Meeting Minutes
Vermillion River Watershed Joint Powers Board Meeting
June 22, 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
Helen Brosnahan, Dakota County Attorney’s Office
Travis Thiel, VRWJPO Watershed Specialist
Mark Ryan, VRWJPO Watershed Engineer
Jen Dullum, VRWJPO Education and Outreach Specialist

1. Call to Order
Meeting was called to order by the Board Chair at 1:02 p.m. All Board members were in attendance.

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

3. Approval of Agenda
Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to approve the agenda for the June 22, 2017 meeting.

4. Approval of Minutes from the May 25, 2017 Meeting
Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous vote to approve the minutes of the May 25, 2017, meeting, as presented on June 22, 2017.

5. Approval of Expenses
Mark Zabel described the expenses. The $2,840 invoice from Jean Beattie Consulting is for design work on four interpretive signs to be placed at various completed projects throughout the watershed. The P-Card for Menards for $51.72 was for supplies for live staking at the Middle Creek Remeander. The $200 P-Card expense for MPARS is for DNR fees for the Rambling River Park and Blair property projects. The other three expenditures are routine.

Res. No. VRW 17-29: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a 3-0 roll call vote to approve the expenses totaling $33,727.77 that occurred between May 18, 2017, and June 14, 2017, as submitted on June 22, 2017.
6. Acceptance of Treasurer’s Report
Mark Zabel provided an overview of the Treasurer’s Report. Changes reflect revenues as well as expenditures from grants; the totals show the entire budget according to the revised budget that was adopted on May 25, 2017 (Res. No. VRW 17-26). All expenses to date and expenses pending are within the budgeted amounts.

Res. No. VRW 17-30: 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 June 22, 2017.

7. Business Items

7a. Authorization to execute a contract with Sunram Construction, Inc. for the South Creek Stream Habitat Restoration Project
Travis Thiel proposed authorization to award a contract to Sunram Construction, Inc. for stream habitat restoration in South Creek. The bid was favorable and about $30,000 under the engineer’s estimate. The other bids were competitive. Commissioner Holberg asked whether the VRWJPO had done work with this company before. Staff indicated that we have not; however, our consultant working on South Creek (Wenck) has worked with them before.

Res. No. VRW 17-31: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to execute a contract with Sunram Construction, Inc. for the South Creek Stream Habitat Restoration Project.

WHEREAS, the Vermillion River Watershed Joint Powers Organization (VRWJPO) received a Minnesota Department of Natural Resources (DNR) Conservation Partner’s Legacy (CPL) grant for a project to improve and restore stream habitat within South Creek in Farmington; and

WHEREAS, the project includes:
- Construction of bioengineering restoration practices on the banks and channel of the Vermillion River, including: tree pins, brush mattresses, toewood stabilization, and boulder toe stabilization.
- Controlled site access to sensitive areas with the intent of minimizing temporary wetland impacts.
- Excavation that will require landscape-size equipment that minimizes damage to the existing site conditions and use of prescribed backfill material, woody material, and landscape boulders and rock.
- Landscaping that will include seeding, erosion control blanket, installation of mulch, and other various site landscaping tasks that may be necessary.

WHEREAS, the VRWJPO received bids on the project from three companies, which were evaluated based upon a pre-determined set of criteria; and

WHEREAS, the VRWJPO has selected the bid from Sunram Construction, Inc. as best fulfilling the requirements set forth in bidding documents and meeting the needs of the project.

NOW, THEREFORE, BE IT RESOLVED, that the Vermillion River Watershed Joint Powers Board authorizes the chair to execute a contract with Sunram Construction, Inc. in an amount not to exceed $233,989.00 for the South Creek stream habitat restoration project in Farmington.

7b. Authorization to Execute a Contract with Sunram Construction, Inc. for the Rambling River Park Stream Habitat Restoration Project in Farmington
Travis Thiel proposed authorization to award a contract to Sunram Construction, Inc. for stream habitat restoration in Rambling River Park. The bid was favorable. The other bid was substantially higher.
Res. No. 17-32: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to Execute a Contract with Sunram Construction, Inc. for the Rambling River Park Stream Habitat Restoration Project in Farmington.

WHEREAS, the Vermillion River Watershed Joint Powers Organization (VRWJPO) received a Minnesota Department of Natural Resources (DNR) Conservation Partner’s Legacy (CPL) grant for a project to improve and restore stream habitat within Rambling River Park in Farmington; and

WHEREAS, the project includes:

- Construction of bioengineering restoration practices on the banks and channel of the Vermillion River, including: cedar tree revetments, toewood stabilization, and boulder toe stabilization.
- Controlled site access to sensitive areas with the intent of minimizing temporary wetland impacts
- Excavation that will require landscape-size equipment that minimizes damage to the existing site conditions and use of prescribed backfill material, woody material, and landscape boulders and rock.
- Landscaping that will include seeding, erosion control blanket, installation of mulch, and other various site landscaping tasks that may be necessary.
- Reconstruction of the existing bituminous trail in the project work area and extension of a spur trail to a fishing access location.

WHEREAS, the VRWJPO received bids on the project from two companies, which were evaluated based upon a pre-determined set of criteria; and

WHEREAS, the VRWJPO has selected the bid from Sunram Construction, Inc. as best fulfilling the requirements set forth in bidding documents and meeting the needs of the project.

NOW, THEREFORE, BE IT RESOLVED, that the Vermillion River Watershed Joint Powers Board authorizes the chair to execute a contract with Sunram Construction, Inc. in an amount not to exceed $188,284 for the Rambling River Park stream habitat restoration project in Farmington.

7c. Granting a VRWJPO Permit to Debra McNab for a Pole Barn Construction Project in Eureka Township

Mark Ryan presented information on this project. The VRWJPO took back permitting authority for Eureka Township in January 2017 and based on the Watershed Rules, the Board needs to approve the permit. The plan is for a pole barn. Also provided are a location map, erosion control plan, and application. Payment has been provided. Staff recommends approval of the permit. Commissioner Slavik inquired about how many hours of staff time were involved. Mark Ryan estimates between 2-3 hours were spent on this project, including some time communicating with the Dakota County Soil and Water Conservation District because there is an existing conservation practice on this property adjacent to the proposed construction. Commissioner Slavik suggested that the Watershed Planning Commission and staff should decide on these applications rather than seeking Joint Powers Board approval. Rules and policies are in place for these purposes and going to this administrative level may add to delays in permitting. In Commissioner Slavik’s opinion, permits like this are not policy issues and he is wondering if there has been discussion of eliminating the JPB from these decisions, or if it is even an option. Mark Zabel noted that a change such as this would require a delegation from Board to staff. Mark Ryan has developed some discussion points for Staff Updates.

Res. No. 17-33: Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous vote to grant a VRWJPO Permit to Debra McNab for a Pole Barn Construction Project in Eureka Township.

WHEREAS, the Vermillion River Watershed Joint Powers Board (VRWJPB) commenced enforcement of the VRWJPO Watershed Rules in portions of Eureka Township located within the Vermillion River Watershed at its January 26, 2017, meeting (Res. No. VRW 17-03); and
WHEREAS, Eureka Township and VRWJPO staff have agreed on a process to allow VRWJPO review of township building permits for applicability of the Watershed Rules, a process that requires VRWJPB action on permit applications prior to any approvals by Eureka Township; and

WHEREAS, Debra McNab has applied to the VRWJPO to construct a pole barn at 26125 Dodd Blvd. in Eureka Township; and

WHEREAS, the VRWJPO Stormwater Management Rule applies to the proposed construction and requires the following:

1. Erosion and sediment control measures shall be sufficient to retain sediment on site;

2. All temporary erosion and sediment controls shall be installed on all down-gradient perimeters before commencing the land-disturbing activity, and left in place and maintained as needed until removed per VRWJPO approval after the site has been stabilized; and

3. All permanent erosion control measures shall be installed and operational per the design and as required by the VRWJPO; and

WHEREAS, Debra McNab has submitted a VRWJPO permit application and the required escrow for VRWJPO review and inspection and has satisfied the requirements of the application process; and

WHEREAS, staff has reviewed the permit application and plans and recommends that the VRWJPB grant the permit to Debra McNab.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB hereby grants a VRWJPO permit to Debra McNab to construct a shed in Eureka Township, pursuant to the VRWJPO Watershed Rules, on the following conditions:

1. All project construction shall be completed in accordance with the design plans submitted by the permittee with the permit application as approved by the VRWJPO. The permittee must obtain prior approval from VRWJPO staff for any modifications to the approved design plans.

2. The permittee and/or permittee’s agents must abide by the terms of this permit, the VRWJPO Watershed Rules, and all other applicable statutes, rules, regulations and ordinances.

3. If the permittee has not yet done so, the permittee must pay the sum of $510 to the VRWJPO for permit and inspection fees. The inspection fee will be held in escrow and used to pay the VRWJPO’s actual costs for reviewing the application, administering the permit, investigation and analysis of the proposed activity including staff time at a rate of $113/hour, outside consultant expenses (if any), printing, copying, and mailing costs. If the actual costs exceed the above escrowed amount, the permittee must remit additional funds into the escrow as requested by the VRWJPO.

4. Upon final completion of the project and the issuance of a Certificate of Completion by the VRWJPO, any unspent balance of the escrow shall be returned to the permittee, less the $10 permit application fee. No interest will be paid by the VRWJPO on said escrow.

5. Permittee shall allow VRWJPO staff entry onto permittee’s property to conduct progress inspections and a final inspection of the project to verify that the project is constructed in accordance with the approved plans, the VRWJPO permit, and the VRWJPO Watershed Rules.

6. Any and all claims that arise or may arise on behalf of the permittee or permittee’s Contractor, its agents, servants, or employees as a consequence of any act or omission on the part of the permittee or permittee’s Contractor or its agents, servants, employees related to the project shall in no way be the
obligation or responsibility of the VRWJPO. The permittee and the permittee’s Contractor shall indemnify, hold harmless and defend the VRWJPO, its officers and employees against any and all liability, loss, costs, damages, expenses, claims or actions, including attorney’s fees that the VRWJPO, its officers or employees may hereafter sustain, incur or be required to pay, arising out of or by reason of any act or omission of the permittee or permittee’s Contractor, its agents, servants or employees, in the execution, performance, or failure to adequately perform their respective obligations as related to the project.

7d. Authorization to Accept a Donation from the Southern Dakota County Sportsman’s Club
Travis Thiel stated that the Southern Dakota County Sportsman’s Club (SDCSC) has been working with the Minnesota Department of Natural Resources (DNR), staff and the Dakota County Soil and Water Conservation District (SWCD) on participating in the Rambling River Park Stream Habitat Restoration Project in Farmington. The SDCSC purchased three limestone blocks to be used as sitting areas near the fishing area at the project site. The SDCSC will pay the VRWJPO who will in turn pay the contractor to place them. Commissioner Slavik inquired about the VRWJPO’s gift practice. Currently the VRWJPO has no set policy. Generally the VRWJPO has not had issues regarding the acceptance of gifts before this instance. Helen Brosnahan suggested that the policy could follow Dakota County’s which is derived from State Statute. Anything over $500 needs to go before the Board, and the VRWJPO is following that practice in this instance.

*Res. No. 17-34: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to authorize a donation from the Southern Dakota County Sportsman’s Club.*

WHEREAS, the Vermillion River Watershed Joint Powers Organization (VRWJPO) received a Minnesota Department of Natural Resources (DNR) Conservation Partner’s Legacy (CPL) grant for a project to improve and restore stream habitat within Rambling River Park in Farmington; and

WHEREAS, as part of the project, the DNR and SDCSC requested the VRWJPO explore the possibility of providing improved fishing access to the river as part of the overall project; and

WHEREAS, the VRWJPO and City of Farmington were supportive of this effort; and

WHEREAS, the goals of providing an access are:

- Allows for a pre-identified and accessible access location that will not be degraded, compacted, or eroded as people walk along the stream
- Provides easy accessibility for people of all ages and abilities
- Affords the opportunity to maximize fishing opportunities from one location
- Provides a peaceful and natural area to rest along the trail where recreationists can enjoy the River’s aesthetics

WHEREAS, the SDCSC offered to provide a donation of three limestone boulders to serve as a seating area at the fishing access, and cash in the amount of $1,650 to have the boulders placed on site by the VRWJPO’s selected contractor during the stream habitat restoration project.

NOW, THEREFORE, BE IT RESOLVED, the Vermillion River Watershed Joint Powers Board (VRWJPB) authorizes the acceptance of limestone boulders and a cash donation in an amount of $1,650 for placement of the boulders from the SDCSC.

7e. Authorization to Proceed with Social Media Outreach Using Facebook and Twitter
Jen Dullum presented draft Facebook and Twitter pages to the Board. Staff has discussed moving into the social media world to gain new audiences. Jen has been in touch with several other watershed districts about their social media outreach. Most have had positive experiences. Should there ever be any negative comments; staff will use discretion on responding. Commissioner Holberg suggested saving any comments that, due to the nature of the comment may need to be removed from public view, for data practices reasons. Mark Zabel stated that that the
Request for Board Action was written specifically for Facebook and Twitter because we are not ready to launch any other form of social media yet. Commissioner Slavik suggested that a VRWJPO Instagram account might be a popular way to showcase photos of the watershed.

**Res. No. 17-35: Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous vote to authorize to Proceed with Social Media Outreach Using Facebook and Twitter.**

WHEREAS, social media has changed the way people communicate and get information; and

WHEREAS, the Vermillion River Watershed Joint Powers Organization has an opportunity to connect with diverse audiences through Facebook and Twitter to share our mission and message of education, science, and stewardship.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB authorizes staff to proceed with the social media outreach program.

8. Staff Reports
   a. Melissa Bokman informed the Board that Scott SWCD is continuing bacteria and DNA sampling to obtain more evidence to figure out what is going on in the main stem of the Vermillion in Scott County between VR-24 and Xerxes. When there is something more concrete, information will be provided to the Board.

   b. Helen Brosnahan went over County policy on gifts. Dakota County has to authorize gifts in excess of $500. The JPB could set a similar policy as to a level of amount that would have to come before the Board for approval. The Commissioners were in agreement of a $500 threshold. An RBA will be brought to the next JPB meeting for approval.

   c. Mark Ryan discussed the possible permitting authority for residential activities. Mark’s three main points were 1) the potential for permit delays being as much as six weeks, 2) other communities could choose to hand over permitting to the VRWJPO leading to increased backlog and staff limitations, and 3) Dakota County already has similar permitting for shoreland and floodplain that is dealt with at the staff level. He also noted that Rule changes may be pending that should make permit requirements clearer for township residents and indicated that the Administrator could be required to sign permits. A final question for the Board was: are there projects of a certain scale where the Board does want to take action to permit? Board action could be limited to appeals, violations, and anything that falls within the Watershed Plan variances. Helen Brosnahan noted that variances should go to the Board but implementation of the policy can be taken care of at the staff level. Mark Zabel will provide a resolution to delegate permit authority to staff to issue permits with exception listed in the VRWJPO Rule.

   d. Mark Zabel discussed the Watershed Tour. The tour is planned for September 21 from 1 p.m. – 4p.m. The Board was in agreement.

   e. Mark Zabel updated the Board on the Draft Nitrogen Fertilizer Rule meeting developed by the Minnesota Department of Agriculture (MDA). MDA has developed a Rule which is currently in a 60 day review and comment period, which expires August 11. The anticipated Rule adoption is late 2018. There has been a Nitrogen Fertilizer Management Plan in place since 2008 but there are still issues in parts of the State even when using recommended Best Management Practices. Dakota County is one of those areas and will be a pilot area for the MDA. One of the first steps is the development of a local advisory team. Next will be farmer surveys, along with monitoring. The MDA Rule could result in regulatory actions where BMPs are not being implemented or not implemented correctly. Mark will keep the JPB informed on this topic. Commissioner Holberg asked whether a lot of landowners
would be contacting the County Commissioners about this proposed Rule. Commissioner Slavik suggested that responses would likely be across the spectrum of positive and negative responses.
Adjourn

Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous voice vote to adjourn the meeting at 1:46 p.m.

Next Meeting Date: July 27, 2017 – Western Service Center, Room 334 at 1:00 p.m.

Respectfully submitted:
Jen Dullum
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

7-27-17
Date