Agenda

Vermillion River Watershed Joint Powers Board Meeting

January 23, 2020, 1 p.m.
Dakota County Extension and Conservation Center, Room A, Farmington, MN

1. Call to Order
2. Election of Joint Powers Board Officers  Action
3. Roll Call
4. Audience Comments on Items Not on the Agenda
   (please limit audience comments to five minutes)
5. Consent Agenda  Action
   a. Approval of Agenda  Page 1
   b. Approval of Minutes from the December 5, 2019, Meeting  Page 2
   c. Acceptance of Treasurer’s Report  Page 6
   d. Approval of Vermillion River Watershed Planning Commission
      Reappointments and Removal of Commissioner  Page 8
   e. Execute a Joint Powers Agreement with Dakota County Soil and Water
      Conservation District for Services in 2020  Page 10
   f. Execute a Joint Powers Agreement with Scott Soil and Water
      Conservation District for Services in 2020  Page 13
6. Approval of Expenses  Action  Page 16
7. Business Items  Action
   a. Authorization to Execute a Joint Powers Agreement with the City of
      Lakeville for 2020 Irrigation System Audit and Improvement Program  Page 18
   b. Appointment of VRWJPO Staff as Representative to the Watershed
      Based Implementation Funding (WBIF) Convening Committee for the
      Vermillion River Watershed and Authorize VRWJPO as Fiscal Agent for
      WBIF Grant  Page 26
8. Staff Reports
9. Adjourn

* Draft minutes from the January 8, 2020 Watershed Planning Commission Meeting are included at the end of the packet as
information for the Vermillion River Watershed Joint Powers Board.

Other Information

Next Meeting Date: February 27, 2020, at 1 p.m.
Dakota County Extension and Conservation Center, Room A, Farmington, 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
December 5, 2019, 1 p.m.
Dakota County Extension and Conservation Center, Conference Room A, Farmington, MN

Board Members in Attendance
Dakota County Commissioner Mike Slavik, Chair
Dakota County Commissioner Mary Liz Holberg, Vice Chair
Dakota County Commissioner Dave Beer, alternate Secretary/Treasurer

Others in Attendance
Mark Zabel, Watershed Administrator
Melissa Bokman Ermer, Watershed Co-administrator
Travis Thiel, VRWJPO Watershed Specialist
Mark Ryan, VRWJPO Watershed Engineer
Jen Dullum, VRWJPO Public Outreach and Communications
Helen Brosnahan, Assistant County Attorney
Georg Fischer, Environmental Resources Director
Bruce Johnson, Dakota County Soil and Water Conservation District Supervisor

1. Call to Order
Meeting was called to order by Commissioner Slavik at 1:00 p.m.

2. Roll Call
All Board members were in attendance.

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

4. Approval of Consent Agenda
   a. Approval of Agenda
   b. Approval of Minutes from the October 24, 2019, Meeting
   c. Acceptance of Treasurer’s Report
   d. Approval of dates for 2020 Vermillion River Watershed Joint Powers Board meetings

   Res. No. VRW 19-41: Motion by Commissioner Holberg, Second by Commissioner Beer, and passed on a unanimous vote to approve the consent agenda.

5. Approval of Expenses
Mark Zabel presented the current invoices as shown on item 5.
Res. No. VRW 19-42: Motion by Commissioner Holberg, Second by Commissioner Beer, and passed on a 3-0 roll call vote to approve the expenses totaling $81,162.14 incurred between October 14, 2019 and November 15, 2019, as submitted on December 5, 2019.

Commissioner Slavik asked if the Watershed was on track for end-of-year financing. Mark Zabel responded that he would be answering that question during the next item.

6. Business Items
6a. Adoption of the Vermillion River Watershed Joint Powers Organization 2020 Budget and Watershed Management Tax District Levy
Mark Zabel began stating end-of-year projections are on track and carryovers are as expected. Mark discussed each budget category in detail. The 2020 budget anticipates $130,550 in cash reserve and $2,110,900 in total annual expenses. Mark noted that the levy for Dakota County residents will increase in 2020 but decrease for Scott County residents. This is according to county tax capacity figures.

Commissioner Slavik asked if the capital improvement projects will come in close to expected by year-end. Mark anticipates they will, but it is dependent on any remaining invoices from either the Dakota or Scott Soil and Water Conservation Districts.

Res. No. VRW 19-43: Motion by Commissioner Holberg, Second by Commissioner Beer, and passed on a unanimous vote to adopt the VRWJPO 2020 Budget and Watershed Management Tax District levy.

After introducing the item, Mark Zabel asked for the Board to schedule a public hearing on the proposed amendment to the VRWJPO Rules. Mark explained that there are two versions of the Rules the Board could propose. Version One would incorporate the Rules by reference and is the recommended version from staff. Version Two is a re-write of the Rules, which would need to be updated anytime the Standards are amended.

Commissioner Slavik verified that any amendments to the Standards would still go through the public comment and public hearing process, even if Version One was adopted to incorporate the Rules by reference. Helen Brosnahan stated that this is common practice for County ordinances to reference State Statute for ease of updating, should the Statute change.

Res. No. VRW 19-44: Motion by Commissioner Holberg, Second by Commissioner Slavik, and passed by two votes for and one vote abstain to release for public comment and schedule a public hearing on the Proposed Amendments to the Vermillion River Watershed Joint Powers Organization Rules, version one.

6c. Authorization to Amend the Minnesota Board of Water and Soil Resources Fiscal Year 2017 Clean Water Fund Grant
Travis Thiel informed the Commissioners of unspent funds from the South Branch nitrate treatment project. Staff hopes to redirect some of those funds to the bioreactor project in Castle Rock Township as it treats the same pollutant in the same South Branch subwatershed. To do so, an extension must be granted to accommodate new terms of the 2017 Clean Water Fund Grant.
**Res. No. VRW 19-45:** Motion by Commissioner Holberg, Second by Commissioner Beer, and passed on a unanimous vote to amend the Minnesota Board of Water and Soil Resources Fiscal Year 2017 Clean Water Fund Grant.

7. Staff Reports
Melissa Bokman Ermer discussed a Scott County resident’s concern regarding rising water levels in a pond on the resident’s property. After review, it was noted that two culverts flow into the pond. The township is working with the resident on solutions. At this time, Mark Zabel showed a Vermillion River water level graphic from the United States Geological Survey. Since snowmelt, the river has been below a flow rate of 100 cubic feet per second (cfs) for only about two weeks in 2019 as measured at the gauging station in Empire Township. Typical baseflow in the river is 40-60 cfs. Flows all year have been well above normal near record levels.

Travis Thiel mentioned that the hydrodynamic separator project in Lakeville is complete. He and Mark Ryan will be spending the next several weeks compiling reports for grant projects.

Mark Ryan highlighted several recent projects that took place on South Creek in Lakeville: the hydrodynamic separator installation, the Hamburg stream restoration, and the temperature reduction project at Golden Pond.

Georg Fischer mentioned that performance reviews for Dakota County are starting and will be compiled by January 31, 2020. He will be emailing each commissioner individually with the VRWJPO Administrators’ 2019 performance plan and asking for feedback, either via email or face to face.

Jen Dullum provided a social media update covering the last two months, with notices totaling 13 Facebook posts, 10 Tweets, and 6 Instagram posts. She also mentioned that FMR will be at the February meeting to give the Vermillion Stewards annual report.

Mark Zabel gave an update on the VRW Planning Commission. Due to a communication error, Scott County and Carolyn Miller believed her term was over at the end of 2019. Her term goes through 2020 and she will continue. Both Mark Henry and Chuck Clanton have terms that expire at the end of 2019. Both can be reinstated through 2022, if they agree. Rich Fortmann did not RSVP to, or attend, any meetings in 2019. Chair Miller did contact him about attendance. A lack of RSVP is considered an unexcused absence. The VRWPC may choose to remove him from the commission and find a replacement.

Commissioner Slavik wished everyone a safe holiday.
Adjourn

Motion by Commissioner Holberg, Second by Commissioner Beer, and passed on a unanimous voice vote to adjourn the meeting at 1:40 p.m.

Next Meeting Date: January 23, 2020 – Dakota County Extension and Conservation Center, Room A 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
<table>
<thead>
<tr>
<th>Budget Amounts</th>
<th>Expenses to Date</th>
<th>Expenses Pending</th>
<th>Account Balance</th>
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<tr>
<td>I. Administration &amp; Operations (217002-0000)</td>
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<td>$ 157,799.48</td>
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<td>II. Research &amp; Planning (217002-0130)</td>
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<td>$ 5,512.78</td>
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<td>III. Monitoring &amp; Assessment (217002-0230)</td>
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**VRW JPO Revised Budget Expense TOTAL**

$ 2,572,225.00  $ 610,350.60  $ 61,234.50  $ 1,900,639.90

**Budget Funding Sources**

- Scott County Levy  $ 35,100.00
- Dakota County Levy  $ 912,900.00
- Expected 2017 Carryover (Fund Balance)  $ 734,200.00
- Special Use Permit  $ 2,500.00
- 2019 CWF Grants (BWSR)  $ 249,200.00
- 2019 CWF Grant 1W1P (BWSR)  $ 123,000.00
- CPL Grant South Creek at Hamburg  $ 282,000.00
- Met Council Grant  $ 230,100.00
- Expected CIP  $ 431,225.00
- Investment Earnings  $ 20,000.00

$ 3,020,225.00
## 2020 Vermillion River Watershed Joint Powers Organization

### Treasurer's Report - December

#### January 23, 2020 - Vermillion River Watershed Joint Powers Board Meeting

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<tr>
<th>Budget Item</th>
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<th>Expenses to Date</th>
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<td><strong>XIII.</strong> CWF Grant - County Road 50 (217002-0837)</td>
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<td><strong>XIV.</strong> CWF Grant - South Branch (217002-0838)</td>
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<td><strong>XV.</strong> CWF Grant - Lakeville (217002-0839)</td>
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<td><strong>XVIII.</strong> CWF Grant - Farmington Street (217002-0842)</td>
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<td><strong>XX.</strong> CWF Grant - Webster Wetland (217002-0844)</td>
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<td><strong>XXI.</strong> CWF Grant - Technical Assistance (217002-0845)</td>
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<td><strong>XXII.</strong> CWF Grant - Imminet Health T (217002-0846)</td>
<td>$85,54</td>
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<td>$1,541.78</td>
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**VRW JPO Revised Budget Expense TOTAL**

| $2,572,225.00 | $673,329.30 | $340,257.12 | $1,594,638.58 |

### Budget Funding Sources

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
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<td>Scott County Levy</td>
<td>$35,100.00</td>
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<tr>
<td>Dakota County Levy</td>
<td>$912,900.00</td>
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<tr>
<td>Expected 2017 Carryingover (Fund Balance)</td>
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<tr>
<td>Special Use Permit</td>
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<td>2018 CWF Grants (BWSR)</td>
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<td>2019 CWF Grant 1W1P (BWSR)</td>
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<td>CPL Grant South Creek at Hamburg</td>
<td>$262,000.00</td>
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<td>Met Council Grant</td>
<td>$230,100.00</td>
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<tr>
<td>Expected CIP</td>
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<td>Investment Earnings</td>
<td>$20,000.00</td>
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**$3,020,225.00**
5d. Approval of Vermillion River Watershed Planning Commission Reappointments and Removal of Commissioner

Meeting Date: 1/23/2020
Item Type: Action
Contact: Mark Zabel
Telephone: 952-891-7011
Prepared by: Mark Zabel
Reviewed by: N/A

PURPOSE/ACTION REQUESTED

- Approval of Vermillion River Watershed Planning Commission reappointments and removal of Commissioner

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, 2019, the WPC had two members whose terms expired.

Charles (Chuck) Clanton, Hampton Township, and Mark Henry, Castle Rock Township, have formally requested reappointment to the WPC. The VRWJPO staff requests the Vermillion River Watershed Joint Powers Board (VRWJPB) to reappoint Charles (Chuck) Clanton and Mark Henry to the WPC for three-year terms ending December 31, 2022.

Commissioner Richard Fortmann has been absent from meetings and has not notified staff of his absences prior to meetings. According to Article V of the By-laws of the Vermillion River Watershed Planning Commission, “Any member may be removed for repeated, unexcused absence from Commission meetings.” Mr. Fortmann has been absent for more than three consecutive meetings.

EXPLANATION OF FISCAL/FTE IMPACT
None
RESOLUTION

5d. Approval of Vermillion River Watershed Planning Commission Reappointments and Removal of Commissioner

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, Charles (Chuck) Clanton and Mark Henry have expressed their desire to be reappointed; and

WHEREAS, WPC Commissioners Clanton, and Henry have successfully represented their communities and served the interests of the watershed in their recommendations to the VRWJPB; and

WHEREAS, a WPC member may be removed for repeated, unexcused absence from Commission meetings: and

WHEREAS, Commissioner Fortmann has more than three repeated consecutive unexcused absences.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB hereby appoints Charles (Chuck) Clanton, and Mark Henry to the Vermillion River Watershed Planning Commission, with terms ending December 31, 2022.

FURTHER RESOLVED, that the VRWJPB hereby removes Richard Fortmann from the Vermillion River Watershed Planning Commission effective immediately.
5e. Execute a Joint Powers Agreement with Dakota County Soil and Water Conservation District for Services in 2020

Meeting Date: 1/23/2020  
Item Type: Regular-Action  
Contact: Brian Watson  
Telephone: 651-480-7777  
Prepared by: Mark Zabel  
Reviewed by: N/A

PURPOSE/ACTION REQUESTED

- Authorization to execute a Joint Powers Agreement with Dakota County Soil and Water Conservation District (SWCD) for Services in 2020

SUMMARY

Each of the tasks in Dakota County SWCD’s proposed work plan and budget (Attachment A) is included as line items in the 2020 Vermillion River Watershed Joint Powers Organization (VRWJPO) budget. The largest proposed spending is in the Capital Improvement Project category. Rather than developing VRWJPO cost-sharing programs that duplicate existing efforts, the VRWJPO relies on the established cost-share programs implemented by Dakota County SWCD to efficiently implement water-quality improvement projects. The VRWJPO provides Dakota County SWCD with funds to cost-share best management practices (BMPs) in urban and rural areas throughout the watershed.

RECOMMENDATION


EXPLANATION OF FISCAL/FTE IMPACT

Total not to exceed $257,000.
RESOLUTION

5e. Execute a Joint Powers Agreement with Dakota County Soil and Water Conservation District for Services in 2020

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

WHEREAS, the Dakota County SWCD is proposing to assist the VRWJPO with similar tasks in 2020; and

WHEREAS, the tasks outlined in the Dakota County SWCD proposed work plan and budget are each included as line items in the VRWJPO 2020 Budget in various categories; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Vermillion River Watershed Joint Powers Board (VRWJPB) authorizes the chair to execute a Joint Powers Agreement with Dakota County SWCD for a total not to exceed $257,000 as presented to the VRWJPB at its meeting on January 23, 2020; subject to approval by the Dakota County Attorney’s Office as to form.
## 2020 Dakota County SWCD Work Plan and Budget to the Vermillion River Watershed Joint Powers Organization

### Evaluation and Policy
- Incentive program policy assistance for programs to install voluntary conservation practices $1,600
  - **Subtotal** $1,600

### Feasibility/Preliminary Studies
- Preliminary design, technical assistance and marketing of voluntary conservation practices $40,000
  - **Subtotal** $40,000

### Capital Improvement Projects
- Install water quality projects under SWCD Cost Share Programs $61,250<sup>1</sup>
- Implement Landscaping for Clean Water Grant Program (LCW) $18,750<sup>2</sup>
  - **Subtotal** $80,000

### Public Outreach and Communication
- Coordinate tasks under the Vermillion River Watch Program $6,000
- Conduct Landscaping for Clean Water Workshops (up to 19 total) $30,400
- In-classroom presentations for Grades 3-12 (up to 5 total) $4,000
  - **Subtotal** $40,400

### Inventories and Assessments
- Provide GIS mapping support $5,000
  - **Subtotal** $5,000

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

**Total Not To Exceed Amount:** $257,000

---

<sup>1</sup> 25% technical and administrative costs will be invoiced for each contracted project installed

<sup>2</sup> Each Landscaping for Clean Water project installed includes $250 for landowner stipend and $500 for technical and administrative assistance
5f. Execute Joint Powers Agreement with Scott Soil and Water Conservation District for Services in 2020

Meeting Date: 1/23/2020
Item Type: Regular-Action
Contact: Troy Kuphal
Telephone: 952-492-5425
Prepared by: Mark Zabel
Reviewed by: N/A

PURPOSE/ACTION REQUESTED

- Authorization to execute a Joint Powers Agreement with Scott Soil and Water Conservation District (SWCD) for Services in 2020.

SUMMARY

Each of the tasks in the Scott Soil and Water Conservation District’s (SWCD) proposed work plan and budget (Attachment A) is included as line items in the 2020 Vermillion River Watershed Joint Powers Organization (VRWJPO) budget. The largest proposed spending is in the Capital Improvement Project category for cost share and financial incentives for approved best management practices (BMPs). Rather than developing VRWJPO cost-sharing programs that duplicate existing efforts, the VRWJPO relies on Scott SWCD’s established cost-share programs to efficiently implement water-quality improvement projects. The VRWJPO provides Scott SWCD with funds to cost-share BMPs in urban and rural areas throughout the watershed.

RECOMMENDATION


EXPLANATION OF FISCAL/FTE IMPACT

Total not to exceed $54,025.
RESOLUTION

5f. Execute Joint Powers Agreement with Scott Soil and Water Conservation District for Services in 2020

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 2020; and

WHEREAS, the tasks in the Scott SWCD proposed work plan and budget are each included as line items in the VRWJPO 2020 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 $54,025 as presented to the VRWJPB at its meeting on January 23, 2020; subject to approval by the Dakota County Attorney’s Office as to form.
## 2020 SCOTT SWCD WORK PLAN AND BUDGET

<table>
<thead>
<tr>
<th>Activity</th>
<th>Detail</th>
<th>Line Item</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>2019</td>
<td>2020</td>
</tr>
<tr>
<td>Water Quality Monitoring</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>$5775</td>
<td>$5775</td>
</tr>
<tr>
<td></td>
<td>• Equipment maintenance, repair and replacement expenses</td>
<td>$1,500</td>
<td>$1,500</td>
</tr>
<tr>
<td></td>
<td>• Lab, data line, and courier expenses</td>
<td>$2,500</td>
<td>$2,500</td>
</tr>
<tr>
<td>Public Outreach and Education</td>
<td>• Conservation, stormwater and youth education, as detailed in the Scott Clean Water Education Program 2019 Work Plan. Includes but not limited to community events/expos, library displays, news releases, Outdoor Education Day; and workshops</td>
<td>$1,300</td>
<td>$1,300</td>
</tr>
<tr>
<td>Capital Improvement Program¹</td>
<td>• Project development: 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>$2,200</td>
<td>$2,200</td>
</tr>
<tr>
<td></td>
<td>• Project design and engineering: feasibility investigations; surveys; project design and conservation plan preparation; construction inspections and certification; cost share contract administration. Eligible projects to include but not limited to: wetland restoration, streambank stabilization, filter strips, bioretention, nutrient management, cover crops, closed tile intakes, grade stabilization structures, grassed and lined waterways, and water and sediment control basins.</td>
<td>$8,400</td>
<td>$8,400</td>
</tr>
<tr>
<td></td>
<td>• Cost share and financial incentives for approved project applications</td>
<td>$30,700</td>
<td>$30,700</td>
</tr>
<tr>
<td></td>
<td>• Cost share and financial incentives carried over for applications approved in 2019</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Regulatory Program Assistance</td>
<td>• Research, investigations, and corrective action follow-up related to wetland, feedlot, and buffer law compliance.</td>
<td>$900</td>
<td>$900</td>
</tr>
<tr>
<td>Management and Administration</td>
<td>• Manage work, planning, budget and financial recordkeeping</td>
<td>$750</td>
<td>$750</td>
</tr>
<tr>
<td></td>
<td>• Prepare and administer Service agreement</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Attend Board, TAG and other JPB–sponsored meetings</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Identify and develop recommendations regarding JPO programs and policies</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**GRAND TOTAL:** $54,025 $54,025.00

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 2020 cost share and incentive program policies as adopted by Scott SWCD Board of Supervisors.
Expenses from the invoices submitted between October 14, 2019 and November 15, 2019 totalled $81,162.14
The invoices submitted between November 16, 2019 and December 2, 2019 are listed below:

<table>
<thead>
<tr>
<th>Invoice</th>
<th>Vendor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nov 2019</td>
<td>Dakota County Staff Time</td>
<td>$22,294.00</td>
</tr>
<tr>
<td>11/27/2019</td>
<td>VRW Planning Per Diem</td>
<td>$210.00</td>
</tr>
<tr>
<td>IN25145</td>
<td>Scott County Staff Time</td>
<td>$1,838.51</td>
</tr>
<tr>
<td>19-4023</td>
<td>144Design - website maintenance</td>
<td>$95.00</td>
</tr>
<tr>
<td>VS-112019</td>
<td>Friends of the Mississippi River - Vermillion Stewards</td>
<td>$6,961.19</td>
</tr>
<tr>
<td>2019-084</td>
<td>Scott County Soil and Water Conservation District</td>
<td>$7,938.48</td>
</tr>
<tr>
<td>Pcard-Calvo</td>
<td>Winter Salt Conference- Food</td>
<td>$376.64</td>
</tr>
<tr>
<td>Pcard-Calvo</td>
<td>Winter Salt Conference- Food</td>
<td>$30.12</td>
</tr>
<tr>
<td>00201-0028-2</td>
<td>Emmons &amp; Olivier - VR Bank Stabilization</td>
<td>$9,465.56</td>
</tr>
<tr>
<td>2733</td>
<td>BNR - Brackett's HOA</td>
<td>$2,300.00</td>
</tr>
<tr>
<td>2732</td>
<td>BNR - Rock Island HOA</td>
<td>$775.00</td>
</tr>
<tr>
<td>2734</td>
<td>BNR - Dodd Marsh HOA</td>
<td>$2,150.00</td>
</tr>
<tr>
<td>2735</td>
<td>BNR - Fieldstone Creek HOA</td>
<td>$1,800.00</td>
</tr>
<tr>
<td>11/20/2019</td>
<td>Dakota County Transportation Dept - HWY 50 project</td>
<td>$5,000.00</td>
</tr>
</tbody>
</table>

Total expense as approved on January 23, 2020 $61,234.50

Action Requested: Approve all above expenses as presented on January 23, 2020
Date: January 23, 2020 - November 2019  
To: Vermillion River Watershed Joint Powers Board  
From: Staff  
Subject: Joint Powers Organization Expenses

Expenses from the invoices submitted between November 16, 2019 and December 2, 2019 totalled $61,234.50

The invoices submitted between December 3, 2019 and December 31, 2019 are listed below:

<table>
<thead>
<tr>
<th>Invoice</th>
<th>Vendor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dec-19</td>
<td>Dakota County Staff Time</td>
<td>$28,028.01</td>
</tr>
<tr>
<td>Jan-20</td>
<td>VRW Per Diem</td>
<td>$210.00</td>
</tr>
<tr>
<td>29366</td>
<td>City of Lakeville - East Lake Carp Project</td>
<td>$2,700.00</td>
</tr>
<tr>
<td>11909399</td>
<td>Wenck - Fish Monitoring</td>
<td>$2,111.00</td>
</tr>
<tr>
<td>Pcard - Zabel</td>
<td>Fish USA - Auger replacement and insert cutting head</td>
<td>$91.25</td>
</tr>
<tr>
<td>230356</td>
<td>MN DNR - Stream Gaging Assistance</td>
<td>$4,850.00</td>
</tr>
<tr>
<td>29386</td>
<td>City of Lakeville - South Creek Golden Pond</td>
<td>$6,682.96</td>
</tr>
<tr>
<td>2969</td>
<td>Dakota County Soil and Water Conservation District City</td>
<td>$53,208.08</td>
</tr>
<tr>
<td>29388</td>
<td>City of Lakeville - South Creek Stream Restoration</td>
<td>$205,586.88</td>
</tr>
<tr>
<td>Pcard - Zabel</td>
<td>Kaiser and Blair - SS straws</td>
<td>$688.95</td>
</tr>
<tr>
<td>Pcard - Zabel</td>
<td>MN DNR - Waters Permit</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

Total expense as approved on January 23, 2020 $304,257.13

Action Requested: Approve all above expenses as presented on January 23, 2020
7a. Authorization to Execute a Joint Powers Agreement with the City of Lakeville for the 2020 Irrigation System Audit and Improvement Program

Meeting Date: 1/23/2020
Item Type: Regular-Action
Contact: Travis Thiel
Telephone: 952-891-7546
Prepared by: Travis Thiel
Reviewed by: N/A

PURPOSE/ACTION REQUESTED

- Authorization to execute a Joint Powers Agreement with the City of Lakeville for the 2020 Irrigation System Audit and Improvement Program

SUMMARY

The Vermillion River Watershed Joint Powers Organization (VRWJPO) staff is requesting the execution of a Joint Powers Agreement (JPA) with the City of Lakeville to implement an irrigation system audit and improvement program in 2020.

In 2018 and 2019, the VRWJPO and City of Lakeville collaboratively implemented a program that performed irrigation system audits at townhome and homeowner associations (Associations) to identify ways to improve water efficiency, decrease groundwater use, and potentially reduce water bills. Excessive groundwater use within the watershed affects the amount of groundwater available for residential, business/industrial, and agricultural uses. Excessive groundwater usage also impacts aquatic organisms and habitat within the watershed. A growing population will increase the demand for groundwater and the infrastructure needed to supply it to watershed residents. To achieve the VRWJPO Watershed Plan’s goal of maintaining a sustainable water supply, projects that conserve water are needed to ensure adequate water supply for the growing population.

Lawn maintenance and landscaping are the most consistent discretionary water uses in urban settings. By continuing to perform irrigation system audits in 2020, VRWJPO and City of Lakeville staff will use the recommendations from the audits to help Associations achieve significant water savings, which will result in reduced costs and a sustainable water supply.

The City of Lakeville applied for and received a $36,000 Metropolitan Council Water Efficiency grant to help offset costs of an audit and improvement program. The grant requires a 25 percent local match, and the VRWJPO and City have agreed to split the required costs. The VRWJPO has allocated $10,000 its 2020 Budget for audits and improvements, which will serve as local match.

The program will provide irrigation system audits at a subsidized rate of $50 per Association. After an audit has been completed, the Associations are eligible for 50 percent cost share, up to a maximum of $2,000 per Association, for installation/implementation of recommended improvements identified in the audit which will result in significant water savings. VRWJPO cost participation is limited to Associations within the watershed. Staff is recommending the execution of the JPA with the City for the irrigation system audit and improvement program.

EXPLANATION OF FISCAL/FTE IMPACT

The VRWJPO will provide $6,000 toward the program from the Feasibility/Preliminary Studies portion of the VRWJPO Budget.
RESOLUTION

7a. Authorization to Execute a Joint Powers Agreement with the City of Lakeville for the Irrigation System Audit and Improvement Program

WHEREAS, in 2018 and 2019, the Vermillion River Watershed Joint Power Organization (VRWJPO) and City of Lakeville collaboratively implemented a program that performed irrigation system audits and improvements to improve water efficiency, decrease groundwater use, and save residents money on their water bills; and

WHEREAS, excessive groundwater use within the watershed affects the amount of groundwater available for other residents, businesses, agricultural production, and industries; and

WHEREAS, many of the watershed’s water resources also rely on groundwater to sustain their volume and provide adequate habitat for aquatic organisms; and

WHEREAS, a growing population and continued investments in infrastructure is needed to supply the population with water; and

WHEREAS, the VRWJPO has identified the goal of maintaining a sustainable water supply and various objectives and tasks to address this goal within the VRWJPO’s Watershed Management Plan; and

WHEREAS, the most consistent discretionary water use in urban settings is for lawn maintenance and landscaping; and

WHEREAS, performing irrigation system audits and improvements (Project) that will reduce water use has been identified as an effective means to address VRWJPO and City water supply goals, objectives, and actions; and

WHEREAS, targeting townhome and homeowner associations’ (Associations) irrigation systems is effective since most of these associations have centrally-controlled irrigation systems where improvements made can result in larger water savings; and

WHEREAS, the City applied for and obtained a $36,000 Metropolitan Council Water Efficiency grant to help offset the costs of an audit and improvement program; and

WHEREAS, the grant requires a 25 percent local match, and the VRWJPO and City have agreed to split the cost of the match costs; and

WHEREAS, the VRWJPO has allocated $10,000 in its 2020 Budget for irrigation system audits and improvements; and

WHEREAS, the VRWJPO will require the Associations hire Certified Irrigation Auditors to perform the audits and hire Certified Irrigation Contractors to perform improvements; and

NOW, THEREFORE, BE IT RESOLVED, that the Vermillion River Watershed Joint Powers Board authorizes its chair to execute a Joint Powers Agreement with the City of Lakeville in an amount not to exceed $6,000 for the irrigation system audit and improvement program; subject to approval as to form by the Dakota County Attorney’s Office.
JOINT POWERS AGREEMENT FOR
IRRIGATION SYSTEM AUDIT AND IMPROVEMENT PROGRAM
BETWEEN THE VERMILLION RIVER WATERSHED JOINT POWERS ORGANIZATION
AND
THE CITY OF LAKEVILLE

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

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

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

WHEREAS, many lakes, streams, and wetlands in the VRWJPO rely on groundwater to sustain their volume and support recreation and biological populations; and

WHEREAS, residents, businesses, agriculture, and industries rely almost solely on groundwater for their various needs; and

WHEREAS, modeling by the Metropolitan Council shows that continued development of groundwater sources to meet future demands will have an adverse effect on resources, and conversely shows benefit to regional aquifers if demand on groundwater is reduced; and

WHEREAS, due to a population growth, continued investments in infrastructure are needed to reliably supply water; and

WHEREAS, maintaining a sustainable water supply is a goal of the VRWJPO's Watershed Management Plan; and

WHEREAS, the City has wishes provide information and promote activities that protect the source water aquifers within the City’s Wellhead Protection Plan; and

WHEREAS, the most consistent discretionary water use in urban settings is for lawn maintenance and landscaping; and

WHEREAS, in the Twin Cities Metropolitan Area, approximately 20 percent of treated drinking water is used outdoors; and

WHEREAS, performing irrigation system audits and improvements (Project) has been identified as an effective means to address VRWJPO and City water supply goals, objectives, and actions; and

WHEREAS, targeting townhome and homeowner association (Associations) irrigation systems is effective due to the centrally-controlled irrigation system used by most Associations where improvements can result in greater water savings; and

WHEREAS, the City was awarded $36,000 from the Metropolitan Council’s 2019-2022 Water Efficiency Grant Program; and

WHEREAS, the City is required to match 25% of awarded grant funds in an amount totaling $12,000; and

WHEREAS, the VRWJPO has agreed to provide 50% of the required $12,000 match for Projects within the Vermillion River Watershed, an amount not to exceed $6,000; and
WHEREAS, the VRWJPO and City wish to partner to perform Projects at Associations to reduce groundwater use and reduce association water costs; and

WHEREAS, the VRWJPO will hire the contractor necessary to perform the audits; and

WHEREAS, the Associations will hire and pay for the contractors necessary to perform improvements; and

WHEREAS, the City will coordinate audit contractor scheduling, reporting and be the liaison with participant Associations; and

WHEREAS, the City and VRWJPO will review Project applications; and

WHEREAS, the VRWJPO and City have agreed to split the costs for audits and improvements up to a maximum of $12,000; and

WHEREAS, the VRWJPO will serve as the fiscal agent for irrigation system Projects; and

WHEREAS, the VRWJPO and City have allocated money within their respective budgets to fund these Projects.

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

ARTICLE 1
PURPOSE

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

ARTICLE 2
PARTIES

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

ARTICLE 3
TERM

This Agreement shall be effective the date of the signatures of the parties to this Agreement and shall remain in effect until December 31, 2022, or until completion by the parties of their respective obligations under this Agreement, whichever occurs first, unless earlier terminated by law or according to the provisions of this Agreement.

ARTICLE 4
COOPERATION

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

ARTICLE 5
PAYMENT

5.1 The VRWJPO will administer all contracts and act as the paying agent for all payments to the Contractor and Associations.

5.2 The City will reimburse the following project-related activities up to $2,000 per year for a total of $6,000 over three years in City funding and $36,000 in Metropolitan Council 2019-2022 Water Efficiency Grant funding related to the irrigation system audits and improvements (VRWJPO eligible). The VRWJPO’s maximum eligible reimbursement amount is $42,000 (Agreement Maximum).
5.3 The VRWJPO will provide funding for Projects in an amount equivalent to the City’s funding reimbursement as stated in article 5.2 up to a maximum of $2,000 per year for a total of $6,000 over three years.

5.4 Upon confirmation of VRWJPO payment to the Contractor or Associations, the City shall pay the VRWJPO for project-related costs on a reimbursement basis.

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

ARTICLE 6
GENERAL OBLIGATIONS

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

6.2 COMPLIANCE WITH LAWS/STANDARDS. The VRWJPO’s contractor shall abide by all federal, state, or local laws, statutes, ordinances, rules, and regulations in implementing the Project, including obtaining all necessary permits to implement the Project.

6.3 PUBLICITY. The parties may take and disclose photographs of Project sites for use in publications or promotional material or on its website to highlight the VRWJPO’s or the City’s programs. Each party shall appropriately acknowledge the funding provided by the other party in any promotional materials, signage, reports, publications, notices, and presentations related to the Project. This section shall survive the expiration or termination of this Agreement.

ARTICLE 7
INDEMNIFICATION

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

ARTICLE 8
AUTHORIZED REPRESENTATIVES AND LIAISONS

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

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

TO THE CITY: Justin Miller or successor, City Administrator
City of Lakeville
20195 Holyoke Avenue
Lakeville, MN 55044
In addition, notification to the VRWJPO regarding termination of this Agreement by the City shall be provided to the Office of the Dakota County Attorney, Civil Division, 1560 Highway 55, Hastings, Minnesota 55033.

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

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

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

**ARTICLE 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, or as delegated by the parties’ respective Boards, and signed by the Authorized Representatives, or delegated authority, of the VRWJPO and the City.

**ARTICLE 10 TERMINATION**

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

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

**ARTICLE 11 MINNESOTA LAW TO GOVERN**

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

**ARTICLE 12 MERGER**
This Agreement is the final expression of the agreement of the parties and the complete and exclusive statement of the terms agreed upon and shall supersede all prior negotiations, understandings, or agreements.

ARTICLE 13
SEVERABILITY

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

ARTICLE 14
GOVERNMENT DATA PRACTICES

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

ARTICLE 15
SURVIVABILITY

The provisions of sections 6.4 (Publicity), 7 (Indemnification), and 16 (Government Data Practices) survive the expiration or termination of this Agreement.

ARTICLE 16
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 or nature, acts of terrorism, war fire, flood epidemic, acts of civil or military authority, and natural disasters.

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

CITY OF LAKEVILLE

By ___________________________________
Douglas P. Anderson or successor, Mayor
Date of Signature: _____________________

By ___________________________________
Char Friedges, City Clerk
Date of Signature: _____________________

VERMILLION RIVER WATERSHED
JOINT POWERS ORGANIZATION

By ___________________________________
/s/ Mike Slavik or successor, Chair
Assistant Dakota County Attorney
Date of Signature: _____________________
7b. Appointment of Vermillion River Watershed Joint Powers Organization Staff as Representative to the Watershed Based Implementation Funding Convening Committee for the Vermillion River Watershed and Authorize Vermillion River Watershed Joint Powers Organization as Fiscal Agent for Watershed Based Implementation Funding Grant

Meeting Date: 1/23/2020
Item Type: Action
Contact: Mark Zabel
Telephone: 952-891-7011
Prepared by: Mark Zabel
Reviewed by: N/A

PURPOSE/ACTION REQUESTED

- Appointment of Vermillion River Watershed Joint Powers Organization (VRWJPO) Staff as Representative to the Watershed Based Implementation Funding (WBIF) Convening Committee for the Vermillion River Watershed and Authorize VRWJPO as Fiscal Agent for WBIF Grant

SUMMARY

The Minnesota Legislature authorized the Minnesota Board of Water and Soil Resources (BWSR) to provide funding to local units of government for developing and implementing water management plans and making improvements on a watershed basis – the Watershed Based Implementation Funding Program (WBIF).

Minnesota State Statute has mandated Watershed based planning within the seven-county metropolitan area since 1982. The BWSR has recognized organizations with adopted watershed management plans in the seven-county metropolitan area as eligible to receive funds through the WBIF program for implementing projects and programs identified through those plans.

The BWSR is facilitating meetings of representatives from eligible participating watershed organizations, counties, soil and water conservation districts, and municipalities. The groups, called Convening Committees, will make decisions relevant to distributing WBIF Program funds and implementing programs at the watershed level. The BWSR is expecting that the entities participating on the Convening Committee will assign a representative to provide input on matters that come before the committee and to vote on distribution of WBIF grant funds for project or program implementation. The BWSR also expects that the Convening Committee will choose an entity to act as Fiscal Agent for purposes of managing grant funding awarded from the BWSR.

Staff have actively coordinated with partners to identify opportunities for improvement projects meeting the goals and priorities of the VRWJPO Watershed Management Plan and have maintained positive relationships with representatives. Staff recommend the VRWJPB appoint VRWJPO staff to represent the VRWJPO on the BWSR-facilitated Convening Committee. Staff also recommends the VRWJPB authorize the VRWJPO to act as fiscal agent for WBIF grants provided for the Vermillion River Watershed.

EXPLANATION OF FISCAL/FTE IMPACT

Watershed-Based Implementation Funding Program provides that a portion of the grant can be applied to costs associated with grant administration. Funds are provided on a reimbursement basis and are commensurate with costs experienced for program management.
RESOLUTION

7b. Appointment of Vermillion River Watershed Joint Powers Organization Staff as Representative to the Watershed Based Implementation Funding Convening Committee for the Vermillion River Watershed and Authorize Vermillion River Watershed Joint Powers Organization as Fiscal Agent for Watershed Based Implementation Funding Grant

WHEREAS, the Minnesota Board of Soil and Water Resources (BWSR) requires identification of a representative from the Vermillion River Watershed Joint Powers Organization (VRWJPO) to the BWSR facilitated Watershed Based Implementation Funding (WBIF) program Convening Committee for the Vermillion River Watershed by resolution; and

WHEREAS, the primary purposes of the WBIF program Convening Committee for the Vermillion River Watershed are to identify projects that meet Prioritized, Targeted, and Measurable (PTM) criteria determine project eligibility, prioritize identified projects; and vote on funding proposals; and

WHEREAS, the Minnesota Board of Soil and Water Resources (BWSR) requires identification of a fiscal agent for purposes of management and reporting on use of grant funds provided through the WBIF program; and

WHEREAS, the VRWJPO is a watershed-based entity serving the entirety of the Vermillion River Watershed as identified in the BWSR One Watershed – One Plan Boundaries Map; and

WHEREAS, VRWJPO staff have actively coordinated with partners to identify opportunities for improvement projects meeting the goals and priorities of the VRWJPO Watershed Management Plan; and

WHEREAS, the VRWJPO will seek support of the Convening Committee facilitated by BWSR in implementation of WBIF within the Vermillion River Watershed in full authorization of the VRWJPO as fiscal agent for WBIF grant funding by resolution of the Convening Committee.

NOW, THEREFORE, BE IT RESOLVED, that the Vermillion River Watershed Joint Powers Board appoints Vermillion River Watershed Joint Powers Organization staff as representative to serve on the Minnesota Board of Water and Soil Resources facilitated Watershed Based Implementation Funding program Convening Committee for the Vermillion River Watershed.

RESOLVED FURTHER, that the Vermillion River Watershed Joint Powers Board authorizes the Vermillion River Watershed Joint Powers Organization as Fiscal Agent for management of Watershed Based Implementation Funding grants provided for the Vermillion River Watershed.
Minutes
Vermillion River Watershed Planning Commission Meeting
January 8, 2020 - 3:30 p.m.
Dakota County Extension and Conservation Center, Room A, Farmington, MN

WPC Members in Attendance
Josh Borton  Chuck Clanton
Mark Henry   Carolyn Miller
Bruce Rydeen Tony Wotzka

Staff in Attendance
Mark Zabel, VRWJPO
Mark Ryan, VRWJPO
Jen Dullum, VRWJPO

Others in Attendance
Curt Coudron, Dakota County SWCD

1. Call to Order
The meeting was called to order by Mark Zabel at 3:32 p.m. and opened with the recital of the Pledge of Allegiance.

2. Election of 2020 Watershed Planning Commission Officers
Mark Zabel called for nominations for Watershed Planning Commission (WPC) chair.

Commissioner Clanton nominated Commissioner Miller. Commissioner Miller nominated Commissioner Henry.

Mark Zabel called for any other nominations three times. There were none.

Mark Zabel asked for a vote. Commissioner Miller received two votes. Commissioner Henry received three votes. Commissioner was elected chair by popular vote. There was no objection.

Commissioner Henry assumed control of the meeting and asked for nominations for WPC vice chair.

Commissioner Clanton nominated Commissioner Miller.

Commissioner Henry called for any other nominations three times. There were none.

Commissioner Miller was declared vice chair for 2020, by acclamation.

3. Audience Comments on Items Not on the Agenda
None
4. Approval of Agenda

Motion by Commissioner Borton, second by Commissioner Rydeen, to approve the agenda. The agenda was unanimously approved.

5. Approval of Minutes

Motion by Commissioner Clanton, second by Commissioner Borton, to approve the minutes of the November 20, 2019. The minutes were unanimously approved.

6. Business Items

6a. Recommendation to Execute a Joint Powers Agreement with Dakota County Soil and Water Conservation District for Services in 2020

Mark Zabel introduced this item, noting that each year, joint powers agreements are presented for both Dakota County and Scott Soil and Water Conservation Districts (SWCD) for services to be provided in the upcoming year. Curt Coudron with the Dakota County SWCD was present to explain the proposed 2020 services and budget, which, he noted, are identical to 2019. Curt described the various components of the work being funded under the agreement including monitoring and capital improvement cost-share amounts.

Commissioner Henry noted the changes he has seen in the South Branch Vermillion River and pondered the reason for the open water and high-water table. Both Mark Zabel and Mark Ryan stated that it has been a record-setting wet year for the Watershed. Also, the South Branch area typically has a high-water table that keeps open-water areas warmer.

Curt mentioned that registration for the Landscaping for Clean Water (LCW) workshops is currently open. Commissioner Clanton asked if LCW projects were recorded on property titles; they are not, primarily due to the cost and process of officially recording the project.

Commissioner Clanton asked if there was a lot of overlap with other agencies with various programs. Curt replied that there is coordination between agencies to remove redundancies. Commissioner Clanton asked if a document could be developed describing who pays for, and administers, what programs and how much is spent overall. Mark Ryan and Mark Zabel indicated that staff could put something together on coordination if desired.

Commissioner Clanton had questions about the Dakota County SWCD cover crop program and funding. Curt Coudron explained that local dollars and match funding cover the cost of the program which asks for volunteers to use cover crops on land that has not been previously used for cover crops for a three-year period.

Motion by Commissioner Miller, second by Commissioner Rydeen, to recommendation to executing a Joint Powers Agreement with Dakota County Soil and Water Conservation District for Services in 2020.

6b. Recommendation to Execute a Joint Powers Agreement with Scott Soil and Water Conservation District for Services in 2020

Mark Zabel presented this item, noting the similar services to the Dakota County SWCD except located in the Scott County portion of the watershed. Mark went over the draft 2020 services and budget,
which, he noted, are identical to 2019. Mark also stated that each SWCD is presented as a line-item in the 2020 Vermillion River Watershed Joint Powers Organization (VRWJPO) budget.

Motion by Commissioner Rydeen, second by Commissioner Borton, to recommendation to executing a Joint Powers Agreement with Scott Soil and Water Conservation District for Services in 2020.

6c. Presentation on Public Comment and Public Hearing Scheduled for Proposed Amendments to the Vermillion River Watershed Joint Powers Organization Rules
Mark Ryan informed the WPC that the Vermillion River Watershed Joint Powers Board (JPB) set a public hearing date at their December board meeting. The public hearing on February 27 will end the public comment period on the proposed amendments to the Rules. The Rules have been updated to reflect changes adopted in the Standards. Townships permitted through the VRWJPO follow the Rules when applying for permits and in times of penalties. Each section in the proposed amendments to the Rules references the Standards. If and/or when the Standards are modified in the future, the Rules will automatically be updated.

Commissioner Clanton asked if the townships and local building officials agreed with the Standards. Mark Zabel replied that several township officials were present at the meeting when the Standards were adopted and had no additional comments to what was brought up during the public comment period. The townships will have to educate their staff and building inspectors on the new requirements.

7. Updates
7a. Chairperson’s Report
Commissioner Henry asked each commissioner what their motivation is for being on the WPC. Below is a summary of each commissioner’s response.
- Commissioner Rydeen has an interest in land preservation and wanted a way to give back.
- Commissioner Borton is raising his family within the watershed, wants clean water, is a sportsman, and feels responsible to take care of the land and be a steward to water.
- Commissioner Clanton wants to be in touch with real issues and be a liaison for modern agriculture.
- Commissioner Miller saw the effects of development in her neighborhood, is concerned about quality of life and is interested in local action/activism after working in local politics
- Commissioner Henry grew up in the watershed and has seen many changes. He feels the need to educate.
- Commissioner Wotzka wants to be more involved in the community and wants to make changes locally.

Commissioner Clanton mused that land without housing developments on it should not necessarily be called “undeveloped land”. There are many ways to “develop” land (i.e. conservation practices) that could be in reference too.

Commissioner Miller asked if the WPC should serve in more of an advocacy role and be more present before the JPB. Mark Zabel mentioned the JPB’s desire for more interaction with the WPC. Commissioner Henry requested email reminders before each JPB meeting.

Commissioner Rydeen questioned why the VRWJPO has unspent funds from 2019, specifically regarding Capital Improvement Projects and SWCD Capital Improvement dollars. Mark Zabel replied that enough
funds are allocated for full coverage of all potential projects. There are also weather-related instances that may delay projects. Invoices also can come in during the duration of the project, which might straddle fiscal years.

Commissioner Clanton asked the SWCD if there was interest from the agricultural community for best management practices, but a lack of participation persists due to the cost the landowner would have to incur. Curt Coudron noted that there could have been up to two-dozen farmers that would have liked to participate in new conservation efforts in about the last year but that they might be waiting for financially more difficult times to pass. There may be others on top of who comes into the office. He noted that this is the challenge with voluntary conservation.

7b. Staff Updates
Mark Ryan gave an update on the East Lake carp project. In 2019, a fish tracking device was placed at the outlet to North Creek and additional fish tagging was completed. Carp were traveling to and from North Creek in 2019 but were not found going into upstream development ponds to the northeast. Staff is working with the City of Lakeville and having early discussions on a fish barrier to eliminate the connection to North Creek.

Commissioner Miller asked if the lake had viable fish population, other than carp and goldfish. Mark Ryan replied that it does and that the MN Department of Natural Resources has been debating options to have East Lake as part of their Fishing in the Neighborhood (FIN) program, which would introduce predatory fish, likely Northern Pike.

Mark Zabel asked the commissioners about recommending the removal of Commissioner Fortman from the WPC. Commissioner Fortman did not RSVP or attend any meetings in 2019.

8. Adjourn

Motion by Commissioner Miller, second by Commission Clanton, to adjourn the meeting at 4:47 p.m. The motion was unanimously approved.