (217002-0837)</td>
<td>$157,500.00</td>
<td>$227.28</td>
<td>-</td>
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<tr>
<td>XVI.</td>
<td>CWF Grant - South Branch (217002-0838)</td>
<td>$462,200.00</td>
<td>$1,922.31</td>
<td>-</td>
</tr>
<tr>
<td>XVII.</td>
<td>CWF Grant - Lakeville (217002-0839)</td>
<td>$166,000.00</td>
<td>$1,007.62</td>
<td>-</td>
</tr>
<tr>
<td>XVIII.</td>
<td>CWF Grant - South Creek (217002-0840)</td>
<td>$244,800.00</td>
<td>$2,070.67</td>
<td>-</td>
</tr>
</tbody>
</table>

**VRW JPO Revised Budget Expense TOTAL**

| Amount | 3,991,250.00 | 1,370,618.30 | 43,361.44 | 2,577,270.26 |

### 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**: $- $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
## Agenda Item 6

### Budget Amounts

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Budget Amounts</th>
<th>Expenses to Date</th>
<th>Expenses Pending</th>
<th>Account Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Administration &amp; Operations (217002-0000)</td>
<td>$211,500.00</td>
<td>$-</td>
<td>$12,772.53</td>
<td>$198,727.47</td>
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<td>II. Research &amp; Planning (217002-0130)</td>
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<td>$1,123.87</td>
<td>$7,876.13</td>
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<td>III. Monitoring &amp; Assessment (217002-0230)</td>
<td>$175,000.00</td>
<td>$-</td>
<td>$434.13</td>
<td>$174,565.87</td>
</tr>
<tr>
<td>IV. Public Communications &amp; Outreach (217002-0330)</td>
<td>$224,250.00</td>
<td>$-</td>
<td>$11,828.74</td>
<td>$212,421.26</td>
</tr>
<tr>
<td>V. Regulation (217002-0530)</td>
<td>$92,900.00</td>
<td>$-</td>
<td>$2,736.58</td>
<td>$90,163.42</td>
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<tr>
<td>VI. Coordination &amp; Collaboration (217002-0531)</td>
<td>$10,000.00</td>
<td>$-</td>
<td>$1,311.59</td>
<td>$8,688.41</td>
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<tr>
<td>VIII. Feasibility/Preliminary Studies (217002-0631)</td>
<td>$110,000.00</td>
<td>$-</td>
<td>$4,256.56</td>
<td>$105,743.44</td>
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<td>X. Capital Improvement Projects (217092-0130)</td>
<td>$405,000.00</td>
<td>$-</td>
<td>$-</td>
<td>$405,000.00</td>
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<tr>
<td>XI. Met Council Grant (217002-0832)</td>
<td>$220,000.00</td>
<td>$-</td>
<td>$-</td>
<td>$220,000.00</td>
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<tr>
<td>XII. CPL Grant - Rambling River (217002-0833)</td>
<td>$67,000.00</td>
<td>$-</td>
<td>$-</td>
<td>$67,000.00</td>
</tr>
<tr>
<td>XIII. CPL Grant - Flagstaff (217002-0835)</td>
<td>$26,200.00</td>
<td>$-</td>
<td>$-</td>
<td>$26,200.00</td>
</tr>
<tr>
<td>XIV. CWF Grant - Alimagnet (217002-0836)</td>
<td>$144,300.00</td>
<td>$-</td>
<td>$623.02</td>
<td>$143,676.98</td>
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<tr>
<td>XV. CWF Grant - County Road 50 (217002-0837)</td>
<td>$21,000.00</td>
<td>$-</td>
<td>$86.51</td>
<td>$20,913.49</td>
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<tr>
<td>XVI. CWF Grant - South Branch (217002-0838)</td>
<td>$213,400.00</td>
<td>$-</td>
<td>$1,025.52</td>
<td>$212,374.48</td>
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<tr>
<td>XVII. CWF Grant - Lakeville (217002-0839)</td>
<td>$17,500.00</td>
<td>$-</td>
<td>$290.00</td>
<td>$17,210.00</td>
</tr>
<tr>
<td>XVIII. CWF Grant - South Creek (217002-0840)</td>
<td>$220,000.00</td>
<td>$-</td>
<td>$290.00</td>
<td>$219,710.00</td>
</tr>
<tr>
<td>VRW JPO Revised Budget Expense TOTAL</td>
<td>$2,167,050.00</td>
<td>$-</td>
<td>$36,779.05</td>
<td>$2,130,270.95</td>
</tr>
</tbody>
</table>

### Budget Funding Sources

- **Scott County Levy**: $34,100.00
- **Dakota County Levy**: $887,000.00
- **Expected 2017 Carryover (Fund Balance)**: $273,000.00
- **Special Use Permit**: $2,500.00
- **2018 CWF Grants (BWSR)**: $504,300.00
- **CPL Grant Rambling River (DNR)**: $67,000.00
- **CPL Grant Flagstaff (DNR)**: $22,700.00
- **Metropolitan Council Zoo Grant**: $195,000.00
- **Fiscal Disp**: $200,000.00
- **Expected CIP**: $10,000.00

**Total Budget Funding Sources**: $2,196,500.00
7a. Execute a Joint Powers Agreement with Scott Soil and Water Conservation District for Services in 2018

Meeting Date: 2/22/18  
Item Type: Action  
Contact: Troy Kuphal  
Telephone: 952-492-5425  
Prepared by: Jen Dullum

PURPOSE/ACTION REQUESTED

- Execute a Joint Powers Agreement with Scott Soil and Water Conservation District (SWCD) for Services in 2018.

SUMMARY

Each of the tasks in the Scott Soil and Water Conservation District’s (SWCD) proposed work plan and budget (Exhibit 1) are included as line items in the 2018 VRWJPO budget. The largest proposed spending is in the Capital Improvement Project category for cost share and financial incentives for approved best management practices (BMPs). Rather than developing VRWJPO cost-sharing programs that duplicate existing efforts, the VRWJPO relies on Scott SWCD’s established cost-share programs to efficiently implement water-quality improvement projects. The VRWJPO provides Scott SWCD with funds to cost-share BMPs in urban and rural areas throughout the watershed.

A representative from Scott SWCD will be present to discuss the 2018 Work Plan and Budget. Staff requests the Vermillion River Watershed Joint Powers Board (VRWJPB) execute a Joint Powers Agreement with Scott SWCD for Services in 2018.

EXPLANATION OF FISCAL/FTE IMPACT

The $59,500 identified in the Scott SWCD work plan is incorporated as line items in the 2018 Budget with the exception of the $47,900 listed for Capital Improvements. Due to a carry-over from Capital Improvements completed in 2017, $7,900 of the $47,900 identified is in addition to the $40,000 identified in the VRWJPO 2018 budget. The discrepancy will be corrected through allocation within reconciliation and revisions to the 2018 VRWJPO budget after 2017 fiscal year end.
RESOLUTION

7a. Authorization to Execute a Joint Powers Agreement with Scott Soil and Water Conservation District (SWCD) for Services in 2018

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

WHEREAS, Scott SWCD is proposing to assist the VRWJPO with similar tasks in 2018; and

WHEREAS, the tasks in the Scott SWCD proposed work plan and budget are each included as line items in the VRWJPO 2018 Budget in various categories; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Vermillion River Watershed Joint Powers Board (VRWJPB) authorizes the chair to execute a Joint Powers Agreement with Scott SWCD in an amount not to exceed $59,500 as presented to the VRWJPB at its meeting on February 22, 2018; subject to approval by the Dakota County Attorney’s Office as to form.
## Exhibit 1

### 2018 SCOTT SWCD WORK PLAN AND BUDGET

<table>
<thead>
<tr>
<th>Activity</th>
<th>Detail</th>
<th>Line Item</th>
<th>TOTAL</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Water Quality Monitoring</strong> (2170020230)</td>
<td>• Monitor water quality at one station (V24) to include: equipment set-up and take-down; flow measurements; base flow and grab samples collection; programming; thermal monitoring; data processing and management; planning and coordination.</td>
<td>$5500</td>
<td>$5500</td>
<td>$14,500</td>
<td>$9,500</td>
</tr>
<tr>
<td></td>
<td>• Equipment maintenance, repair and replacement expenses</td>
<td>$1,500</td>
<td>$1,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Lab, data line, and courier expenses</td>
<td>$2,500</td>
<td>$2,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Bacterial ID sampling</td>
<td>$5,000</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Public Outreach and Education</strong> (2170020330)</td>
<td>• Conservation, stormwater and youth education, as detailed in the Scott Clean Water Education Program 2018 Work Plan. Includes but not limited to community events/expos, library displays, news releases, Outdoor Education Day; and workshops</td>
<td>$1,200</td>
<td>$1,200</td>
<td>$1,200</td>
<td>$1,200</td>
</tr>
<tr>
<td><strong>Capital Improvement Program</strong> (2170920130)</td>
<td>• Project identification and landowner follow-up: Identify properties for potential restorable wetlands, buffers, filter strips and other priority conservation practices, including but not limited to those identified in the 2014 subwatershed analysis; promote and market practices to property owners; meet with receptive owners.</td>
<td>$3,800</td>
<td>$2,000</td>
<td>$53,400</td>
<td>$47,900</td>
</tr>
<tr>
<td></td>
<td>• Technical assistance and engineering: feasibility investigations; surveys; project design and conservation plan preparation; construction inspections and certification; cost share contract administration. Eligible projects to include but not limited to: wetland restoration, streambank stabilization, filter strips, bioretention, nutrient management, cover crops, closed tile intakes, grade stabilization structures, grassed and lined waterways, and water and sediment control basins.</td>
<td>$9,600</td>
<td>$8,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Cost share and financial incentives for approved project applications</td>
<td>$40,000</td>
<td>$30,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Cost share and financial incentives carried over for applications approved in 2017</td>
<td>-</td>
<td>$7,900</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Regulatory Program Assistance</strong> (2170020530)</td>
<td>• Follow up and develop corrective action plans for wetland- and feedlot-related complaints and violations</td>
<td>$900</td>
<td>$900</td>
<td>$900</td>
<td>$900</td>
</tr>
<tr>
<td><strong>Management and Administration</strong> (2170020000)</td>
<td>• Manage work, planning, budget and financial recordkeeping</td>
<td>$750</td>
<td>$750</td>
<td>$750</td>
<td>$750</td>
</tr>
<tr>
<td></td>
<td>• Prepare and administer Service agreement</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Attend Board, TAG and other JPB–sponsored meetings</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Identify and develop recommendations regarding JPO programs and policies</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**GRAND TOTAL:** $70,750 $59,500.00

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1. To the maximum extent practical, other local, state, federal cost-share funds will be utilized to implement conservation practices before, or in conjunction with, the use VRWJPO funds. By approval of this work plan, the VRWJPO authorizes the Scott SWCD to utilize funding under this line item to provide financial assistance to landowners and occupiers in the watershed for the implementation of approved practices, as set forth in applicable cost share and incentive program policies adopted by Scott SWCD Board of Supervisors.
JOINT POWERS AGREEMENT
BETWEEN THE VERMILLION RIVER WATERSHED JOINT POWERS ORGANIZATION
AND
THE SCOTT COUNTY SOIL & WATER CONSERVATION DISTRICT
FOR SERVICES

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

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

WHEREAS, the Scott County Soil & Water Conservation District (SWCD) is a governmental and political
subdivision of the State of Minnesota, located wholly within the boundaries of Scott County, with statutory
authority to carry out erosion control and other soil and water conversation programs within Scott County
pursuant to Minn. Stat. ch. 103C and as otherwise provided by law; and

WHEREAS, in its 2018 budget, the VRWJPO included funding for the provision of certain services by the
SWCD on behalf of the VRWJPO including water monitoring, outreach and education, policy
development, regulatory review, inventory and assessment, and capital improvements; and

WHEREAS, the aforementioned services will be of benefit to the Vermillion River Watershed and can be
accomplished in a more cost-effective manner by partnering with the SWCD.

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

SECTION 1
PURPOSE

The purpose of this Agreement is to provide a method by which the VRWJPO can utilize the services of
the SWCD for activities related to soil and water conservation in the Vermillion River Watershed in a way
that best utilizes public funds, resources and technical expertise that each party has to offer to one
another.

SECTION 2
PARTIES

The parties to this Agreement are the Vermillion River Watershed Joint Powers Organization (VRWJPO)
acting through its Joint Powers Board (VRWJPB) and the Scott County Soil & Water Conservation District
(SWCD) acting through its Board of Supervisors.

SECTION 3
TERM

Notwithstanding the dates of execution by the Parties, this Agreement shall be effective from January 1,
2018 until December 31, 2018, or until completion by the parties of their respective obligations under this
Agreement, whichever occurs first, unless earlier terminated by law or according to the provisions of this
Agreement.
SECTION 4
COOPERATION

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

SECTION 5
SCOPE OF SERVICES AND PAYMENT

5.1 Scope of Services. The SWCD shall provide the services generally described in Exhibit 1, attached and incorporated herein by this reference. Services provided shall be in accordance with the criteria set out in Exhibit 1. Professional services provided under this Agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the SWCD’s profession currently practicing under similar conditions. In the event of a conflict between the terms of this Agreement and the Exhibits, the terms of this Agreement shall govern.

5.2 Total Cost. The total amount to be paid by the VRWJPO for all services provided pursuant to this Agreement shall not exceed Fifty-nine thousand five hundred and No/100 Dollars ($59,500.00). The VRWJPO shall pay for purchased services at the rates set out in Exhibit 1.

5.3 Time of Payment. The VRWJPO shall make payment to the SWCD within forty-five (45) days of the date on which an itemized invoice is received. If an invoice is incorrect, defective, or otherwise improper, the VRWJPO shall notify the SWCD within ten (10) days of receiving the incorrect invoice. Upon receiving the corrected invoice from the SWCD, the VRWJPO will make payment within forty-five (45) days.

5.4 Payment for Unauthorized Claims. The VRWJPO may refuse to pay any claim that is not specifically authorized by this Agreement. Payment of a claim shall not preclude the VRWJPO from questioning the propriety of the claim. The VRWJPO reserves the right to offset any overpayment or disallowance of claim by reducing future payments.

5.5 Payment Upon Early Termination. In the event this Agreement is terminated before the completion of services, the VRWJPO shall pay the SWCD for services provided in a satisfactory manner, in a pro-rated sum of the rates set forth in Exhibit 1 based upon actual time spent. In no case shall such payment exceed the total cost of this Agreement.

5.6 Cost Sharing Limitations for Capital Improvement Projects. Funding provided for capital improvement projects under this Agreement may only be utilized for projects located within the Vermillion River Watershed and for projects not directly funded by the VRWJPO. For said projects, the SWCD may only consider providing VRWJPO cost share at an amount not to exceed $50,000 per project where total project costs eligible for consideration under VRWJPO cost share do not exceed $99,999. Proposers of any project exceeding the aforementioned dollar limit must apply directly to the VRWJPO for cost share funding pursuant to the VRWJPO Capital Improvement Project Cost Share Policy.

SECTION 6
GENERAL PROVISIONS

6.1 SWCD Obligations. In addition to the performance of services as described in Exhibit 1, the SWCD agrees to provide to the VRWJPO complete and unedited copies of any reports prepared in relation to the services provided pursuant to this Agreement. In addition, in all publications, press releases, or presentations to the public related to the services provided under this Agreement, the SWCD shall acknowledge funding by the VRWJPO for all or part of the costs of making such information available to the public.
6.2 Compliance with Laws/Standards. The SWCD agrees to abide by all federal, state or local laws, statutes, ordinances, rules and regulations now in effect or hereafter adopted pertaining to this Agreement or to the facilities, programs, and staff for which the SWCD is responsible. This includes, but is not limited to all Standard Assurances, which are attached and incorporated as Exhibit 2.

6.3 Employee Status. The SWCD, its employees or agents, in implementing the terms of this Agreement are not employees of the VRWJPO. The VRWJPO, its staff or agents, in implementing the terms of this Agreement are not employees of the SWCD.

6.4 Liability. Each party to this Agreement shall be liable for the acts of its officers, employees or agents and the results thereof to the extent authorized by law and shall not be responsible for the acts of the other party, its officers, employees or agents. The provisions of the Municipal Tort Claims Act, Minn. Stat. ch. 466 and other applicable laws govern liability of the VRWJPO and the SWCD.

6.5 Insurance. At its own expense, the SWCD shall procure and maintain policies of insurance covering the term of this Agreement, as set forth in the Insurance Terms, which are attached and incorporated as Exhibit 3, except the requirement to provide automobile liability insurance is waived so long as the SWCD does not transport volunteers under this Agreement. Such policies of insurance shall apply to the extent of, but not as a limitation upon or in satisfaction of, the indemnity provisions herein. The SWCD shall pay all retentions and deductibles under such policies of insurance.

6.6 Records Retention and Audits. The SWCD's bonds, records, documents, papers, accounting procedures and practices, and other records relevant to this Agreement are subject to the examination, duplication, transcription and audit by the VRWJPO, the Legislative Auditor or State Auditor under Minn. Stat. § 16C.05, subd. 5. If services under this Agreement use federal funds these records are also subject to review by the Comptroller General of the United States and his or her approved representative. Following termination of this Agreement, the SWCD must keep these records for six years or longer if any audit-in-progress needs a longer retention time.

6.7 Subcontracting. The VRWJPO and the SWCD understand and agree that one or more of the scope of services set forth in Exhibit 1 to this Agreement may be performed through another agent or subcontractor and that the subcontracting party is responsible for the performance of its subcontractors, unless otherwise agreed. The parties agree that neither will enter into any subcontract for the performance of the services contemplated under this Agreement without prior written consent of the other party and subject to such conditions and provisions as are deemed necessary. It is the responsibility of each party to ensure its subcontractor(s) has adequate and appropriate insurance coverage.

6.8 Timeliness. The VRWJPO and the SWCD agree to perform their respective obligations under this Agreement in a timely manner and keep each other informed about any delays that may occur.

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

6.10 Data Privacy and Confidentiality. Data on individuals collected, created, received, kept or shared by the SWCD under this Agreement is subject to the requirements of the Minnesota Government Data Practices Act (Minn. Stat. ch. 13) and its implementing rules. Further, federal laws on data privacy may also apply. The SWCD must comply with data privacy laws and rules as if the DISTRICT was the VRWJPO. The Data Practices Act also applies to subcontractors providing services under this Agreement. If public data is available from the VRWJPO, the SWCD may direct the public to the VRWJPO for access to the data.
The VRWJPO may give the SWCD access to, or the SWCD may become aware of, private or confidential information in performing services under this Agreement. Private and confidential information is data that is not public under the Minnesota Data Practices Act (Minn. Stat. ch. 13). The SWCD may keep the private and confidential information only for use in performing services under this Agreement. The SWCD must impose procedures as are necessary to assure nondisclosure of private and confidential information directly or indirectly to third parties.

6.11 Assignment. Neither party may assign any of its rights under this Agreement without the prior written consent of the other party. Said consent may be subject to conditions.

SECTION 7
AUTHORIZED REPRESENTATIVES AND LIAISONS

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

TO THE VRWJPO: Mike Slavik or successor, Chair
Vermillion River Watershed Joint Powers Organization
14955 Galaxie Avenue
Apple Valley, MN 55124

TO THE SWCD: Rob Casey or successor, Chair
Scott County SWCD
7151 190th Street West, Suite 125
Jordan, MN 55352

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

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

VRWJPO Liaison: Mark Zabel, Administrator
Vermillion River Watershed Joint Powers Organization
Telephone: (952) 891-7011

SWCD Liaison: Troy Kuphal, Manager
Scott County SWCD
Telephone: (952) 492-5425

SECTION 8
TERMINATION

Either party may terminate this Agreement for cause by giving seven days’ written notice or without cause by giving 30 days’ written notice, of its intent to terminate, to the other party. Such notice to terminate for cause shall specify the circumstances warranting termination of this Agreement. Cause shall mean a
material breach of this Agreement and any supplemental agreements or amendments thereto. Notice of Termination shall be made by certified mail or personal delivery to the authorized representative of the other party.

Notwithstanding any provision of this Agreement to the contrary, the VRWJPO may immediately terminate this Agreement if it does not obtain funding from the Minnesota Legislature, Minnesota Agencies, or other funding source, or if its funding cannot be continued at a level sufficient to allow payment of amounts due under this Agreement. Written Notice of Termination sent by the VRWJPO to the SWCD by facsimile is sufficient notice under this section. The VRWJPO is not obligated to pay for any services that are provided after written Notice of Termination for lack of funding. The VRWJPO will not be assessed any penalty or damages if the Agreement is terminated due to lack of funding.

SECTION 9
MODIFICATIONS

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

SECTION 10
MINNESOTA LAW TO GOVERN

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

SECTION 11
FINAL AGREEMENT AND SEVERABILITY

This Agreement is the final agreement of the parties and the complete and exclusive statement of the terms agreed on and supersedes all prior negotiations, understandings or agreements. The provisions of this Agreement shall be deemed severable. If any part of this Agreement is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Agreement unless the part or parts that are void, invalid or otherwise unenforceable shall substantially impair the value of the entire Agreement with respect to either party.

SECTION 12
SURVIVORSHIP

The following provisions of this Agreement survive after the termination date of this Agreement: Section 6.4 (Liability); Section 6.6 (Records Detention and Audits); Section 6.10 (Data Privacy and Confidentiality); and Section 10 (Minnesota Law to Govern).

[Remainder of page intentionally left blank]
IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date(s) indicated below.

SCOTT COUNTY SOIL & WATER
CONSERVATION DISTRICT

By __________________________
Rob Casey or successor, Chair
Board of Supervisors
Date of Signature: __________________________

VERMILLION RIVER WATERSHED
JOINT POWERS ORGANIZATION

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

APPROVED AS TO FORM:

/s/Helen R. Brosnahan  2/15/18
Assistant County Attorney  Date

VRW Res. No. 18-__
County Attorney File No. KS-18-66
7b. VRWJPO Permit Program Fee and Security Schedule Modifications Public Hearing & Adoption

Meeting Date: 2/22/18
Item Type: Action
Contact: Mark Ryan
Telephone: 952-891-7596
Prepared by: Mark Ryan

PURPOSE/ACTION REQUESTED

• Hold a Public Hearing on and adopt VRWJPO Permit Program Fee and Security Schedule modifications.

SUMMARY

Vermillion River Watershed Joint Powers Organization (VRWJPO) staff brought modifications to the VRWJPO Permit Program Fee and Security Schedule to the Vermillion River Watershed Joint Powers Board (VRJPB) at its January 25, 2018 meeting. It was noted at that meeting that a public hearing was required to set these fees, and the VRWJPB set a public hearing for the February 22, 2018 meeting. Since that meeting, VRWJPO staff reviewed the schedule and compared it to other organizations’ permit fees and watershed rules in creating the amended version for the public hearing and adoption. An official public notice was provided in the Hastings Star Gazette on Thursday, February 8, 2018. Notice was also placed in the Belle Plaine Herald, Lakeville Sun Thisweek, and was posted on the VRWJPO website.

In 2017, the VRWJPO resumed implementation of a permitting program in Eureka Township when the Township decided it would no longer implement the VRWJPO Standards through its own ordinance. Permit application fees, including all requirements for escrow and security amounts, were set by the VRWJPB in a program permit fee schedule, which was periodically reviewed and last updated in August 2010 (Res. No. VRW 10-46).

VRWJPO staff members have reviewed the existing permit fee schedule set in 2010 and observed the application of these fees through one year of permitting in Eureka Township. Based on the review, staff members propose the following revisions to the VRWJPO Permit Program Fee and Security Schedule:

1. Permit fees will remain $10 for both Tier One and Tier Two projects because of a statutory requirement (103D.345) setting permit application fees for watersheds. The January 2018 version presented to the Board had proposed increasing fees to $25 and $50 for Tier One and Tier Two projects, respectively.
2. Security required for Tier Two projects now has two categories based on the scale of projects.
3. The hourly rate of the watershed staff performing reviews and inspections has been adjusted to accurately reflect expenses related to staff time and equipment and is a reasonable billing rate in comparison with other permitting programs.
4. Language about the escrow account requirements and which VRWJPO activities are charged to the escrow account has been revised.

Copies of the proposed version and existing version, with markups, of the VRWJPO Permit Program Fee and Security Schedule can be found as attachments to this request for action from the VRWJPB.

EXPLANATION OF FISCAL/FTE IMPACT

It is anticipated that the fiscal impact of the proposed changes to the VRWJPO Permit Program Fee and Security Schedule will be minimal. Escrow amounts will be used to cover actual costs incurred, and the change to the staff rate more accurately reflects the costs incurred. Security amounts are anticipated to change, but this has little
effect on the VRWJPO because the security is only expected to be used during emergency situations, to cover violations, or to mitigate issues on a defunct project site.
RESOLUTION

7a. Approve Amended VRWJPO Permit Program Fee and Security Schedule Modifications

WHEREAS, the VRWJPO implements a permitting program in any communities that do not enforce the Vermillion River Watershed Standards through local ordinance; and

WHEREAS, the VRWJPB sets a Permit Program Fee and Security Schedule for permitting program activities that is periodically reviewed and adjusted; and

WHEREAS, VRWJPO staff members have reviewed the existing schedule and proposed revisions to the schedule based on experience with the current permit program; and

WHEREAS, the Vermillion River Watershed Planning Commission (VRWPC) has reviewed and discussed the proposed revisions to the VRWJPO Permit Program Fee and Security Schedule; and

WHEREAS, the VRWJPB conducted a Public Hearing on February 22, 2018, to receive comments on the proposed VRWJPO Permit Program Fee and Security Schedule modifications.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB hereby adopts the VRWJPO Permit Program Fee and Security Schedule modifications presented on February 22, 2018.
Vermillion River Watershed Joint Powers Organization (VRWJPO)
Permit Program Fee and Security Schedule
Proposed 2/14/2018

TIER ONE:

1. Land disturbing activities less than 1 acre in size

   Permit Application Fee: $10 (one-time fee to process permit application)
   Field Inspection Fees: To be held in escrow according to the escrow account requirements stated below in the following amounts:
   
   (1) $500 for accessory structures with low potential for adverse water quality impacts (determination of potential impacts at the discretion of VRWJPO staff).

   (2) $1,000 for principal structures and accessory structure with high potential for adverse water quality impacts (determination of potential impacts is at the discretion of VRWJPO staff).

   Security: No security required.

TIER TWO:

1. Land disturbing activities more than 1 acre in size, or
2. Creation of more than 1 acre of new impervious surface, or
3. Drainage alterations, or
4. Floodplain alterations

   Permit Application Fee: $10 (one-time fee to process permit application)
   Field Inspection Fee: $2,000 to be held in escrow according to the escrow account requirements stated below.

   Security: Security in the form of cash, performance bond, or an irrevocable renewable letter of credit is required prior to the issuance of a permit.
The amount of required security is as follows depending on the type of project:

A. Projects or land disturbing activities disturbing less than 3 acres of land AND creating less than 1 acre of new impervious surfaces:

   (1) $500 per acre of disturbance for land draining to waters other than DNR designated trout streams.

   (2) $1,000 per acre of disturbance for land draining to DNR designated trout streams.

B. Projects or land disturbing activities disturbing 3 acres or more of land AND/OR creating 1 acre or more of new impervious surfaces:

   (1) $3,000 per acre of disturbance for land draining to waters other than DNR designated trout streams.

   (2) $5,000 per acre of disturbance for land draining to DNR designated trout streams.

**Escrow Account Requirements for Field Inspection Fees (Tier One and Tier Two):**

An applicant for a permit in tier one or tier two must pay the required amount that shall be placed into escrow at the time the applicant submits the project application. By signing the application form, the applicant enters into an escrow agreement. The permit applicant must pay the actual costs incurred by the VRWJPO for field inspection, administering of corrective actions, and other activities related to the review and oversight of permitted activities. The VRWJPO may also use escrow dollars for costs it incurred for site review and engineering services during the development of permitted activities. Actual costs include all VRWJPO staff time and any outside consultant costs and printing, copying and mailing costs. VRWJPO staff time shall be charged at a rate of $100 per hour.

If at any time the actual costs should exceed the escrowed amount, the applicant shall remit additional funds into the escrow fund when requested by the VRWJPO. If the applicant fails to replenish the escrow as requested, the VRWJPO may revoke the permit or withhold the certificate of completion until such time as the escrow is replenished. Any remaining funds in the escrow at the conclusion of the project shall be refundable to the applicant when all actual costs are paid and the administration of the escrow has been completed.
Vermillion River Watershed Joint Powers Organization (VRWJPO)

Permit Program Fee and Security Schedule
Adopted-Proposed 8/26/2010

TIER ONE:

1. Land disturbing activities less than 1 acre in size

- Permit Application Fee: $10 (one-time fee to process permit application)
- Field Inspection Fees: To be held in escrow according to the escrow account requirements stated below in the following amounts: and to be used for investigation of the area affected by the proposed activity, analysis of the proposed activity (including plan reviews), services of a consultant, and any required subsequent monitoring of the proposed activity.
  
  (1) $500 for accessory structures with low potential for adverse water quality impacts (Determination of potential impacts at the discretion of VRWJPO staff).
  
  (2) $1,000 for principal structures and accessory structure with high potential for adverse water quality impacts (Determination of potential impacts is at the discretion of VRWJPO staff).

- Security: No security required.

TIER TWO:

1. Land disturbing activities more than 1 acre in size, or
2. Creation of more than 1 acre of new impervious surface, or
3. Drainage alterations, or
4. Floodplain alterations

- Permit Application Fee: $10 (one-time fee to process permit application)
Field Inspection Fee: $2,000 to be held in escrow according to the escrow requirements stated below, and to be used for investigation of the area affected by the proposed activity, analysis of the proposed activity (including plan reviews), services of a consultant, and any required subsequent monitoring of the proposed activity.

Security: Security in the form of cash, performance bond, or an irrevocable renewable letter of credit is required prior to the issuance of a permit. The amount of required security is as follows depending on the type of project:

A. Projects or land disturbing activities disturbing less than 3 acres of land AND creating less than 1 acre of new impervious surfaces:

   (1) $500 per acre of disturbance for land draining to waters other than DNR designated trout streams.

   (2) $1,000 per acre of disturbance for land draining to DNR designated trout streams.

B. Projects or land disturbing activities disturbing 3 acres or more of land AND/OR creating 1 acre or more of new impervious surfaces:

   (1) $3,000 per acre of disturbance for land draining to waters other than DNR designated trout streams.

   (2) $5,000 per acre of disturbance for land draining to DNR designated trout streams.

Escrow Account Requirements for Field Inspection Fees (Tier One and Tier Two):

An applicant for a permit in tier one or tier two must sign an escrow agreement and pay the required amount field inspection fees that shall be placed into escrow before the time the applicant submits the project application request commences. By signing the application form, the applicant enters into an escrow agreement. The permit applicant must pay the actual costs incurred by the VRWJPO for field inspection, administering of corrective actions, and other activities related to the review and oversight of permitted activities. The VRWJPO may also use escrow dollars for costs it incurred for site review and engineering services during the development of permitted activities, regardless of the outcome of the project/application request. Actual costs include all VRWJPO staff time and any outside consultant costs and printing, copying and mailing costs. VRWJPO staff time shall be charged at a rate of $113 per hour.

If at any time the actual costs should exceed the escrowed amount, the applicant shall remit additional funds into the escrow fund when requested by the VRWJPO. If the applicant fails to replenish the escrow as requested, the VRWJPO may stop reviewing the application, revoke the permit or withhold the certificate of completion until such time as the escrow is replenished. Any remaining funds in the
escrow at the conclusion of the project shall be refundable to the applicant when all actual costs are paid and the administration of the escrow has been completed.

Complete, comprehensive and appropriate applications and plans will use less staff time and thus less will be drawn from escrow account. More complicated projects, incomplete or inappropriate applications and plans will require more time to review and thus more escrow. This system promotes complete and comprehensive applications.
7c. Approve reappointments of Bruce Rydeen and Brian Rohrenbach to the Vermillion River Watershed Planning Commission (WPC)

Meeting Date: 2/22/18  
Item Type: Action  
Contact: Mark Zabel  
Telephone: 952-891-7011  
Prepared by: Jen Dullum  
Reviewed by: N/A  

PURPOSE/ACTION REQUESTED
- Approve reappointments of Bruce Rydeen and Brian Rohrenbach to the Vermillion River Watershed Planning Commission

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. As of December 31, 2017, the WPC had two members whose terms expired.

Bruce Rydeen, Lakeville; and Brian Rohrenbach, Rosemount, have formally requested reappointment to the WPC. The VRWJPO staff requests the Vermillion River Watershed Joint Powers Board (VRWJPB) to reappoint Bruce Rydeen and Brian Rohrenbach to the WPC for three-year terms ending December 31, 2020.

EXPLANATION OF FISCAL/FTE IMPACT
None
RESOLUTION

7c. Approve reappointments of Bruce Rydeen and Brian Rohrenbach 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 two consecutive three-year terms; and

WHEREAS, Bruce Rydeen and Brian Rohrenbach have expressed their desire to be reappointed; and

WHEREAS, WPC Commissioners Rydeen and Rohrenbach have successfully represented their communities and served the interests of the watershed in their recommendations to the VRWJPB.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB hereby appoints Rohrenbach to the Vermillion River Watershed Planning Commission, with terms ending December 31, 2020.
7d. Approval of Bachman’s Greenhouse Expansion Permit Application

Meeting Date: 2/22/18  
Item Type: Action  
Contact: Mark Ryan  
Telephone: 952-891-7596  
Prepared by: Mark Ryan

PURPOSE/ACTION REQUESTED

• Approval of a permit application for Bachman’s greenhouse expansion.

SUMMARY

At its meeting on January 26, 2017, the Vermillion River Watershed Joint Powers Board (VRWJPB) reinstated enforcement of the Vermillion River Watershed Joint Powers Organization (VRWJPO) Rules in those portions of Eureka Township located within the Vermillion River Watershed after Eureka Township rescinded its authority to implement a local program to apply the Standards of the VRWJPO (Resolution Number VRW 17-03).

Bachman’s Nursery has submitted a permit application to the VRWJPO for the construction of a new greenhouse located at their Cedar Acres facility at 23004 Cedar Avenue in Eureka Township. The proposed project consists of the construction of an approximately 118,000 square foot greenhouse, related grading and gravel pad creation, and the construction of stormwater management facilities. The total site disturbance is about 10.5 acres. The permit application, site plan, and grading plan are included as attachments (see Attachment A). A development with greater than one acre of new impervious triggers the stormwater management portion of the VRWJPO Rules, which apply to the site in addition to the erosion and sediment control portion of the Rules.

To meet the stormwater management portion of the Rules, the applicant’s consultant has designed an infiltration basin sized to manage runoff from the new impervious area and improve stormwater management of additional drainage that previously flowed through the future building site pad. VRWJPO staff reviewed submittals received on February 13, 2018 and provided a memo with VRWJPO comments on the proposed stormwater management design and temporary controls for erosion and sediment control. Subsequent submittals by the applicant’s consultant have addressed these comments, and VRWJPO staff have reviewed the proposed design and found that it adequately meets the Rules.

At the VRWJPB meeting on July 27, 2017, the Board resolved to delegate permitting approvals to staff except for certain project scenarios, including development “sites with greater than 1 acre of new impervious surface” (Resolution Number VRW 17-39). Per the details of that resolution, these “permits of concern will still be brought before the VRWJPB for their consideration and decision.” Staff recommends the approval of this permit application by the VRWJPB allowing staff to issue a VRWJPO permit to the applicant.

EXPLANATION OF FISCAL/FTE IMPACT

Bachman’s Nursery has paid a permit application fee and an escrow amount that will be used for VRWJPO staff application review and inspection of the construction of the project until completion has been certified.
RESOLUTION

7d. Approval of Bachman’s Greenhouse Expansion Permit Application

WHEREAS, the Vermillion River Watershed Joint Powers Board (VRWJPB) reinstated enforcement of the Vermillion River Watershed Joint Powers Organization (VRWJPO) Rules in those portions of Eureka Township located within the Vermillion River Watershed at the January 26, 2017 meeting; and

WHEREAS, Bachman’s nursery has applied to receive a VRWJPO permit for a proposed greenhouse addition located at their Cedar Acres facility at 23004 Cedar Avenue in Eureka Township; and

WHEREAS, the stormwater management and the erosion and sediment control portions of the VRWJPO Rules apply to the site, which require permanent stormwater features and temporary erosion and sediment control measures; and

WHEREAS, the applicant has provided a check for the required escrow to be used for VRWJPO review and inspection time and has satisfied the requirements of the application process.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB hereby approves the permit application for Bachman’s Greenhouse Expansion allowing staff to issue a VRWJPO permit to the applicant.
Vermillion River Watershed Joint Powers Organization
14955 Galaxie Avenue, Apple Valley, MN 55124, 952.891.7000, Fax 952.891.7588

Vermillion River Watershed Joint Powers Organization (VRWJPO)
Permit Application

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Application # (to be assigned):</th>
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<tbody>
<tr>
<td>Bachman's Greenhouse Expansion</td>
<td>Date of Receipt:</td>
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<tr>
<td></td>
<td>Fees Collected:</td>
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<table>
<thead>
<tr>
<th>Owner Name:</th>
<th>Owner Mailing Address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Daniels</td>
<td>6010 Lyndale Ave. So.</td>
</tr>
<tr>
<td>Bachman's, Inc.</td>
<td>Minneapolis, MN 55419</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Owner Phone Numbers/Email:</th>
<th>Project Location:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home:</td>
<td>2300 Cedar Avenue</td>
</tr>
<tr>
<td>Work: 612-702-1798</td>
<td>Farmington, MN 55024</td>
</tr>
<tr>
<td>Parcel ID Number (if known):</td>
<td>Township, Range, Section:</td>
</tr>
<tr>
<td></td>
<td>T113N, R20W, Sec 3 &amp; 40</td>
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<tr>
<th>Fax:</th>
<th>Project size or area of land disturbed (acres): total disturbance 10.45 acres</th>
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<tr>
<th>Type of Project: (check all that apply)</th>
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<tbody>
<tr>
<td>Land Disturbance for principal structure</td>
</tr>
<tr>
<td>If a lot will be split or created, check secondary box</td>
</tr>
<tr>
<td>Drainage Alteration</td>
</tr>
<tr>
<td>Floodplain Alteration</td>
</tr>
<tr>
<td>Wetland Alteration</td>
</tr>
<tr>
<td>Land Disturbance for accessory structure</td>
</tr>
<tr>
<td>If a lot will be split or created, check secondary box</td>
</tr>
<tr>
<td>Project Description: Construction of new greenhouse adjacent to existing greenhouse, the project will require the reconstruction of previously constructed stormwater management facilities as well as new management facilities to meet watershed requirements.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Owner's Authorized Agent, Engineer, or Developer:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name and Firm: Steve Johnston, PE Elan Design Lab, Inc.</td>
</tr>
<tr>
<td>Office Phone: 612-260-7982</td>
</tr>
<tr>
<td>Cell Phone: 612-382-4804</td>
</tr>
<tr>
<td>Mailing Address: 901 N 3rd Ave</td>
</tr>
<tr>
<td>Suite 120</td>
</tr>
<tr>
<td>Minneapolis, MN 55401</td>
</tr>
<tr>
<td>Email: <a href="mailto:sjohnston@elanlab.com">sjohnston@elanlab.com</a></td>
</tr>
<tr>
<td>Fax Number: 612-260-7990</td>
</tr>
</tbody>
</table>
Permit Application Fee and Inspection Fee Deposit – to be paid with your application:

Calculate the required Permit and Inspection/Implementation Fee Deposit by totaling the amount from items A through F below for all applicable categories. If item G applies, add in the amount determined through consultation with VRWJPO staff. Include the Permit Fee Deposit with your application. Make checks payable to the Vermillion River Watershed Joint Powers Organization or VRWJPO.

<table>
<thead>
<tr>
<th>Permit Application Fee (one-time non-refundable payment):</th>
<th></th>
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<tbody>
<tr>
<td>A. Permit processing cost...</td>
<td>$10</td>
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<table>
<thead>
<tr>
<th>Inspection/Implementation Fees (to be held in escrow):</th>
<th></th>
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<tbody>
<tr>
<td>A. Land disturbance less than one acre in size</td>
<td></td>
</tr>
<tr>
<td>a. For accessory structure</td>
<td>$500</td>
</tr>
<tr>
<td>b. For principal structure</td>
<td>$1,000</td>
</tr>
<tr>
<td>c. With no structure</td>
<td>$500</td>
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| B. Land disturbance more than one acre in size          | $2,000 |
| C. More than one acre new impervious surface created   | $2,000 |
| D. Drainage alteration                                 | $2,000 |
| E. Hoodplain alteration                                 | $2,000 |
| F. Wetland alteration                                  | $0   |
| G. Buffer implementation                               | $TBD |

**TOTAL PERMIT AND INSPECTION FEE DEPOSIT**

$4,010

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a Accessory structure: A structure or anything built to support the use of a principal structure such as (but not limited to) garage, driveway, retaining wall, swimming pool, or minor outbuilding.
b Principal structure: Primary dwelling or place of business such as home, repair shop, or commercial building.
c A security deposit in the form of cash or an irrevocable renewable letter of credit is required prior to the issuance of a permit for activities B – E above. Security deposit requirements are as follows:
  a. $3,000 per acre of disturbance for land draining to waters other than DNR designated trout streams*.
  b. $5,000 per acre of disturbance for land draining to DNR designated trout streams*.
d No escrow required assuming that permits are obtained from the Wetland Conservation Act LGU.
e An escrow to cover reasonable costs for the implementation of a buffer will be determined on a site-specific basis due to the variability in buffer size.
*f Refer to the MN DNR's website link below for a map of DNR designated trout streams within the VRWJPO. (http://files.dnr.state.mn.us/maps/trout_streams/south/map_15.pdf)
VRWJPO Escrow Agreement:

1. The Permit Application and Inspection/Implementation Fees must be paid before the project and application processing begins. Inspection/Implementation fees 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, and implementation of project if necessary, including staff time at a rate of $113/hour, outside consultant expenses, printing, copying, and mailing costs.

2. The permit applicant must pay the actual costs, regardless of the outcome of the project/application request.

3. If at any time the actual costs should exceed the escrowed amount, the applicant shall remit additional funds into the escrow fund when requested by the VRWJPO. If the applicant fails to replenish the escrow as requested, the VRWJPO may stop reviewing the application until such time as the escrow is replenished.

4. Upon final completion of the project and the issuance of a Certificate of Completion by the VRWJPO, the VRWJPO shall return any unspent balance in the escrow fund, less the $10 permit application fee. The VRWJPO does not pay interest on escrow deposits.

General Conditions:

1. The Permittee grants to the VRWJPO, and its agents, officers and contractors, a license to enter the Project to perform any inspections or work authorized by the Permit or any applicable law. This license shall expire after acceptance of the work by the VRWJPO and issuance of a Certificate of Completion.

2. The Permittee shall indemnify, defend and hold the VRWJPO and its agents, employees and officers harmless for all claims made by itself and third parties for damages or loss sustained or costs incurred, including engineering and attorneys' fees as a result of issuance of the Permit or construction of the Project.

3. By acceptance of the Permit, the Permittee acknowledges and agrees to perform and be bound by all general and special terms and conditions of the Permit.

4. Deviations by the Permittee from an approved VRWJPO Project permit require the applicant to resubmit materials for review and approval.

I hereby certify that I understand and accept the terms of the escrow agreement and general conditions described above and that the information provided in this permit application and with all materials and documents required

<table>
<thead>
<tr>
<th>Signature of Owner:</th>
<th>Signature of Owner's Authorized Agent:</th>
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</thead>
<tbody>
<tr>
<td>John Daniels</td>
<td></td>
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<tr>
<th>Date Signed:</th>
<th>Date Signed:</th>
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<tr>
<td>02/12/2018</td>
<td>02/12/2018</td>
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<table>
<thead>
<tr>
<th>Name (please print):</th>
<th>Name (please print):</th>
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<tbody>
<tr>
<td>John Daniels</td>
<td>Steve Johnston</td>
</tr>
</tbody>
</table>
7e. Approval of Progressive Resources Warehouse Site Permit Application

Meeting Date: 2/22/18
Item Type: Action
Contact: Mark Ryan
Telephone: 952-891-7596
Prepared by: Mark Ryan

PURPOSE/ACTION REQUESTED

- Approve a permit application submitted by Progressive Resources for a new warehouse site.

SUMMARY

At its meeting on January 26, 2017, the Vermillion River Watershed Joint Powers Board (VRWJPB) reinstated enforcement of the Vermillion River Watershed Joint Powers Organization (VRWJPO) Rules in those portions of Eureka Township located within the Vermillion River Watershed after Eureka Township rescinded its authority to implement a local program to apply the Standards of the VRWJPO (Resolution Number VRW 17-03).

Progressive Resources has submitted a permit application to the VRWJPO for the construction of a new warehouse site located off of Highview Avenue in the north half of the northeast quarter of Section 5 of Eureka Township. The proposed project consists of two warehouse buildings located on a gravel pad connected to Highview Avenue by an upgraded gravel driveway with all impervious surfaces totaling about 5.3 acres and total site disturbance of about 11 acres. The permit application, site plan, and grading plan are included as attachments (see Attachment A). A development with greater than one acre of new impervious triggers the stormwater management portion of the VRWJPO Rules, which apply to the site in addition to the erosion and sediment control portion of the Rules.

To meet the stormwater management portion of the Rules, the applicant’s consultant has designed a combined infiltration and rate control basin on the south side of the site. An initial review by staff in November 2017 produced a memo with comments on the design related to the basin size and the proposed temporary controls for erosion and sediment control. Subsequent submittals by the applicant’s consultant have addressed these comments, and VRWJPO staff have reviewed the proposed design and found that it adequately meets the Rules.

At the VRWJPB meeting on July 27, 2017, the Board resolved to delegate permitting approvals to staff except for certain project scenarios, including development “sites with greater than 1 acre of new impervious surface” (Resolution Number VRW 17-39). Per the details of that resolution, these “permits of concern will still be brought before the VRWJPB for their consideration and decision.” Staff recommends the approval of this permit application by the VRWJPB allowing staff to issue a permit to the applicant.

EXPLANATION OF FISCAL/FTE IMPACT

Progressive Resources has paid a permit application fee and an escrow amount that will be used for VRWJPO staff application review and inspection of the construction of the project until completion has been certified.
RESOLUTION

7d. Approval of Progressive Resources Warehouse Site Permit Application

WHEREAS, the Vermillion River Watershed Joint Powers Board (VRWJPB) reinstated enforcement of the Vermillion River Watershed Joint Powers Organization (VRWJPO) Rules in those portions of Eureka Township located within the Vermillion River Watershed at the January 26, 2017 meeting; and

WHEREAS, Progressive Resources has applied to receive a VRWJPO permit for a proposed warehouse site located off of Highview Avenue in the north half of the northeast quarter of Section 5 of Eureka Township; and

WHEREAS, the stormwater management and the erosion and sediment control portions of the VRWJPO Rules apply to the site, which require permanent stormwater features and temporary erosion and sediment control measures; and

WHEREAS, the applicant has provided a check for the required escrow to be used for VRWJPO review and inspection time and has satisfied the requirements of the application process.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB hereby approves the permit application for Progressive Resources Warehouse allowing staff to issue a VRWJPO permit to the applicant.
<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Application # (to be assigned):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Progressive Resources</td>
<td>Date of Receipt:</td>
</tr>
<tr>
<td>Owner: Progressive Resources, Inc.</td>
<td>Fees Collected:</td>
</tr>
<tr>
<td>Owner Phone Numbers/Email:</td>
<td>Owner Mailing Address:</td>
</tr>
<tr>
<td>Home: 309-787-4879</td>
<td>6814 106th Ave, Milan, IL 61264</td>
</tr>
<tr>
<td>Work: 815-240-7928</td>
<td>Project Location:</td>
</tr>
<tr>
<td>Cell: 563-349-5518</td>
<td>Address: Highview Ave, Lakeville</td>
</tr>
<tr>
<td>Fax: 309-1787-2784</td>
<td>Parcel ID Number (if known):</td>
</tr>
<tr>
<td>Email address: <a href="mailto:noren.ajustrum@yahoo.com">noren.ajustrum@yahoo.com</a></td>
<td>Township, Range, Section: 113, 20, 5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Project: (check all that apply)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ Land Disturbance for principal structure*</td>
<td>☐ Drainage Alteration</td>
</tr>
<tr>
<td>☐ If a lot will be split or created, check secondary box</td>
<td>☐ Floodplain Alteration</td>
</tr>
<tr>
<td>☐ Land Disturbance for accessory structure*</td>
<td>☐ Wetland Alteration</td>
</tr>
<tr>
<td>☐ If a lot will be split or created, check secondary box</td>
<td></td>
</tr>
<tr>
<td>☐ Land Disturbance with no structure</td>
<td></td>
</tr>
<tr>
<td>☐ If a lot will be split or created, check secondary box</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Description:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Developing 5 Acres for two warehouse buildings</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Owner's Authorized Agent, Engineer, or Developer:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name and Firm:</td>
<td>Mailing Address:</td>
</tr>
<tr>
<td>Office Phone:</td>
<td>Email:</td>
</tr>
<tr>
<td>Cell Phone:</td>
<td>Fax Number:</td>
</tr>
</tbody>
</table>

11 ac
**Permit Application Fee and Inspection Fee Deposit – to be paid with your application:**

Calculate the required Permit and Inspection/Implementation Fee Deposit by totaling the amount from items A through F below for all applicable categories. If item G applies, add in the amount determined through consultation with VRWJPO staff. Include the Permit Fee Deposit with your application. Make checks payable to the Vermillion River Watershed Joint Powers Organization or VRWJPO.

<table>
<thead>
<tr>
<th>Permit Application Fee (one-time non-refundable payment):</th>
<th>Fill in amount here:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Permit processing cost...</td>
<td>...$10 $10</td>
</tr>
<tr>
<td><strong>Inspection/Implementation Fees (to be held in escrow):</strong></td>
<td></td>
</tr>
<tr>
<td>A. Land disturbance less than one acre in size</td>
<td></td>
</tr>
<tr>
<td>a. For accessory structure</td>
<td>$500</td>
</tr>
<tr>
<td>b. For principal structure</td>
<td>$1,000</td>
</tr>
<tr>
<td>c. With no structure</td>
<td>$500</td>
</tr>
<tr>
<td>B. Land disturbance more than one acre in size</td>
<td>$2,000</td>
</tr>
<tr>
<td>C. More than one acre new impervious surface created</td>
<td>$2,000</td>
</tr>
<tr>
<td>D. Drainage alteration</td>
<td>$2,000</td>
</tr>
<tr>
<td>E. Floodplain alteration</td>
<td>$2,000</td>
</tr>
<tr>
<td>F. Wetland alteration</td>
<td>$50</td>
</tr>
<tr>
<td>G. Buffer implementation</td>
<td>$TBD</td>
</tr>
</tbody>
</table>

**TOTAL PERMIT AND INSPECTION FEE DEPOSIT**

$4,010

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*Accessory structure: A structure or anything built to support the use of a principal structure such as (but not limited to) garage, driveway, retaining wall, swimming pool, or minor outbuilding.

*Principal structure: Primary dwelling or place of business such as home, repair shop, or commercial building.

*A security deposit in the form of cash or an irrevocable renewable letter of credit is required prior to the issuance of a permit for activities B – E above. Security deposit requirements are as follows:

a. $3,000 per acre of disturbance for land draining to waters other than DNR designated trout streams*

b. $5,000 per acre of disturbance for land draining to DNR designated trout streams*

*No escrow required assuming that permits are obtained from the Wetland Conservation Act LGU.

*An escrow to cover reasonable costs for the implementation of a buffer will be determined on a site-specific basis due to the variability in buffer size.

*Refer to the MN DNR’s website link below for a map of DNR designated trout streams within the VRWJPO. ([http://files.dnr.state.mn.us/maps/trout_streams/south/map_15.pdf](http://files.dnr.state.mn.us/maps/trout_streams/south/map_15.pdf))
VRWJPO Escrow Agreement:

1. The Permit Application and Inspection/Implementation Fees must be paid before the project and application processing begins. Inspection/Implementation fees 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, and implementation of project if necessary, including staff time at a rate of $113/hour, outside consultant expenses, printing, copying, and mailing costs.
2. The permit applicant must pay the actual costs, regardless of the outcome of the project/application request.
3. If at any time the actual costs should exceed the escrowed amount, the applicant shall remit additional funds into the escrow fund when requested by the VRWJPO. If the applicant fails to replenish the escrow as requested, the VRWJPO may stop reviewing the application until such time as the escrow is replenished.
4. Upon final completion of the project and the issuance of a Certificate of Completion by the VRWJPO, the VRWJPO shall return any unspent balance in the escrow fund, less the $10 permit application fee. The VRWJPO does not pay interest on escrow deposits.

General Conditions:

1. The Permittee grants to the VRWJPO, and its agents, officers and contractors, a license to enter the Project to perform any inspections or work authorized by the Permit or any applicable law. This license shall expire after acceptance of the work by the VRWJPO and issuance of a Certificate of Completion.
2. The Permittee shall indemnify, defend and hold the VRWJPO and its agents, employees and officers harmless for all claims made by itself and third parties for damages or loss sustained or costs incurred, including engineering and attorneys' fees as a result of issuance of the Permit or construction of the Project.
3. By acceptance of the Permit, the Permittee acknowledges and agrees to perform and be bound by all general and special terms and conditions of the Permit.
4. Deviations by the Permittee from an approved VRWJPO Project permit require the applicant to resubmit materials for review and approval.

I hereby certify that I understand and accept the terms of the escrow agreement and general conditions described above and that the information provided in this permit application and with all materials and documents required

<table>
<thead>
<tr>
<th>Signature of Owner:</th>
<th>Signature of Owner’s Authorized Agent:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ron Bjornson</td>
<td></td>
</tr>
<tr>
<td>Date Signed:</td>
<td>Date Signed:</td>
</tr>
<tr>
<td>10/20/17</td>
<td></td>
</tr>
<tr>
<td>Name (please print):</td>
<td>Name (please print):</td>
</tr>
<tr>
<td>Ron Bjornson</td>
<td></td>
</tr>
</tbody>
</table>
HIGHVIEW AVENUE
CENTERLINE OF CREEK
75' SETBACK FROM CENTERLINE OF CREEK
EXISTING GRAVEL DRIVE
4' HIGH BERM
INFILTRATION BASIN (AREA = 5.0 ACRES - PHASE 1)
PROPOSED TREES ALONG BERM FOR SCREENING
STOCKPILE (TOP SOIL)
PHASE 1
PHASE 2
EXISTING GRAVEL DRIVE
965.8
BOTTOM = 961.5
OWL = 963.5
VOLUME REQUIRED = 30,840 CU. FT.
VOLUME SHOWN = 33,181 CU. FT.
GRASS FILTER STRIP/FIBER BLANKET IN SWALE AND ON 3:1 SIDE SLOPES OF BASIN
INSTALL SILT FENCE
BUILDING (FF=969.4)
PROPOSED DRIVE
RIP-RAP DITCH CHECKS (TYP) MIN. 12" HIGH
INSTALL SILT FENCE
20 C.Y. OF CLASS III RIP-RAP