Meeting Minutes
Vermillion River Watershed Joint Powers Board Meeting
March 23, 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
Travis Thiel, VRWJPO Watershed Specialist
Helen Brosnahan, Dakota County Attorney’s Office
Mark Ryan, VRWJPO Watershed Engineer
Paula Liepold, VRWJPO Water Resources Educator
Brian Watson, Dakota County Soil and Water Conservation District (SWCD)

1. Call to Order
Meeting was called to order by the Board Chair at 1:04 p.m. All Board members were in attendance.

2. Audience Comments on Items Not on the Agenda
There were none.

3. Approval of Agenda

Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous vote to approve the agenda for the March 23, 2017 meeting.

4. Approval of Minutes from the February 23, 2017, Meeting

Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to approve the minutes of the February 23, 2017, meeting, as presented on February 23, 2017.

5. Approval of Expenses
Mark Zabel provided a description of expenses (which are not routine monthly items). The Minnesota Department of Natural Resources invoice for $4,750 is for gaging assistance. An invoice for Hamline U Metro Watershed Partners is the annual contribution for outreach. The invoice ($2,840) from Jane Beattie Consulting represents design work on interpretive signage for four watershed projects. The $7,102.53 invoice from Wenck is for 2016 fish biomonitoring services and primarily completion of the annual report. Finally, the City of Rosemount invoice ($63,200) is for payment on the project in Rosemount. Commissioner Wolf asked whether the VRWJPO would be
receiving a report for the fish monitoring work by Wenck. Mark Zabel and Travis Thiel indicated that the report was being drafted and that the annual contract terminates at the end of March to allow for completion of this report. All other listed expenses are routine monthly expenses.

**Res. No. VRW 17-20: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a 3-0 roll call vote to approve the expenses totaling $111,200.84 occurring between February 17th and March 15th, 2017, as submitted on March 23, 2016.**

6. **Acceptance of Treasurer’s Report**

Mark Zabel provided an overview of the Treasurer’s Report. A brief discussion on closeout of 2016 expenses followed. Mark Zabel indicated that he will request the annual budget report and provided a revised 2017 budget including carry-over at the next VRWJPB meeting.

**Res. No. VRW 17-21: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a 3-0 roll call vote to accept the Treasurer’s Report as presented on March 23, 2017.**

7. **Business Items**

7a. **Presentation by Dakota SWCD on proposed “other watercourses” as required by 2016 Minnesota Buffer Law**

Brian Watson of Dakota County SWCD provided an overview of the Minnesota Buffer and Soil Loss Law components including implementation dates, proposed buffer extents, and an update on legislation. He discussed details about the requirement for SWCDs to create a map depicting “other watercourses” per the State Law. Within the Vermillion River Watershed, the SWCD believes that the “Map 1” from the VRWJPO Watershed Plan adequately selects “other watercourses” within the local buffer rule for subdivision creation and property development. On this map, the “other watercourses” are shown by the “Tributary Connectors” and “Water Quality Corridors.” All of the other classifications on this VRWJPO map are subject to the primary components of the State Law.

This presentation functions as SWCD meeting their directive to “consult with” all local Water Management Organizations about the “other watercourses.” Within the discussion that followed, the commissioners asked why the State had included this action in the law if no actions result from it. Brian Watson and VRWJPO staff related that none knew for sure but that the SWCD must complete per the State Law. Brian Watson expressed some theories that putting these areas of flow on a map could bring grant funding and that it may be intended to address the soil loss component of the State Law. Commissioner Wolf asked specifically about the purple line on the map in New Market Township in Scott County, which VRWJPO staff believes to be a public ditch that will require a one rod buffer (on each side) per the State Law. Brian Watson also discussed timeframes, deadlines, compliance, and enforcement.

This item was an informational item only.

7b. **Authorization to Execute a Joint Powers Agreement with the City of Lakeville and Dakota County for the Phosphorus Treatment Enhancements at County Road 50 Project**

Mark Ryan provided a short reminder of the project location and purpose, as the project has been discussed with the Board in previous meetings. Mark explained the funds provided within the agreement including VRWJPO match and pass-through Clean Water Fund (CWF) grant money.

**Res. No. 17-22: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to execute a Joint Powers Agreement with the City of Lakeville and Dakota County for the Phosphorus Treatment Enhancements at County Road 50 Project.**
WHEREAS, the VRWJPO identified Lake Marion as a water resource requiring protection strategies for phosphorus in the Vermillion River Watershed Restoration and Protection Strategy (WRAPS); and

WHEREAS, the VRWJPO, the County, and the City identified County Road 50 and untreated stormwater runoff upstream of the road as areas draining to Lake Marion that could benefit from additional phosphorus treatment; and

WHEREAS, the VRWJPO, the County, and the City have designed a treatment basin incorporating bioretention and an iron-enhanced sand filter as part of the County Road 50 reconstruction project to treat stormwater to reduce phosphorus and sediment in the stormwater runoff to Lake Marion; and

WHEREAS, preliminary design included an estimate of $162,500 to construct the proposed treatment basin; and

WHEREAS, pollutant reduction modeling indicates that the project has the potential to reduce 19.7 pounds of phosphorus and 4,258 pounds of sediment from entering Lake Marion annually; and

WHEREAS, the VRWJPO applied to the Minnesota Board of Water and Soil Resources (BWSR) for a Clean Water Fund grant for $127,500, which requires a local match of 25% of the total grant request; and

WHEREAS, the grant consists of $2,500 for VRWJPO staff to perform grant administration and coordination and $125,000 for a portion of project construction; and

WHEREAS, the VRWJPO allocated $30,000 as grant match within its 2017 Budget for the project and the City will provide additional $5,000 of local grant match; and

WHEREAS, Dakota County is requesting the grant funding for construction ($125,000) and up to an additional $30,000 in funding from the VRWJPO.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB authorizes its chair to execute a Joint Powers Agreement with the Dakota County and the City of Lakeville in an amount not to exceed $155,000 for Phosphorus Treatment Enhancements at County Road 50 Project; subject to approval as to form by the Dakota County Attorney’s Office.

7c. Authorization to Execute a Joint Powers Agreement with Dakota County for the Dakota County Transportation Department’s 78-06 Project/South Branch Nitrate Reduction Project

Travis Thiel provided a brief overview of another of the CWF grant projects, describing its location and purpose and explaining the funding within the agreement.

Res. No. 17-23: 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 Dakota County for the Dakota County Transportation Department’s 78-06 Project/South Branch Nitrate Reduction Project.

WHEREAS, the Vermillion River Watershed Joint Powers Organization (VRWJPO) and Dakota County have been working to identify ways to reduce the nitrate load in the South Branch Vermillion River subwatershed as a result of the Vermillion River Watershed Restoration and Protection Strategy (WRAPS) and other Dakota County Environmental Resources Department efforts; and

WHEREAS, the land use practices in the South Branch Vermillion River subwatershed are a source of high nitrate loads that contribute to nitrate drinking water contamination in the eastern portion of the watershed; and

WHEREAS, Dakota County’s Transportation Department is going to be reconstructing a portion of County Highway 78 in Castle Rock and Eureka Townships in 2017; and
WHEREAS, the portion being reconstructed is within the South Branch Vermillion River subwatershed, and opportunity exists to integrate a nitrate reduction project within the reconstruction project; and

WHEREAS, VRWJPO staff worked with Dakota County Transportation Department staff to identify and design a pre-treatment basin and constructed wetland adjacent to County Highway 78; and

WHEREAS, the engineering and construction of the pre-treatment basin and constructed wetland are estimated to cost $500,250 and will annually reduce nitrate in the South Branch Vermillion River by 13,600 lbs./year and sediment by 7.6 tons/year; and

WHEREAS, the VRWJPO applied to the Minnesota Board of Water and Soil Resources (BWSR) for a $412,200 Clean Water Fund grant and was awarded grant funding, which requires a local match of 25% of the grant amount; and

WHEREAS, the grant will pay the VRWJPO $15,000 for grant administration and project coordination, $17,200 for the project’s engineering and associated activities, and $380,000 for a portion of the project’s construction; and

WHEREAS, the VRWJPO allocated $50,000 in its 2017 Budget and the Dakota County Environmental Resources Department allocated $78,000 in its 2017 Capital Improvement Program; and

WHEREAS, Dakota County is requesting grant funding for the engineering ($8,000) and construction ($380,000) and up to an additional $50,000 in funding from the VRWJPO.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB authorizes its chair to execute a Joint Powers Agreement with Dakota County in an amount not to exceed $438,000 for the Dakota County Transportation Department’s 78-06 Project/South Branch Nitrate Reduction Project; subject to approval as to form by the Dakota County Attorney’s Office.

8. Staff Reports
   a. Travis Thiel provided information on a recent meeting with the Minnesota Pollution Control Agency (MPCA) regarding Cycle II of their intensive watershed monitoring program. The first cycle was aimed at filling data gaps in preparation of the Watershed Restoration and Protection Strategies (WRAPS) document. As a result, the MPCA is soliciting feedback from the VRWJPO and its partners to best utilize data collection efforts in this new cycle.
   b. Paula Liepold updated the VRWJPB on upcoming training held at Dakota County on which the VRWJPO is a partner. This includes the Turfgrass Maintenance training and Smart Salting Level II training, and both sessions are one person away from being completely full. Paula also asked for the Commissioners’ opinion on dates for the strategic planning meeting and watershed tour. Tentatively set a strategic planning meeting for June 2. Commissioners Slavik and Wolf asked whether a tour would be needed or whether a biannual schedule will be followed, but agreed that September 29, 2017, be set as a placeholder date for the tour.
   c. Mark Ryan updated the VRWJPB on recent meetings and project developments. First, Mark Ryan explained that the request for proposals (RFP) for design and construction of the stormwater reuse system at the Minnesota Zoo Tropics Building had been issued by Minnesota Zoo staff and that he would attend the pre-proposal meeting on March 24th. Second, Mark attended the township officers meeting on Saturday with Commissioner Slavik and Mark Zabel and presented an update on the Standards Evaluation program to township officers present. Lastly, Mark updated the VRWJPB on a meeting from earlier in the day with the City of Farmington to discuss stream projects and meet the new City Engineer/Public Works Director for the City, Katy Gehler.
   d. Mark Zabel updated the VRWJPB on recent developments related to bacteria testing and standards. Melissa Bokmon has indicated to Mark that Scott County is making progress on learning right of entry methods used by others (Carver County) in investigating high bacteria levels possibly related to septic systems. In addition, the dairy operation in the area of measured high bacteria has sadly lost its herd to a barn fire and may no longer be a possible source in the area. Mark Zabel also provided an
update on a recent meeting on the bacteria standard that he attended that primarily focused on the ability of e-coli to reproduce in nature (and not in a digestive track) and the broader regulatory repercussions on the validity of e-coli as an indicator organism. Mark Zabel also noted he will be presenting at a forum sponsored by Conservation Minnesota in Eagan on May 6th.

e. The Commissioners noted that Commissioner Slavik and Commissioner Holberg will attend an Emergency Management training at Camp Ripley on the day of the April VRWJPB meeting (April 27th). After a lengthy discussion on possible alternatives, the VRWJPB proposed that the meeting stay as scheduled and that it be cancelled if no urgent business needs are identified prior to the date. If a meeting is needed, Commissioner Wolf and alternate Commissioner Gerlach can attend.

Adjourn

Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a 3-0 voice vote to adjourn the meeting at 1:55 p.m.

Next Meeting Date: April 27, 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

5-25-17
Date