Agenda

Vermillion River Watershed Joint Powers Board Meeting
February 28, 2019, 1 p.m., Conference Room 334
Dakota County Western Service Center, Apple Valley, MN

1. Call to Order
2. Roll Call
3. Audience Comments on Items Not on the Agenda
   (please limit audience comments to five minutes)
4. Consent Agenda
   a. Approval of Agenda
   b. Approval of Minutes from the January 24, 2019, Meeting
   c. Acceptance of Treasurer’s Report
   d. Recognize Gifts Received in 2018
5. Approval of Expenses
6. Business Items
   a. Invitation to membership in Minnesota Association of Watershed
      Districts
   b. Authorization to adopt the Vermillion River Watershed Joint Powers
      Organization Solicitation, Grant and Contract Policy
   c. Consideration of Draft Recommendations from the Ad-Hoc Group
      Addressing Implementation of Vermillion River Watershed Joint Powers
      Organization (VRWJPO) Standards in the Rural Areas of the Watershed
7. Staff Reports
8. Adjourn

Other Information
Next Meeting Date: March 28, 2019, at 1 p.m.
Dakota County Western Service Center, Room 334, Apple Valley, MN
You will be notified if the meeting is cancelled due to an anticipated lack of quorum.
Meeting Minutes
Vermillion River Watershed Joint Powers Board Meeting
January 24, 2019, 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 Mary Liz Holberg, Vice Chair
Dakota County Commissioner Tom Wolf, Secretary/Treasurer

Others in Attendance
Mark Zabel, Watershed Administrator
Helen Brosnahan, Assistant County Attorney
Travis Thiel, VRWJPO Watershed Specialist
Paula Liepold, VRWJPO Water Resources Educator
Mark Ryan, VRWJPO Watershed Engineer
Jen Dullum, VRWJPO Public Outreach and Communications
Bruce Johnson, Dakota County Soil and Water Conservation District Supervisor
Mac Cafferty, City of Lakeville
Adam Flett, Friends of the Mississippi River
Amy Kilgore, Friends of the Mississippi River

1. Call to Order
Meeting was called to order by Mark Zabel at 1:00 p.m.

2. Election of 2019 Joint Powers Board Officers

Res. No. VRW 19-00: 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.

Seeing as there was only a single nominee, Mark Zabel asked if there was any objection from members to elect Commissioner Slavik as chair for 2019 by acclamation. There was no objection.

Commissioner Slavik assumed control of the meeting.
Motion by Commissioner Wolf to nominate Commissioner Holberg 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 Holberg as vice chair for 2019.

Motion by Commissioner Holberg to nominate Commissioner Wolf as Secretary/Treasurer 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 Secretary/Treasurer for 2019.

3. Roll Call
All Board members were in attendance.

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

5. Approval of Consent Agenda

Res. No. VRW 19-01: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to approve the consent agenda.

6. Approval of Expenses
Mark Zabel presented the current invoices as shown on item 6.

Res. No. VRW 19-02: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a 3-0 roll call vote to approve the expenses totaling $256,140.67 incurred between December 1, 2018, and December 31, 2018, as submitted on January 24, 2019.

7. Business Items

7a. Year-end Review of the 2018 Vermillion Stewards Program
Paula Liepold introduced Adam Flett and Amy Kilgore from Friends of the Mississippi River (FMR) who presented a year-end review of the 2018 Vermillion Stewards. Adam thanked the Commissioners and the Vermillion River Watershed Joint Powers Organization (VRWJPO) for continued support and began his presentation. In his presentation, Adam described the total outcomes for the year and provided brief information about the specific event activities.

There were eight events in 2018. The total number of events decreased in 2018 as events in the Watershed that were not sponsored by the VRWJPO, were not reported. Commissioner Holberg asked how many of the volunteer hours were spent on actual projects. Adam explained that each volunteer program is 2 hours, so when FMR calculates volunteer hours they give each volunteer 2 hours. Therefore 162 hours were committed as actual volunteer labor from about 80 participants at the non-educational events. The total volunteer hours seen in the annual report includes additional educational
hours for events like the Riverview Elementary education program for students, which do not represent work on projects.

Commissioner Holberg also asked about the use of the Voter Activation Network for program marketing. Amy explained that FMR uses this platform to target direct marketing and does not populate volunteer information back into the service. Mark Zabel noted that in 2018, the VRWJPO is receiving volunteer information from FMR. It was noted to keep volunteer information out of future annual reports that may become public information.

7b. Presentation on the Results of the 2018 Homeowner Associations’ Irrigation Audit Pilot Program
In 2018 the VRWJPO partnered with the City of Lakeville on a homeowners association (HOA) irrigation audit program. Two HOAs took part in the audit. This program achieved water quantity and conservation goals set in the VRWJPO Watershed Plan and in Lakeville’s Water and Natural Resources Management Plan. This pilot study serves as a model if the VRWJPO were to expand the program throughout the watershed. Travis Thiel shared key findings and recommendations in his presentation. Findings presented show that there were municipal water savings as well as monetary savings for the HOAs.

Commissioner Holberg asked if the HOAs participating in the pilot study were the two highest water users. Travis believes that Century Ridge (CR) was one of the top users. Mac Cafferty from the City of Lakeville noted that the Orchard Meadows (OM) HOA was not originally assessed, but after the HOA approached the City and the VRWJPO about participating in the pilot project, its water use was reviewed which revealed OM was also a very high water user. Commissioner Holberg also asked how many HOAs are in Lakeville. Mac was unsure but believes Lakeville has more than 30 HOAs.

After reviewing the recommendations for OM, Commissioner Holberg asked if individual units have outdoor spigots to allow individuals in the units to water near their units in the event the HOA opts to disconnect the HOA system. Mac replied that they usually do and he believes that each unit is responsible for the cost of outdoor water usage from those spigots. Travis replied that he suggested to OM to disconnect the system and rely on rainfall events and supplement with sprinklers, as necessary.

Commissioner Holberg questioned the water rate in the City of Lakeville and whether the return on investment would be even better in other communities with higher rates. Mac replied that historically, Lakeville has had one of the lowest rates but it has been slowly increasing. Lakeville has been investing in infrastructure, including installation of a new municipal well and water tower in 2018. Two-years prior a new water treatment facility was built. Reducing reliance on groundwater for lawn irrigation could help preserve infrastructure and prevent the need for facility expansion. Commissioner Holberg believes that Lakeville and other communities have been getting better at determining the return on investment for water infrastructure and how to make the best of its resources.

Mac noted this pilot provided valuable data and they look forward to expanding the project in 2019. Work continues to simplify and streamline the audit process to improve efficiencies while simultaneously providing information needed by the HOAs to make informed decisions. Commissioner Slavik asked if there were fees assessed to the HOAs for this pilot project; there were not. Mark Zabel identified the two phases of this project: 1) the audit, which the VRWJPO can do and which shows value in irrigation upgrades; and 2) the upgrade, for which the Vermillion River Watershed Joint Powers Board (VRWJPB) needs to determine whether any cost-share would be offered. Both will be taken into account as the VRWJPO moves forward. Commissioner Slavik stated that he is fairly comfortable with audits but
is uncertain about providing cost-share for HOA irrigation upgrades. Commissioner Holberg asked if the Lakeville City Council has been involved in the pilot project. Mac replied that it is currently Lakeville Public Works and the VRWJPO heading up this project. Mark Zabel concluded the discussion by stating the auditing portion of this project may continue in 2019, in which case it will be discussed with the revised budget at the April 25 meeting.

7c. Authorization to Execute a Grant Agreement with the Minnesota Department of Natural Resources for the South Creek at Hamburg Avenue Stream Restoration Project
Travis Thiel reminded the Commissioners that the VRWJPO applied for Minnesota Department of Natural Resources (DNR) Conservation Partners Legacy (CPL) grant money for a project to improve stream habitat and bank stability in South Creek. The VRWJPO was awarded $282,000 in December for the project. The grant funding will pay for some of the remaining engineering, permitting, bidding, and construction of the project. The grant requires a local match of 10% of the requested grant amount. The City of Lakeville is providing $38,950 in cash match and $3,000 of in-kind staff time toward the project. The VRWJPO will provide $3,500 of in-kind staff time and will administer the CPL grant. This is a 2-year grant agreement with construction anticipated in 2019.

Res. No. VRW 19-03: Motion by Commissioner Holberg, Second by Commissioner Slavik, and passed on a unanimous vote to execute a grant agreement with the Minnesota Department of Natural Resources for the South Creek at Hamburg Avenue Stream Restoration Project.

7d. Authorization to Execute a Joint Powers Agreement with the City of Lakeville for the South Creek at Hamburg Avenue Stream Restoration Project
Travis Thiel requested the Vermillion River Watershed Joint Powers Board (VRWJPB) execute of a Joint Powers Agreement (JPA) with the City of Lakeville to pass through up to $282,000 of Minnesota Department of Natural Resources (DNR) Conservation Partners Legacy (CPL) grant money to the City of Lakeville for the project to improve stream habitat and bank stability in South Creek.

Res. No. VRW 19-04: Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous vote to execute a Joint Powers Agreement with the City of Lakeville for the South Creek at Hamburg Avenue Stream Restoration Project.

8. Staff Reports
Helen Brosnahan will bring a contract policy to the February VRWJPB meeting for action.

Travis Thiel has consent item agreements for Commissioner Slavik’s signature.

Mark Ryan reminded the Commissioners that the first ad-hoc group meeting to discuss the Standards took place on January 9. The next meetings are scheduled for Wednesday, January 30 and Wednesday, February 13. Commissioner Holberg challenged members of the group to bring both ideas and solutions, short of changing the Standards, to the next meeting. She stated that she would need to be convinced that it is impossible, or nearly impossible, to enforce the current Standards. Commissioner Holberg suggested changing the time of the February 28 VRWJPB meeting to accommodate ad-hoc members who would potentially attend. She will poll ad-hoc members at their January 30 meeting to gauge interest. Should there be formal action on the Standards, it would be at the March 28 VRWJPB meeting, after recommendations are brought before the Township Officers at their March meeting.

Mark Zabel reminded the Commissioners to submit their campaign finance paperwork.
Mark Zabel updated the Commissioners on a letter sent to the Minnesota Department of Agriculture (MDA) regarding anecdotal evidence of the lack of adherence to best management practices. The VRWJPO, Dakota County, and MDA met to discuss groundwater protection collaboration efforts. One of the items the group is hoping to work together on is nitrate issues in the Hastings area Drinking Water Supply Management Area (DWSMA). Hopefully, collaborative efforts will bring additional resources to Dakota County and to that area. The Groundwater Protection Rule seems to focus heavily on DWSMAs. Travis Thiel stated that outside of the DWSMA, nitrate issues will be dealt with on a voluntary basis.

Mark Zabel informed Commissioners that he is participating on a Watershed Based Funding Forum. The group is forming recommendations to the Board of Water and Soil Resources on the allocations of dedicated funding should Watershed Based Funding continue as a mechanism for Clean Water Fund disbursement. The group is recommending a change in future funding allocation from county-based to watershed-based. The VRWJPO is a major watershed, so funding would go directly to the VRWJPO and then be distributed based on projects and in consultation with partners. Commissioner Slavik appreciated Mark’s participation in the group and noted the funding challenges that the North Cannon Watershed faces in the One Watershed – One Plan process, being both a part of the seven-county metro area and a rural, major watershed.
Adjourn

Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous voice vote to adjourn the meeting at 2:21 p.m.

Next Meeting Date: February 28, 2019 – 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 Tom Wolf     Secretary/ Treasurer             Date
### 2018 Vermillion River Watershed Joint Powers Organization

**Treasurer’s Report**

February 28, 2019 - Vermillion River Watershed Joint Powers Board Meeting

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**VRW JPO Revised Budget Expense TOTAL**

| $2,899,000.00 | $1,998,357.07 | $46,382.89 | $853,760.04 |

**Budget Funding Sources**

- Scott County Levy: $34,100.00
- Dakota County Levy: $887,900.00
- 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
- Expected CIP: $200,000.00
- Investment Earnings: $10,000.00

| $2,196,500.00 |

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8
# 2019 Vermillion River Watershed Joint Powers Organization
## Treasurer's Report
### February 28, 2019 - Vermillion River Watershed Joint Powers Board Meeting

<table>
<thead>
<tr>
<th>Agenda Item</th>
<th>Budget Amount</th>
<th>Expenses to Date</th>
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**VRW JPO Revised Budget Expense TOTAL**

| $2,143,350.00 | $ - | $72,092.81 | $2,071,401.22 |

### Budget Funding Sources

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**Total Budget Funding Sources**

| $2,185,200.00 |
### Dakota County Staff Cost Related to the Vermillion Watershed

**January 2019**

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### Funds into Vermillion River Watershed

- 2019: $10,739.00
- 2020: $8,026.42
- 2021: $5,769.54
- 2022: $3,000.00
- 2023: $421.49

### Alloc

- 2019: $495.17
- 2020: $527.49
- 2021: $2,822.79
- 2022: $4,276.96
- 2023: $142.57

### Alloc

- 2019: $6,650.40
- 2020: $2,262.03
- 2021: $353.74
- 2022: $318.37
- 2023: $565.99

### Alloc

- 2019: $2,218.53
- 2020: $290.00
- 2021: $319.00
- 2022: $188.50
- 2023: $130.50

### Alloc

- 2019: $87.00
- 2020: $0.00
- 2021: $0.00
- 2022: $0.00
- 2023: $0.00

### Alloc

- 2019: $8,171.50
- 2020: $8,091.11
- 2021: $139.50
- 2022: $0.00
- 2023: $0.00

### Alloc

- 2019: $94.00
- 2020: $5.00
- 2021: $4.50
- 2022: $8.00
- 2023: $4.00
4d. Recognize Gifts Received in 2018

Meeting Date: 2/28/2019
Item Type: Regular-Information
Contact: Mark Zabel
Telephone: 952-891-7086
Prepared by: Jen Dullum
Reviewed by: N/A

PURPOSE/ACTION REQUESTED

- Recognize gifts received in 2018

SUMMARY
Minnesota Statute §465.03 requires that any gift of real or personal property be accepted by resolution of the governing board. In June 2017, the Vermillion River Watershed Joint Powers Board passed a resolution to provide the opportunity for the VRWJPO to accept gifts of nominal value, i.e. gifts valued individually at $500 or less, by providing said authority to the Administrator. The Administrator will compile an annual report of gifts received and their estimated values to be presented to the VRWJPB for their review and evaluation. Any individual gifts presented to the VRWJPO above an estimated value of $500 will be brought before the VRWJPB for their acceptance through resolution.

In 2018, the Vermillion River Watershed Joint Powers Organization received:

<table>
<thead>
<tr>
<th>From</th>
<th>Date</th>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Houston Engineering</td>
<td>12/14/17</td>
<td>Holiday mixed nuts</td>
<td>~$25.00</td>
</tr>
</tbody>
</table>

Staff requests the VRWJPB recognize gifts received in 2018.

EXPLANATION OF FISCAL/FTE IMPACT
No fiscal impact.
RESOLUTION

4d. Recognize Gifts Received in 2018

Information item only.
Expenses from December 1, 2018 through December 31st, 2018 totaled $256,140.67

The invoices submitted between January 1, through February 20, 2019 are listed below:

<table>
<thead>
<tr>
<th>Invoice</th>
<th>Vendor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan-19</td>
<td>VRW Per Diem</td>
<td>$245.00</td>
</tr>
<tr>
<td>IN23758</td>
<td>Scott County</td>
<td>$699.72</td>
</tr>
<tr>
<td>IN23851</td>
<td>Scott County</td>
<td>$186.00</td>
</tr>
<tr>
<td>18-04-09-07</td>
<td>Inter fluve</td>
<td>$2,060.00</td>
</tr>
<tr>
<td>11808925</td>
<td>Wenck</td>
<td>$2,613.30</td>
</tr>
<tr>
<td>11900088</td>
<td>Wenck</td>
<td>$961.50</td>
</tr>
<tr>
<td>18-104006-15</td>
<td>144Design</td>
<td>$75.00</td>
</tr>
<tr>
<td>19-1401-10</td>
<td>144Design</td>
<td>$95.00</td>
</tr>
<tr>
<td>VS-013019</td>
<td>Friends of the Mississippi</td>
<td>$1,022.12</td>
</tr>
<tr>
<td>2018-135</td>
<td>Scott County Soil and Water Conservation District</td>
<td>$12,417.91</td>
</tr>
<tr>
<td>2878</td>
<td>Dakota County Soil and Water Conservation District</td>
<td>$13,794.66</td>
</tr>
<tr>
<td>2867</td>
<td>Dakota County Soil and Water Conservation District</td>
<td>$8,516.00</td>
</tr>
<tr>
<td>2868</td>
<td>Dakota County Soil and Water Conservation District</td>
<td>$6,153.74</td>
</tr>
<tr>
<td>January 2019</td>
<td>Dakota County Staff Time</td>
<td>$37,922.61</td>
</tr>
<tr>
<td>Pcard Calvo</td>
<td>Parking Lot/Sidewalk Winter Maint Training HyVee</td>
<td>$18.62</td>
</tr>
<tr>
<td>Pcard Calvo</td>
<td>Tax Refund</td>
<td>$1.28</td>
</tr>
<tr>
<td>Pcard Calvo</td>
<td>Parking Lot/Sidewalk Winter Good Cents Deli</td>
<td>$107.66</td>
</tr>
</tbody>
</table>

**Total approved expenses as presented on February 28, 2019** $86,890.12

**Action Requested:** Approve all above expenses as presented on February 28, 2019
6a. Accept the Invitation to Join in Membership with the Minnesota Association of Watershed Districts

<table>
<thead>
<tr>
<th>Meeting Date:</th>
<th>2/28/2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item Type:</td>
<td>Regular-Action</td>
</tr>
<tr>
<td>Contact:</td>
<td>Mark Zabel</td>
</tr>
<tr>
<td>Telephone:</td>
<td>952-891-7011</td>
</tr>
<tr>
<td>Prepared by:</td>
<td>Mark Zabel</td>
</tr>
<tr>
<td>Reviewed by:</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**PURPOSE/ACTION REQUESTED**

- Accept the invitation to join in Membership with the Minnesota Association of Watershed Districts.

**SUMMARY**

The VRWJPO received a letter from the Minnesota Association of Watershed Districts (MAWD) President dated February 3, 2019 notifying of a change to MAWD bylaws making Watershed Management Organizations eligible to become members of MAWD with full rights and privileges. Membership fees for 2019 for the VRWJPO would be $500. Attachment A is an informational sheet describing general benefits of MAWD membership which include training opportunities, development and advocacy of policy related to watershed management, and information sharing among members.

**EXPLANATION OF FISCAL/FTE IMPACT**

Membership costs for 2019 are $500 which would be paid from the Administration and Operations Category (2170020000).
RESOLUTION

6a. Accept the Invitation to Join in Membership with the Minnesota Association of Watershed Districts

WHEREAS, the VRWJPO received a letter from the Minnesota Association of Watershed Districts (MAWD) President dated February 3, 2019 notifying of a change to MAWD bylaws making Watershed Management Organizations eligible to become members of MAWD with full rights and privileges, and

WHEREAS, membership fees for 2019 for the VRWJPO would be $500, and

WHEREAS, MAWD membership provides benefits to the VRWJPO that are not available through another organization.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB hereby accepts the invitation to join as a member of the Minnesota Association of Watershed Districts for 2019.
**MEMBER BENEFITS**

**MN Association of Watershed Districts, 595 Aldine St., St. Paul MN 55104**

(651) 440-9407 office | www.mnwatershed.org | @mnwd46 | facebook.com/mnwd46

**What is the Minnesota Association of Watershed Districts?**

The Minnesota Association of Watershed Districts (MAWD) is a non-profit organization that represents the local governments that focus on the management of water on watershed boundaries rather than political boundaries such as those of cities and counties. Members benefit from having an organization that provides a unified voice for watershed management and works diligently to maximize the availability of the tools and resources that allow members to most effectively and efficiently meet their water management goals. Primary areas of focus include providing education and training opportunities, lobbying and advocacy services, and regular communications.

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**Education and Training for Watershed Managers and Staff**

Every year, MAWD provides members with opportunities to learn from other members, as well as industry experts, at a variety of workshops, a summer tour, and an annual convention and trade show. Training topics typically include the following: watershed planning, permitting, flood control, education and outreach programs, innovative technologies, effective administration, public relations, data collection and assessment, aquatic invasive species, urban and rural best management practices, governance, and leadership.

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**Lobbying and Advocacy for Effective and Efficient Watershed Management**

MAWD lobbies for funding and programs that enhance the restoration and protection of Minnesota’s water resources. Members drive the organization’s policy issues through an annual resolutions process and the MAWD Board of Directors sets each year’s priorities. Although legislative solutions are often needed to maximize resources, sometimes MAWD will find the best solutions by working directly with state agencies and other non-profits such as wildlife groups, lake associations, environmental groups, and farm organizations.

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**Member Support through Regular Communications and Networking**

MAWD maintains regular communication with its members to ensure they are kept informed on the latest watershed news including trainings they may find useful, changes to legislation that may impact them, and information to help them stay in compliance with governmental regulations and laws. Formats used to distribute information include newsletters, social media (Facebook and Twitter), email updates and alerts, fact sheets, press releases, and the organization’s website: www.mnwatershed.org. Check us out today!

For more information, contact Emily Javens, Executive Director, at (651) 440-9407 or exec.mawd@gmail.com.

01.26.2019
6b. Authorization to Adopt VRWJPO Solicitation, Grant, and Contract Policy

Meeting Date: 2/28/2019
Item Type: Regular-Action
Contact: Helen Brosnahan
Telephone: 651-438-4404
Prepared by: Helen Brosnahan
Reviewed by: N/A

PURPOSE/ACTION REQUESTED

• Authorization to adopt the Vermillion River Watershed Joint Powers Organization (VRWJPO) Solicitation, Grant and Contract Policy.

SUMMARY
To more efficiently conduct the business of the Vermillion River Joint Powers Organization (VRWJPO), a Solicitation, Grant and Contract policy is needed. A policy ensures a sound financial system that complies with all relevant requirements as well as provides a framework for effective management of fiscal resources and ensures proper oversight. The County Attorney consulted with staff from both Dakota and Scott counties to reconcile the two counties’ solicitation, grant, and contracting policies as well as ensure that the draft policy complies with Minnesota Statutes. The policy also reflects the current delegation of authority to the VRWJPO Administrator. VRWJPO staff recommends the approval of the VRWJPO Solicitation Grant, and Contract Policy.

EXPLANATION OF FISCAL/FTE IMPACT
None.
RESOLUTION


WHEREAS, a Solicitation, Grant, and Contract Policy is needed to efficiently conduct the business of the VRWJPO; and

NOW, THEREFORE, BE IT RESOLVED, That the Vermillion River Joint Powers Board hereby approves the Solicitation, Grant, and Contract policy as presented at the VRWJPO Board Meeting on February 28, 2019, effective March 1, 2019.
POLICY STATEMENT

This policy establishes the guidance from the Vermillion River Watershed Joint Powers Board (VRWJPB) for the Vermillion River Watershed Joint Powers Organization (VRWJPO) solicitation, grant and contracting procedures.

DEFINITIONS

Contract is defined in Minn. Stat. §§ 371.21 and 475.345. It refers to a written document that establishes the rights and responsibilities of two or more parties and includes the consideration for each party to enter into the contract. Contracts include all Vermillion River Watershed Joint Powers Organization Agreements, regardless of what they are called, for the procurement of commodities, materials, equipment, real or personal property, labor, work, services or construction, including an amendment or extension of a contract. While a purchase order is a contract, it is distinguishable from other written contracts by the brevity and commercial nature of its terms and the application of Article Two of the Uniform Commercial Code to supplement its written terms.

Cooperative Purchasing Agreement refers to an agreement authorized by the Vermillion River Watershed Joint Powers Board and entered into with another governmental unit pursuant to Minn. Stat. § 471.345 subd. 15, which allows the Vermillion River Joint Watershed Powers Organization to make purchases using another governmental unit’s Contract with a Contractor in accordance with the provisions of the cooperative purchasing agreement.

Grant Agreement refers to a written contract between two parties, through which the Grantor gives a sum of money to the Grantee on condition the Grantee uses the money for the specific purposes of the grant.

Joint Powers Agreement refers to a written contract governed by Minn. Stat. 471.56 where two or more governmental units, working together by agreement to exercise any power common to them; or an agreement between governmental units where one unit performs a service or activity on behalf of another unit(s).

Request for Proposal refers to the document requesting vendors, contractors, or consultants to submit proposals to provide goods, services, or both to the VRWJPO when a sealed bid is not advantageous to the VRWJPO. The VRWKPO is not required to select the lowest cost proposal but may take into consideration all relevant criteria that will result in the best overall value to the VRWJPO. The VRWJPO and the selected contractor often engage in detailed contract negotiations to further define the goods, services, or both, that will be provided; and may also determine the final price and obligations required of each party.

Request for Qualifications refers to a written request to potential responders to describe their qualifications to provide specified services.

Scope of Services refers to the detailed description of the services to be performed by the contractor under the contract. The Scope of Services may be described by incorporating the Request and Response into the contract as Exhibits, or by a separate Statement of Work or project plan.

Sealed Bid refers to a bid that is sealed by the contractor prior to submission to the VRWJPO and which will not be opened until the date and time for the bid opening.

Solicitation means the act of offering to purchase goods, services, or both, through a competitive process, whether through Requests for Bids, Request for Proposals, Request for Qualifications, Request for Information, Quotes or any other means.

SOURCE

The VRWJPO’s solicitation, grant, and contract procedures are governed by several statutes referenced throughout the policy, as well as Vermillion River Watershed Joint Powers Organization Board Resolution 15-26.
1. Competition. The Vermillion River Watershed Joint Powers Board favors competition in connection with VRWJPO procurements, sales, leases, rentals, and other agreements to which the VRWJPO is a party.
   a. Contracts as defined in Minn. State. §§ 375.21 and 471.345. Contracts for work or labor, or to purchase furniture, fixtures, or other property, or to construct or repair roads, bridges or buildings, or the sale or purchase of supplies, materials, equipment or the rental thereof, or the construction, alteration, repair or maintenance of real and personal property, shall be made as follows:
      i. If valued from $1 through $25,000
         • In the open market, using any method to assure favorable pricing including, but not limited to, quotation, Request for Qualifications, or cooperative purchasing. If based upon quotation, at least two quotations should be obtained.
      ii. If valued from $25,001 through $175,000
         1. After soliciting two or more quotations when possible or
         2. Through the State of Minnesota Cooperative Purchasing Venture, or
         3. Through any cooperative purchasing agreement which secures contracts on the basis of competitive bids or quotes from more than one source.
      iii. If valued in excess of $175,000
         1. After soliciting bids by public notice of Request for Bids, or
         2. Through the State of Minnesota Cooperative Purchasing Venture, or
         3. Through any cooperative purchasing agreement which secures contracts on the basis of competitive bids or quotes from more than one source.
   b. All other contracts, including contracts for professional services
      • After soliciting Requests for Proposal or Requests for Qualifications, Requests for Information, or quotes, so far as practicable and reasonable, or
      • Through the State of Minnesota Cooperative Purchasing Venture, or
      • Through any cooperative purchasing that secures contracts on the basis of competitive bids or quotes from more than one source, or
      • In the open market

2. Efficiency. The VRWJPB favors contract and grant procedures that are based upon the principles of delegation and decentralization when feasible. Notwithstanding any delegation of authority, VRWJPB approval should be sought when circumstances so warrant.
   a. A solicitation for sealed bids, requests for proposals or request for qualifications may be issued by VRWJPO Administrator when the funds for the proposed procurement are specifically included within the budget or Capital Improvement Program (CIP). Contracts defined in Minn. Stat. §§375.21 and 471.35 valued in excess of $100,000 and other contracts valued in excess of $50,000 and contracts for which funds are not included within the budget or CIP require approval by resolution of the VRWJPB.
   b. Joint powers agreements require the approval by resolution of the VRWJPB.
   c. Contract Amendments for VRWJPB authorized contracts may be approved by the VRWJPO Administrator when the amendment does not materially alter the scope of services being provided in the existing contract, and the total combined amendments to the first VRWJBP authorized contract do not exceed $50,000 or 10% of the first VRWJPB authorized contract whichever is greater, in the aggregate with all other amendments, and specifically for budgeted funds within the VRWJPO budget.
   d. Grants for which the matching funds or obligations for staffing or other in-kind services are included in the budget, the VRWJPO Administrator may apply for the grant, accept the grant, and sign the grant agreement. Grants which require an amendment to the budget, or the grant award exceeds the amount in the budget by $50,000 or more, requires approval by resolution of the VRWJPB.

3. Legal Compliance. All VRWJPO procurements, sales, rental, leases and other agreements shall comply with applicable law and regulations.
a. Agreements are subject to review and approval as to form by the Dakota County Attorney except the Scott County Attorney shall review those contracts relating to services or projects wholly within the political boundaries of Scott County.

b. Conflict of interest disclosures. Each prospective and current contractor shall be required to disclose any potential or actual organizational conflict of interest. In cases of potential or actual organizational conflict of interest, the VRWJPO may pursue any one or combination of the following:
   • Disqualify the prospective contract from the contract award;
   • If the contract has been awarded, terminate the contract;
   • Disqualify the prospective or current contractor from subsequent contracts if the organizational conflict of interest was not properly disclosed or was misrepresented; or
   • Mitigate or neutralize the potential or actual organizational conflict of interest as allowable by law.

If there is no defined legal conflict of interest that would prohibit the contract, but there is a question as to whether there may be a perceived conflict of interest that is not directly apparent, the contract shall be presented to the VRWJPB for approval, regardless of the amount of the contract. The VRWJPB shall have sole discretion to determine whether a perceived conflict of interest should bar a proposed contract not governed by the law applicable to competitive bidding.

c. All contracts must be in writing and are considered draft in form until approved as to form by the appropriate county attorney and executed by signature of the authorized parties.

Insurance Requirements

All certificates of insurance must be submitted with all agreements before execution of the contract. The VRWJPO must be named as an additional insured on the Certificate of Insurance, unless waived by the Dakota County Risk Management Department.

Insurance must be maintained throughout the any contract term consistent with the Dakota County insurance requirements.

Meeting Date: 2/28/2019
Item Type: Regular-Action
Contact: Mark Zabel
Telephone: 952-891-7011
Prepared by: Mark Zabel
Reviewed by: N/A

PURPOSE/ACTION REQUESTED


SUMMARY

At its December 6, 2018 meeting, the Vermillion River Watershed Joint Powers Board (VRWJPB) adopted a scope and schedule for an ad-hoc group of stakeholders, staff, and a VRWJPB member to develop recommendations associated with the VRWJPO Standards and their implementation in the rural areas of the watershed, with an emphasis on the Erosion and Sediment Control Standard. The ad-hoc group met three times on January 30th, February 13th, and February 19th, 2019, to discuss current application of the VRWJPO Standards in the rural areas, permitting and issues around the approval and oversight of projects, and how the VRWJPO could assist Townships in implementation.

Based on the discussions held at these meetings, the ad-hoc group is making the following recommendations to the VRWJPB:

**Draft Recommendations to the VRWJPO on the Implementation of Standards**

- The VRWJPO should provide assistance to the Townships by producing a concise one page sheet that outlines the purpose and requirements of the VRWJPO Standards (similar documents could be provided for the individual VRWJPO Standards).
- The VRWJPO should develop a model form that collects all pertinent information to be included for consideration and assists Township Officials (Board, Planning Commission, Inspectors) with decision making and oversight.
- The VRWJPO should provide a “best practices” document for township maintenance activities that would be protective of water resources.
- The VRWJPO should amend the current Standards to include the following thresholds for land disturbing activities regulated under the Erosion and Sediment Control Standard:
  - Greater than one acre of land disturbance.
  - Land disturbance on slopes greater than six percent.
  - Greater than 100 cubic yards of imported or stockpiled material.
  - New public or private roads or driveways greater than 125 feet in length.
  - Greater than 10,000 square feet of land disturbance if commercial, industrial, or recreational use development.
  - Filling, draining, or altering of natural or artificial stormwater storage, retention, or flowage pathways.
  - Projects that could reasonably be expected to deliver sediment to adjacent properties, wetlands, or water resources.

EXPLANATION OF FISCAL/FTE IMPACT

None.
RESOLUTION


WHEREAS, the VRWJPB has requested the development of an ad-hoc group of stakeholders to meet to discuss issues and develop recommendations related to the Watershed Standards and their implementation in the rural areas of the VRWJPO with an emphasis on the Erosion and Sediment Control Standard, and

WHEREAS, the VRWJPB directed staff to develop the parameters outlining the scope and schedule for the effective and timely formation of the ad-hoc group and completion of its objectives, and

WHEREAS, the ad-hoc group met on January 30th, February 13th, and February 19th, 2019 and developed recommendations to be presented to the VRWJPB at its February 28th, 2019 meeting for VRWJPB consideration.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB hereby accepts the draft recommendations of the ad-hoc group to be shared with the Vermillion River Watershed Planning Commission and presented at the annual Spring Dakota County Township Officers Association Meeting as “Draft Recommendations to the VRWJPO on the Implementation of Standards” for further review and input.