Vermillion River Watershed Planning Commission (WPC)
July 12, 2017 - 3:30 p.m.

1. Call to Order
2. Approval of the Agenda Action
3. Approval of Minutes from June 14, 2017 Meeting* Action
4. Business Items Action
   a. Board delegation of permit approval authority to the Administrator
5. Updates Action
   a. Chairman's Report
   b. Staff Updates
6. Adjourn Action

*Additional information provided in packet, if available.

Other Information

Next Meeting Date: **August 9, 2017** at 3:30 p.m.
Dakota County Western Service Center, Room 334, Apple Valley, MN

Please confirm your attendance by contacting Jen Dullum at 952.891.7086 or via e-mail at jennifer.dullum@co.dakota.mn.us
You will be notified if the meeting is cancelled due to an anticipated lack of quorum.
Minutes

Vermillion River Watershed Planning Commission (VRWPC) Meeting

June 14, 2017
Dakota County Western Service Center, Room 334, Apple Valley, MN

WPC Members in Attendance
Tony Wotzka
Jim Guttmann
Chuck Clanton

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

Others in Attendance
Brian Rohrenbach
Carolyn Miller

1. Call to Order.
The meeting was called to order by Chair Guttmann at 3:38 p.m., and opened with the recital of the Pledge of Allegiance.

2. Approval of the Agenda
   Motion by Commissioner Clanton, second by Commissioner Rohrenbach, to approve the agenda as presented. The agenda was unanimously approved.

3. Approval of the Minutes
   Motion by Commissioner Wotzka, second by Commissioner Miller, to approve the minutes of the April 12, 2017, meeting as presented. The minutes were unanimously approved.

4. Business Items
   a. WPC Applicant Review
      Mark Zabel noted that two eligible applicants have applied for the vacancy on the Watershed Planning Commission. Both applicants live within the Vermillion River Watershed boundary. The WPC has two options in the recruitment process 1) recommend one of the two candidates for appointment to the Joint Powers Board, or 2) recommend both candidates be interviewed by a panel consisting of the VRWJPB chair, WPC chair, and VRWJPO administrator. The panel will make a recommendation to the VRWJPB for appointment. The two applicants are Josh Borton of Apple Valley and Mike Greco of Lakeville.

      There was discussion amongst Commissioners about knowing either of the candidates. Commissioner Clanton questioned possible conflict and lack of diversification since one candidate is on the Dakota County Planning Commission. This is also not an issue as missions and authorities are different. Commissioner Rohrenbach mentioned that since one candidate was already on a County commission, diversifying and having as many citizens involved as possible seems appropriate. Geographical location proved to not be a factor in candidate selection.

      All commissioners felt the candidates were well qualified and decided to proceed with option 2; recommend both candidate to be interviewed by the panel.
Motion by Commissioner Rohrenbach, second by Commissioner Clanton, to forward both as acceptable candidates to the interview panel. The motion was unanimously approved.

b. 2016 VRWJPO Annual Activity Report and Financial Statement
The VRWJPO is required under Minnesota Statute 103B to submit an annual activity report and financial statement to the Board of Water and Soil Resources. The 2016 report was delayed due to staffing changes and extension granted until June 15, 2017. On May 25, 2017, the JPB gave authorization to submit the 2016 report. The 2016 VRWJPO Annual Activity Report and Financial Statement is in its final draft and will be submitted to BWSR. This is information only.

Highlights include: this being the first annual report from the 2016-2025 VRW Management Plan, 2016 spending, funding, and grant work.

5. Updates
   a. Chairman’s Report
Commissioner Guttmann brought up WPC packets that have paper of different sizes and orientations. It was decided that when packets are emailed out, any pages which are of different sizes and orientations will be called out in the email for printing ease. Any pages of different sizes or orientations will be provided as hardcopy handouts at each meeting.

   b. Staff Updates
Mark Ryan gave an overview of the Vermillion River Technical Advisory Group (TAG) meeting that had been held prior to the WPC meeting.

   Agricultural best management practice outreach techniques and opportunities were discussed, mainly how the VRWJPO can work with agencies currently performing this work. The VRWJPO is interested in hearing from landowners about barriers to BMP implementation and feedback on what works. Commissioners discussed giving kudos to farmers for how far they have come and recognizing that changes in the farm community take time. Mark Zabel clarified the distinctions between the State of Minnesota’s buffer law and Dakota County’s shoreland ordinance, which supersedes Minnesota’s buffer law.

   A restorable wetland inventory was done in 2012. The VRWJPO is working with Dakota County and Dakota Soil and Water Conservation District (SWCD) to prioritize and analyze potential wetland restoration sites. Restoring wetlands will bring necessary water storage back to the landscape. Commissioner Rohrenbach had concerns about identification and determination of wetlands in general and a question about car washes reclaiming the water used. Commissioner Rohrenbach feels that a wetland requires a field visit for identification and that car washes should be required to use reclaimed wash water. Mark Ryan stated that for wetland delineations on undeveloped or agricultural land, a field review is conducted after the initial mapping review. Commissioner Clanton stated his desire for a universal definition of “wetland”. The response from Mark Zabel was that there is a federal definition of a wetland that includes having a predominance of aquatic vegetation, hydric soils, and 14 days of inundation. The discussion ended with commissioners stating that online maps should be used as a planning tool and field truthing is a necessary step in this process.

   There has been communication to local cities about assessing older downtown areas with direct drainage to the Vermillion River and taking that runoff off-line. This would reduce heavy flows and improve water quality.

The next TAG meeting is scheduled for September 13, 2017, at 1:30 p.m.

Mark Zabel indicated E.coli sampling at VR-24 was conducted. DNA tests will determine if the E.coli is human or cattle.
Mark Zabel presented at the Dakota County Water Forum on May 6, 40-50 people attended. The video produced by Trout Unlimited was shown along with an overview of the budget and projects. Questions asked revolved around wetlands and a discussion of legislative priorities, water, and environment.

6. Adjourn
   Motion by Commissioner Rohrenbach, second by Commission Miller, to adjourn the meeting at 4:54 p.m. The motion was unanimously approved.

   Next meeting: Wednesday, July 12, 2017, at 3:30 p.m.
   Dakota County Western Service Center, Room 334, Apple Valley, MN
4a. Recommend Vermillion River Watershed Joint Powers Board Delegation of Permit Approval Authority to Staff (revised)

Meeting Date: 7/12/17
Item Type: Action
Contact: Mark Zabel
Telephone: 952-891-7011
Prepared by: Mark Zabel

PURPOSE/ACTION REQUESTED
- Recommend Vermillion River Watershed Joint Powers Board delegation of permit approval authority to staff

SUMMARY
The Vermillion River Watershed Joint Powers Board (VRWJPB) acted to accept permitting authority for the implementation of the Vermillion River Watershed Joint Powers Organization (VRWJPO) Standards within Eureka Township on January 26, 2017 (Resolution Number 17-03). This action was taken with the consent of the Eureka Town Board.

A permitting program is required to implement the VRWJPO Standards for protection of watershed resources when land disturbing activities take place. The VRWJPO Standards may be incorporated into local government ordinances and implemented through local permitting. When a local unit of government chooses to not include implementation of the VRWJPO Standards through local permitting, the VRWJPO is required to implement a permitting program within that local jurisdiction.

Permits issued by the VRWJPO are done so under the authority of the VRWJPB. Issuance of permits has been through specific VRWJPB action at their regularly scheduled meetings. The VRWJPB has recently discussed the permitting process with staff and identified the potential delays caused by the requirement for VRWJPB approval of permit issuance. Members of the VRWJPB indicated that their primary role is to act on policy development and approval, and that implementation of approved programs should not require additional VRWJPB actions. Therefore, VRWJPO staff are recommending modification of the permit issuance process to be able to more expeditiously issue permits.

It is reasonable to recommend the VRWJPB delegate authority to the VRWJPO staff for the issuance of VRWJPO permits. VRWJPO staff will continue to review permit applications and work with those applying for permits to ensure that VRWJPO Standards are being met. The Administrator will regularly report to the VRWJPB on permitting activity and inform the VRWJPB of any issues that may arise in regard to permits or the permitting process. Specific permits of concern will still be brought before the VRWJPB for their consideration and decision.

Those permit types are:
- Variance requests,
- Land disturbance greater than 40 acres in area,
- Sites with greater than 1 acre of new impervious surface,
- Sites where grading constitutes a drainage alteration.

RECOMMENDATION
The Vermillion River Watershed Planning Commission recommends the VRWJPB delegate authority to issue VRWJPO permits to the VRWJPO staff with the restriction that permit requests that include variance requests, land disturbance of greater than 40 acres in area, sites with greater than one acre of planned new impervious surface, or sites where planned grade changes constitute a drainage alteration be reserved for VRWJPB action.
EXPLANATION OF FISCAL/FTE IMPACT
The permit program includes fees that support the processing requirements of the issuance of a permit. Costs of activities associated with individual permits such as site inspections and certification of completion are paid out of escrow associated directly with the permit.