Meeting Minutes

Vermillion River Watershed Joint Powers Board Meeting
Thursday, January 26, 2017, 1:00 p.m.
Dakota County Western Service Center, Apple Valley, Conference Room 334

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

Others in Attendance
Mark Zabel, VRWJPO Dakota County Administrator
Melissa Bokman, VRWJPO Scott County Co-administrator
Travis Thiel, VRWJPO Watershed Specialist
Helen Brosnahan, Dakota County Attorney’s Office
Mark Ryan, VRWJPO Watershed Engineer
Brian Watson, Dakota County Soil and Water Conservation District (SWCD)
Troy Kuphal, Scott County SWCD
Mac Cafferty, City of Lakeville
Nancy Sauber, Eureka Township Planning Commission Chair

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

2. Audience Comments on Items Not on the Agenda
There were none (comments were solicited after item 3a below).

3. Election of VRWJPB Officers for 2017 and Approval of Agenda

3a. Election of VRWJPB Officers for 2017

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. Motion by Commissioner Holberg to close nominations, seconded by Commissioner Wolf. Motion passed all aye. The VRWJPB cast a unanimous ballot to elect Commissioner Slavik as chair for 2017. Commissioner Slavik then assumed control of the meeting.

Motion by Commissioner Holberg to nominate Commissioner Wolf as vice chair of the VRWJPB, second by Commissioner Slavik. Commissioner Slavik called for any other nominations three times. There were none. Commissioner Slavik closed nominations. The VRWJPB cast a unanimous ballot to elect Commissioner Wolf as vice chair for 2017.
Motion by Commissioner Wolf to nominate Commissioner Holberg as secretary/treasurer of the VRWJPB, second by Commissioner Slavik. Commissioner Slavik called for any other nominations three times. There were none. Motion by Slavik to close nominations, second by Wolf. The VRWJPB cast a unanimous ballot to elect Commissioner Holberg as secretary/treasurer for 2017.

3b. Approval of Agenda

Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to approve the agenda for the January 26, 2017 meeting.

4. Approval of Minutes from the December 8, 2016, Meeting

Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous vote to approve the minutes of the December 8, 2016, meeting, as presented on January 26, 2017.

5. Approval of Expenses

Mark Zabel provided a description of expenses (which are not routine monthly items). The $3,000 invoice for Dakota County Water Resources is for the 2016 WHEP program; invoice from the Transportation Department for $114,390 payment in support of the Kings Park stormwater reuse/irrigation project; $78,500 of that is grant funding from BWSR; invoice from Friends of the Mississippi River for $8,000 for the Vermillion Stewards, invoice from Trout Unlimited for $4,993 for the work on the video shown at the December 8, 2016 meeting; invoice from Newman Traffic Signs is for stream crossing signs in City of Lakeville parks; and the invoice from Wenck is for work on the preliminary design for the South Creek stream restoration project and fish biomonitoring services. All other listed expenses are routine monthly expenses.

Res. No. VRW 17-01: Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a 3-0 roll call vote to approve the expenses totaling $251,180.45 occurring between November 29, 2016, and January 20, 2017, as submitted on January 26, 2016.

6. Acceptance of Treasurer’s Report

Mark Zabel provided an overview of the Treasurer’s Report. Commissioner Slavik asked whether the Expenses to date included any costs incurred in 2017 because of the use of “to date”, and Mark Zabel indicated that all balances are within budget and current report shows expenses occurring in 2016.

Res. No. VRW 17-02: Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a 3-0 roll call vote to accept the Treasurer’s Report as presented on January 26, 2017.

7. Business Items

7a. Reinstate Enforcement of the VRWJPO Watershed Rules for Those Portions of Eureka Township Located within the Vermillion River Watershed

Mark Zabel introduced the action and provided information on the history of standards and ordinance development as well as permitting within Eureka Township. At the request of the Board, Nancy Sauber, representing Eureka Township, spoke to the basis for the township to request reinstatement. Nancy Sauber indicated that the Eureka Planning Commission and Town Board view the permitting as a program requiring technical expertise that is not available within the Township, and that educating the township board and planning commission on stormwater requirements is challenging with frequent board member and planning commission member turnover, and that the VRWJPO has the technical knowledge to provide support to local permitting like Dakota County currently does with shoreland and floodplain issues. Nancy commented that when the township took control of enforcement, there were some residents and board members that were worried about timelines of review and thought that the township could manage the potential issues. Eureka Township does not have
concerns with the timelines now, people who apply for permits will need to be cognizant of the timeframes. The current Board feels that these issues would be much better managed by the VRWJPO and so took a resolution to turn back permitting. Commissioner Slavik asked if that was a unanimous vote. Nancy indicated that it was a unanimous vote of the members present, there was a recent resignation from the Town Board and so there is currently four members. Mark Zabel indicated that the Town Board had taken action by resolution at their January 9th meeting and noted that he had a signed copy of the resolution in hand and went on to read the resolution – “Now, therefore, be it resolved, that the Town Board of Eureka hereby transfers unto the Vermillion River Watershed Joint Powers Organization all powers and authority to issue permits; review and approve plans; and inspect properties for compliance as set forth in Sections 3.02, 5.02, 5.08A, 5.08U, 5.08V, 5.10F, 5.10J, 7.06C and 9.05 of Town Ordinance 9, Chapter 2 effective upon a resolution of the VRWJPO agreeing to accept said transfer.” Commissioner Slavik asked watershed staff that they be cognizant of the timelines once enforcement begins again and asked whether the staff time and materials were available to take this responsibility on. Mark Zabel indicated that the same process involving an escrow and an application to the VRWJPO prior to application for a township building permit would be involved. The permit would be brought to the VRWJPB for approval before being issued and so there is the possibility of a delay due to timing of permit application and processing and getting permit approval. In the initial experience of the VRWJPO permitting there was an issue that occurred due to the Town Board approving a permit conditioned upon the approval of the VRWJPO which then led to the applicant moving forward with the project before final approval. The VRWJPO then required that no permits be issued conditionally and that all applications must go to the VRWJPO first before building permits can be issued through the Town Board. We would apply the same process now. Travis Thiel indicated that staff time was not a large issue, but that the VRWJPO needs to update the Watershed Rules in concert with the Standards of the current Watershed Management Plan, which will take time. Mark Zabel stated that the existing Rules as adopted would be enforced until such time as new rules are complete and adopted by the VRWJPB. Travis Thiel then noted that the time and cost of updating rules for enforcement in one township does put a noticeable cost on the watershed. Commissioner Holberg asked if there were any permitted properties being inherited by the VRWJPO for enforcement. Nancy Sauber indicated that the accessory buildings at Joey Miller’s property have been permitted by the town and would be enforced by the town through building inspections. Travis asked if the Township would be dealing with any aspects of this property’s permitting. Nancy indicated that the Township’s building inspector would be doing inspections on construction at this site. Mark Zabel indicated that with the adoption of the VRWJPB resolution the Township would be closing out their existing permits while the VRWJPO would be picking up any new permits. Commissioner Slavik indicated his desire to discuss enforcement further, but that it may be premature pending the review and evaluation of local compliance efforts led by Mark Ryan and Mark Zabel. It was noted by Mark Zabel that the decision on administration of permitting can be delegated to staff through the Board if the Board so desires. The purpose of delegation of administration would be to remove the need for Board approval of permits. Commissioner Slavik stated a desire to have a greater discussion on the subject at the Strategic Plan Session in 2017 and after more information has been collected through the compliance review process.

Res. No. VRW 17-03; Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous vote to Reinstate Enforcement of the VRWJPO Watershed Rules for Those Portions of Eureka Township Located within the Vermillion River Watershed.

WHEREAS, on November 3, 2005, the Vermillion River Watershed Joint Powers Organization (VRWJPO) adopted the VRWJPO Watershed Plan as required by Minn. Stat. § 103B.231; and

WHEREAS, within two years following the adoption of the VRWJPO Watershed Plan, all local government units (LGUs) located within the Vermillion River Watershed were required to prepare a local water management plan (LWMP), capital improvement program, and official controls as necessary to bring local water management into conformance with the VRWJPO Watershed Plan as required by Minn. Stat. § 103B.235; and

WHEREAS, Eureka Township at its January 9th, 2017 meeting resolved to abandon application of its local controls implementing the VRWJPO Standards; and
WHEREAS, pursuant to Minn. Stat. § 103B.211, the VRWJPO has the authority of a watershed district under Minn. Stat. 103D to regulate the use and development of land that is located in Eureka Township and located within the Vermillion River Watershed; and

WHEREAS, in accordance with that authority, the VRWJPO adopted the VRWJPO Watershed Rules in the event it became necessary to exercise its authority in a LGU that failed to adopt a LWMP or failed to adopt the implementation program described in the plan.

NOW, THEREFORE, BE IT RESOLVED, That the Vermillion River Watershed Joint Powers Board (VRWJPB) finds that Eureka Township has rescinded its authority to implement its approved LWMP in accordance with Minn. Stat. § 103B.235; and

BE IT FURTHER RESOLVED, That due to Eureka Township’s action to rescind its authority to implement its approved LWMP, the VRWJPO hereby commences the enforcement of the VRWJPO Watershed Rules for those portions of Eureka Township located within the Vermillion River Watershed, effective immediately and continuing until such time as Eureka Township implements its LWMP in accordance with Minn. Stat. §103B.235.

7b. Authorization to Execute a Joint Powers Agreement (JPA) with Dakota County SWCD (Soil and Water Conservation District)

Mark Zabel provided an overview of the annual agreement with Dakota SWCD. Brian Watson provided further detail on the types of services provided under the agreement, including monitoring and capital improvement projects, and which budget items were adjusted from 2016 to 2017. The total proposed budget of $265,450 is a decrease from the $281,200 JPA budget from 2016.

Res. No. VRW 17-04; Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a 3-0 roll call vote to authorize the chair to execute a joint powers agreement (JPA) with Dakota County SWCD (Soil and Water Conservation District)

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 2017; and

WHEREAS, the tasks included in the Dakota County SWCD proposed work plan and budget are each included as line items in the VRWJPO 2017 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 $265,450 as presented to the VRWJPB at its meeting on January 26, 2017; subject to approval by the Dakota County Attorney’s Office as to form.

7c. Authorization to Execute a JPA with Scott County SWCD for Services in 2017

Mark Zabel introduced Troy Kuphal of Scott SWCD who gave a summary of the proposed budget and services of the agreement. The total proposed cost of the services under agreement is $70,750, which is higher than the 2016 total of $30,750. Last year’s budget was the end of multiple years of reductions to the budget, and the proposed 2017 budget is mostly driven by up to $53,400 of available money to cost share conservation projects in the Scott County portion of the watershed. There is also $5,000 of placeholder budget to cover bacterial sampling under a future work plan to address the high fecal coliform levels measured in the upstream portion of the watershed in
recent years. Mark Zabel noted that part of the reason for the increase in the Capital Improvement Projects budget is a result of last year’s subwatershed assessment process and the identification of potential projects and practices that now may be implemented.

*Res. No. 17-05: Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a 3-0 roll call vote to authorize the chair to execute a JPA with Scott County SWCD for services in 2017 in the amount of $70,750.*

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 2017; and

WHEREAS, the tasks in the Scott SWCD proposed work plan and budget are each included as line items in the VRWJPO 2017 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 $70,750 as presented to the VRWJPB at its meeting on January 26, 2017; subject to approval by the Dakota County Attorney’s Office as to form.

7d. Reappointments of Mark Henry and Chuck Clanton to the Vermillion River Watershed Planning Commission (WPC)

Mark Zabel introduced the resolution. A short discussion on whether WPC member Jim Guttman would continue his position after joining the Dakota Planning Commission, the departure of WPC member John Glynn after moving out of the watershed, and the Scott County member vacancy followed.

*Res. No. 17-06: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to reappoint Mark Henry and Chuck Clanton to the Vermillion River Watershed Planning Commission (WPC).*

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

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

WHEREAS, a WPC member is eligible to complete two consecutive three-year terms; and

WHEREAS, Mark Henry and Chuck Clanton have expressed their desire to be reappointed; and

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

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB hereby appoints Mark Henry and Chuck Clanton to the Vermillion River Watershed Planning Commission, with terms ending December 31, 2019; and

BE IT FURTHER RESOLVED, that VRWJPO staff will continue recruiting efforts for WPC vacancies.
7e. Authorization to Execute a Joint Powers Agreement with the City of Lakeville to Cost Share Phase 2 of the 205th St. Channel Stabilization Project

Travis Thiel introduced the project with a brief description of the location and pollutant reduction estimates. He discussed the proposed schedule for construction in February. Commissioner Slavik asked if the VRWJPO had supported the first phase of the channel stabilization, to which Travis Thiel responded that the VRWJPO did. Mac Cafferty, City of Lakeville, reiterated the importance of the partnership between the City and VRWJPO in getting projects completed and stated his appreciation for the support.

Res. No. 17-07: Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous vote to authorize the chair to execute a Joint Powers Agreement with the City of Lakeville to Cost Share Phase 2 of the 205th St. Channel Stabilization Project.

WHEREAS, the City of Lakeville is planning to stabilize over 1,000 feet of a stormwater channel near 205th St. in early 2017; and

WHEREAS, the channel is severely eroded and is contributing sediment and nutrients to Lake Marion; and

WHEREAS, the Vermillion River Watershed Joint Powers Organization (VRWJPO) provided cost share to the City of Lakeville in 2009 for a first phase of channel stabilization, which included stabilizing approximately 600 feet of channel; and

WHEREAS, staff has been working with city staff to identify the most feasible and cost effective way to stabilize the eroding channel that provides adequate accessibility and minimal disruption to nearby residents; and

WHEREAS, stabilizing the channel will directly result in pollutant reductions that will aid in protecting Lake Marion from impairment; and

WHEREAS, strategies were identified within the Vermillion Watershed Restoration and Protection Strategy (WRAPS) to protect Lake Marion from impairment; and

WHEREAS, stabilizing the channel directly aligns with the strategies identified in the WRAPS; and

WHEREAS, the proposed project was advertised for bid on December 23, 2016, and the bid of $197,860 was awarded; and

WHEREAS, the City of Lakeville is requesting cost share in an amount of $100,000 from the VRWJPO for the project; and

WHEREAS, the Vermillion River Watershed Joint Powers Board (VRWJPB) included $100,000 in the VRWJPO 2017 Budget for the channel stabilization project.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB authorizes the execution of a Joint Powers Agreement with the City of Lakeville in an amount not to exceed $100,000 from the Capital Improvement Project category in the VRWJPO 2017 Budget for Phase 2 of the 205th St. Channel Stabilization Project; subject to approval as to form by the Dakota County Attorney’s Office.

7f. Authorization to Execute a Grant Agreement with the Minnesota Board of Water and Soil Resources (BWSR) for the South Creek Stormwater Hydrodynamic Separator in Lakeville

Travis Thiel introduced the project with a brief description of the location, the proposed treatment technology (hydrodynamic separator), and pollutant reduction estimates.
Res. No. 17-08: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to authorize the chair to execute a Grant Agreement with the Minnesota Board of Water and Soil Resources (BWSR) for the South Creek Stormwater Hydrodynamic Separator in Lakeville.

WHEREAS, the Vermillion River Watershed Joint Powers Organization (VRWJPO) applied for a Clean Water Fund grant from the Board of Water and Soil Resources (BWSR) in 2016 to fund the installation of a stormwater hydrodynamic separator in the City of Lakeville; and

WHEREAS, the BWSR notified the VRWJPO in December 2016 that it had been awarded $116,000 toward implementing the project; and

WHEREAS, the City and the VRWJPO have been working collaboratively using a subwatershed assessment to identify the most cost-effective stormwater treatment practice for the AirLake Industrial Park and downtown Lakeville areas; and

WHEREAS, a hydrodynamic separator at this location was identified as one of the highest priority projects; and

WHEREAS, the hydrodynamic separator should annually reduce an average of 7,200 lbs. of sediment and 28 lbs. of phosphorus; and

WHEREAS, the VRWJPO will provide $50,000 and the City will provide $50,000 as match toward the grant’s required 25 percent local match; the City will provide project construction oversight and administration and long-term maintenance of the stormwater reuse system; and

WHEREAS, the Vermillion River Watershed Joint Powers Board (VRWJPB) allocated $50,000 for the South Creek Hydrodynamic Separator within the VRWJPO 2017 Budget.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB authorizes the chair to execute a Grant Agreement with the BWSR for the South Creek Stormwater Hydrodynamic Separator in an amount not to exceed $116,000; subject to approval by the Dakota County Attorney as to form.

7g. Authorization to Execute a Grant Agreement with the Minnesota Board of Water and Soil Resources (BWSR) for the South Creek Temperature Reduction Project in Lakeville

Travis Thiel introduced the project with a brief description of the location and goals.

Res. No. 17-09: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to authorize the chair to execute a Grant Agreement with the Minnesota Board of Water and Soil Resources (BWSR) for the South Creek Temperature Reduction Project in Lakeville.

WHEREAS, the Vermillion River Watershed Joint Powers Organization (VRWJPO) applied for a Clean Water Fund grant from the Board of Water and Soil Resources (BWSR) in 2016 to fund the construction of a temperature reduction project on South Creek in the City of Lakeville; and

WHEREAS, the BWSR notified the VRWJPO in December 2016 that it had been awarded $194,800 toward implementing the project; and

WHEREAS, the City and the VRWJPO have been working collaboratively to identify the most cost-effective temperature reduction practice for a reach of South Creek; and

WHEREAS, South Creek flows through a stormwater pond, which adds significantly warmer, and potentially sediment laden water, to South Creek; and
WHEREAS, a reinforced berm to separate South Creek from the pond was found to be the most cost-effective practice; and

WHEREAS, separating South Creek from the stormwater pond should reduce summer water temperatures in this reach of South Creek an average of 11° Celsius, but up to a maximum of 17° Celsius, and should also reduce the amount of sediment delivered to South Creek by the stormwater pond; and

WHEREAS, the VRWJPO will provide $50,000 and the City will provide $50,000 as match toward the grant’s required 25 percent local match; the City will provide project construction oversight and administration and long-term maintenance of the project; and

WHEREAS, the Vermillion River Watershed Joint Powers Board (VRWJPB) allocated $50,000 for the South Creek/Golden Pond Restoration within the VRWJPO 2017 Budget.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB authorizes the chair to execute a Grant Agreement with the BWSR for the South Creek Temperature Reduction Project in an amount not to exceed $194,800; subject to approval by the Dakota County Attorney as to form.

7h. Authorization to Execute a Grant Agreement with the Minnesota Board of Water and Soil Resources (BWSR) for the South Branch Nitrate Treatment Project in Castle Rock Township
Mark Ryan introduced the project with a brief description of the location, collaboration with Dakota County Transportation, and treatment measures. Commissioner Slavik noted that downstream residents are excited for a project that has the potential to help with nitrate issues.

Res. No. 17-10: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to authorize the chair to execute a Grant Agreement with the Minnesota Board of Water and Soil Resources (BWSR) for the South Branch Nitrate Treatment Project in Castle Rock Township.

WHEREAS, the Vermillion River Watershed Joint Powers Organization (VRWJPO) applied for a Clean Water Fund grant from the Board of Water and Soil Resources (BWSR) in 2016 to fund the construction of a nitrate treatment project on a tributary to the South Branch Vermillion River in Castle Rock Township; and

WHEREAS, the BWSR notified the VRWJPO in December 2016 that it had been awarded $412,200 toward implementing the project; and

WHEREAS, Dakota County and the VRWJPO have been working collaboratively to identify the most cost-effective nitrate treatment project that could be implemented as part of the reconstruction of County Road 78, which is directly adjacent to the tributary to the South Branch Vermillion River; and

WHEREAS, the South Branch Vermillion River subwatershed is the highest source of nitrate in the Vermillion River Watershed, and a primary source of nitrate in drinking water supplies in the eastern portion of the Watershed; and

WHEREAS, a constructed woodchip-enhanced wetland was found to be the most cost-effective practice to reduce nitrate from the tributary; and

WHEREAS, the constructed wetland should annually reduce 13,600 lbs. of nitrate and 15,200 lbs. of sediment from the South Branch Vermillion River subwatershed; and

WHEREAS, the VRWJPO will provide $50,000 and Dakota County will provide $78,000 as match toward the grant’s required 25 percent local match; the County and VRWJPO has provided engineering, and will provide project construction oversight and administration of the project. Dakota County will provide long-term maintenance of the project with the assistance of the VRWJPO; and
WHEREAS, the Vermillion River Watershed Joint Powers Board (VRWJPB) allocated $50,000 for the County Road 78 Nitrate Reduction Practice within the VRWJPO 2017 Budget.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB authorizes the chair to execute a Grant Agreement with the BWSR for the South Branch Nitrate Treatment Project in an amount not to exceed $412,200; subject to approval by the Dakota County Attorney as to form.

7i. Authorization to Execute a Grant Agreement with the Minnesota Board of Water and Soil Resources (BWSR) for the Phosphorus Treatment Enhancements Project at County Road 50 in Lakeville

Mark Ryan introduced the project with a brief description of the location, collaboration with Dakota County Transportation, and treatment measures. Commissioners Slavik and Holberg asked clarifying questions about the exact location along the road of the practices and the drainage area.

Res. No. 17-11: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to authorize the chair to execute a Grant Agreement with the Minnesota Board of Water and Soil Resources (BWSR) for the Phosphorus Treatment Enhancements Project at County Road 50 in Lakeville.

WHEREAS, the Vermillion River Watershed Joint Powers Organization (VRWJPO) applied for a Clean Water Fund grant from the Board of Water and Soil Resources (BWSR) in 2016 to fund the construction of a stormwater treatment project to reduce phosphorus discharged to Lake Marion in Lakeville as part of the County Road 50 reconstruction project; and

WHEREAS, the BWSR notified the VRWJPO in December 2016 that it had been awarded $127,500 toward implementing the project; and

WHEREAS, Dakota County and the VRWJPO have been working collaboratively to identify a cost-effective phosphorus reduction stormwater practice that could be integrated into the reconstruction of County Road 50; and

WHEREAS, Lake Marion is not an impaired water, but is near the water quality standard and has been identified in the Vermillion River Watershed Restoration and Protection Strategy (WRAPS) as a water resource to be protected from impairment by reducing phosphorus discharged to the lake; and

WHEREAS, a bioretention and iron-enhanced sand filter will be constructed to reduce the amount of phosphorus in the stormwater from a portion of the road and a 28-acre neighborhood; and

WHEREAS, the bioretention and iron-enhanced sand filter should annually reduce 19.7 lbs. of phosphorus, 4,200 lbs. of sediment, and 7.2 acre-feet of water volume from reaching Lake Marion; and

WHEREAS, the VRWJPO will provide $30,000 and the City of Lakeville will provide $5,000 as local match. Dakota County is contributing engineering services. Dakota County and the VRWJPO will provide project construction oversight and administration. The City of Lakeville will provide the long-term maintenance of the project; and

WHEREAS, the Vermillion River Watershed Joint Powers Board (VRWJPB) allocated $30,000 for the County Road 50 Lake Marion Protection Stormwater Improvements within the VRWJPO 2017 Budget.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB authorizes the chair to execute a Grant Agreement with the BWSR for the Phosphorus Treatment Enhancements Project at County Road 50 in an amount not to exceed $127,500; subject to approval by the Dakota County Attorney as to form.

7j. Authorization to Execute a Grant Agreement with the Minnesota Board of Water and Soil Resources (BWSR) for Alimagnet Lake Stormwater Improvement Projects
Travis Thiel provided a revised version of the request for board action to reflect the actual amount of the grant dollars to be contributed by BWSR after discussions with staff and clarified the reasons for the change.

Res. No. 17-12; Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to authorize the chair to execute a Grant Agreement with the Minnesota Board of Water and Soil Resources (BWSR) for Alimagnet Lake Stormwater Improvement Projects.

WHEREAS, the Vermillion River Watershed Joint Powers Organization (VRWJPO) applied for a Clean Water Fund grant from the Board of Water and Soil Resources (BWSR) in 2016 to fund the construction of two stormwater treatment projects to reduce phosphorus discharged to Alimagnet Lake in Burnsville; and

WHEREAS, the BWSR notified the VRWJPO in December 2016 that it had been awarded $216,450 toward implementing the project; and

WHEREAS, the City of Burnsville and the VRWJPO have been working collaboratively to identify cost-effective phosphorus reduction stormwater practices that drain to Alimagnet Lake; and

WHEREAS, Alimagnet Lake is a nutrient-impaired water (phosphorus) and strategies to reduce phosphorus loads have been identified in the Vermillion River Watershed Restoration and Protection Strategy (WRAPS); and

WHEREAS, the VRWJPO conducted a subwatershed assessment for the area draining the Alimagnet Lake to identify the most cost-effective practices to implement; and

WHEREAS, two iron-enhanced sand filter benches were identified in the subwatershed assessment as very high ranking projects for implementation on regional stormwater ponds LA2-A and LA3-A; and

WHEREAS, the iron-enhanced sand filter bench on pond LA2-A is estimated to annually reduce 16.1 lbs. of phosphorus, and the iron-enhanced sand filter bench on pond LA3-A is estimated to annually reduce 12.7 lbs. of phosphorus, cumulatively reducing phosphorus by 28.8 lbs; and

WHEREAS, the VRWJPO will provide $75,000 and the City of Burnsville will provide $125,000 as local match. City of Burnsville and VRWJPO staff will provide project construction oversight, administration, alum treatments on ponds LA2-A and LA3-A, and the City will provide the long-term maintenance of the project; and

WHEREAS, the Vermillion River Watershed Joint Powers Board (VRWJPB) allocated $75,000 for the Alimagnet Lake Stormwater Improvement Projects within the VRWJPO 2017 Budget.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB authorizes the chair to execute a Grant Agreement with the BWSR for the Alimagnet Lake Stormwater Improvement Projects in an amount not to exceed $216,450; subject to approval by the Dakota County Attorney as to form.

8. Staff Reports
   a. Travis Thiel updated the VRWJPO on the status and close out of the King Park stormwater reuse project in Lakeville. The project utilized about 99% of the grant funds awarded, and both the City of Lakeville and VRWJPO came in under budget on their contributions to the project.
   b. Travis Thiel noted that the Trout Unlimited video shared at the December 8, 2016 meeting has been posted to Youtube for public viewing and is searchable by keywords.
   c. Travis Thiel provided a little more detail on the 205th channel stabilization project, noting that the JPA will be approved by the City of Lakeville at a February 6, 2017 council meeting and that the project should get underway later in February.
   d. Travis Thiel introduced the challenges that Dakota County has had in working with the local school board in Lakeville to site proposed stormwater practices along County Road 50 and that WPC member Jim Guttmann has reached out to the City and School Board on the issue. Commissioner
Holberg indicated that the option was not off the table for the School Board based on her understanding of the situation, and that a meeting to discuss the issue that was scheduled for the previous evening (January 24th) had been cancelled. Mark Ryan explained the concern that Dakota County would look at utilizing the area proposed for the grant project to meet standards for the County Road 50 project, thereby removing the grant project (because it could not be used to meet standards). Mark Ryan then explained that Dakota County is also exploring new alternatives for stormwater treatment to avoid changes to or loss of the grant project. Commissioner Holberg reiterated that she is available as a resource in researching or assisting on the matter if needed.

e. Mark Ryan provided an update on the Minnesota Zoo Rainwater Harvesting Project and the collaboration with Minnesota Zoo staff. The goal presented for issuance of an RFP is February, and Mark Ryan described the likely project schedule with construction starting in September after the busy season at the zoo. Commissioners Slavik and Holberg noted that they have a “good for business” meeting with the Minnesota Zoo on February 10th, and requested that an update email be sent to Dakota County Administration detailing the project and status.

f. Mark Ryan briefly described recent meetings of VRWJPO staff on potential future projects in the South Creek subwatershed assessment area of Lakeville. This included a short discussion on the Buddy’s Kitchen building including a recent meeting with that owner and the City of Lakeville that could lead to a stream remeander or other project on South Creek and a meeting with Dakota Community Development Agency (CDA) to discuss potential projects at a CDA building in downtown Lakeville.

g. Mark Zabel updated the VRWJPO on the current comment period for the Tiered Aquatic Life Use (TALU) standards proposed in Minnesota, provided a description on the standards, and indicated that the VRWJPO would issue comments via a letter to the Minnesota Pollution Control Agency.

h. Mark Zabel brought up the idea of a postcard campaign to fill the Scott County WPC vacancy. Commissioner Slavik asked staff whether there was a specific reason why there were no volunteers. Melissa Bokman and Troy Kuphal indicated that most people that they have contacted simply did not think they could handle the commitment. Commissioner Slavik wondered whether a later meeting time or a better per diem might be warranted to help find a commissioner. Commissioner Wolf and Melissa Bokman brought up the potential of using the City of Elko-New Market website, although staff noted that effort has been made in the past. Commissioner Slavik indicated his success with using Facebook/social media pages in finding citizen advisors and proposed using the City of Elko-New Market pages. Tom Terry, City Administrator for Elko-New Market, was thought to be the best contact for these options. Mark Zabel indicated that staff would try the city options for a few months before embarking on the postcard campaign.
9. Adjourn

Motion by Commissioner Wolf, Second by Commissioner Slavik, and passed on a 3-0 voice vote to adjourn the meeting at 2:00 p.m.

Next Meeting Date: February 23, 2017 – Western Service Center, Room 334 at 1:00 p.m.

Respectfully submitted:
Mark Ryan
Vermillion River Watershed Joint Powers Organization

Mark Zabel
Administrator for the Vermillion River Watershed Joint Powers Organization

Attest

[Signature]
Commissioner Mary Liz Holberg

[Signature]
Secretary/Treasurer

[Signature]
Date

2-23-17