Meeting Minutes

Vermillion River Watershed Joint Powers Board Meeting
July 27, 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, Watershed Administrator
Helen Brosnahan, Dakota County Attorney’s Office
Travis Thiel, VRWJPO Watershed Specialist
Mark Ryan, VRWJPO Watershed Engineer
Paula Liepold, VRWJPO Water Resources Educator
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 July 27, 2017, meeting.

4. Approval of Minutes from the June 22, 2017 Meeting
Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to approve the minutes of the June 22, 2017, meeting, as presented on July 27, 2017.

5. Approval of Expenses
Mark Zabel described the expenses. The $4,750 from the Minnesota Department of Natural Resources is for stream gauging assistance for our monitoring gauges. The two Dakota County Soil & Water Conservation District invoices, for $15,433.65 and $10,053.11, are for regular services as outlined in the Joint Powers Agreement. $8,500 from the Friends of the Mississippi River is for support for the Vermillion River Stewards volunteer program. The invoice from Applied Ecological Services for $1,250 is for CIP contract maintenance on the Middle Creek Remeander project. They mowed the buffer. Wenck was paid $4,109.61 for work on the Blair Restoration project. The $60.00 expense to 144Design was for website support. The other expenditures were routine.
6. Acceptance of Treasurer’s Report
Mark Zabel provided an overview of the Treasurer’s Report. Changes reflect the expenditures as reported. Smaller amounts in expenses pending under grants are for staff costs related to those grants. The one that is larger is from Wenck related to the Blair Restoration. All expenses to date and expenses pending are within the budgeted amounts. Please note the date should be changed to July 27, 2017.

Res. No. VRW 17-37: Motion by Commissioner Holberg, Second by Commissioner Wolf and passed on a 3-0 roll call vote to accept the Treasurer’s Report, noting date change to July 27, 2017, on July 27, 2017.

7. Business Items

7a. Delegation of Authority to the Administrator to Accept Gifts on Behalf of the Vermillion River Watershed Joint Powers Board Under Certain Circumstances
Mark Zabel began discussion by reminding the Joint Powers Board of the recent gift from the Southern Dakota County Sportsman’s Club. The Vermillion River Joint Powers Organization developed a policy for gifts that mirrors, almost identically, Dakota County’s gift policy. Any gift over $500 will be brought before the Joint Powers Board for approval. Any gift $500 and below will be accepted by the Administrator and reported at the end of the year. Thank you notes will be sent for gifts, as appropriate.

Res. No. VRW 17-38: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to delegate authority to the Administrator to accept gifts on behalf of the Vermillion River Watershed Joint Powers Board under certain circumstances

WHEREAS, on September 3, 2002, the Vermillion River Watershed Joint Powers Organization (VRWJPO) was formed under authority of Minnesota Statutes § 471.59 execution of a joint agreement between Dakota County and Scott County; and

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

WHEREAS, Minnesota Stat. §465.03 directs that any gift of real or personal property be accepted by resolution of the governing board; and

WHEREAS, the VRWJPO desires to provide that gifts of $500 or less in estimated value that help further or promote the mission and programs of the VRWJPO be accepted through authority delegated by the VRWJPO to the Administrator; and

WHEREAS, the VRWJPO Administrator shall prepare an annual report of gifts received by the VRWJPO and their estimated monetary values for presentation to the VRWJPO for their review and evaluation.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPO delegates the Administrator authority to receive gifts of nominal value (individual gifts of estimated monetary value of $500 or less) when such gifts further or promote the mission and programs of the VRWJPO.

7b. Vermillion River Watershed Joint Powers Board Delegation of Permit Approval Authority to Staff
Mark Zabel explained that this will provide staff with the authority to approve permits with the exception of several areas where Joint Powers Board authorization will be needed. Those exceptions are: variance requests, land disturbance greater than 40 acres in area, sites with greater than 1 acre of new impervious surface, and sites where grading constitutes a drainage alteration. Commissioner Slavik asked that an update on this policy change
be made available to Eureka Township; currently the only Local Unit of Government within the Vermillion River Watershed Joint Powers Organization who is not implementing the VRWJPO standards.

**Res. No. 17-39**: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a unanimous vote to delegate permit approval authority to staff.

WHEREAS, a permitting program is required to implement the VRWJPO Rules for protection of watershed resources when land disturbing activities take place; and

WHEREAS, the VRWJPO is required to implement its Rules through a permitting program when a local unit of government chooses to not include implementation of the VRWJPO Standards through local permitting; and

WHEREAS, 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) with the consent of the Eureka Town Board; and

WHEREAS, the VRWJPB desires to provide expedient permitting services to applicants.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB hereby delegates authority to the VRWJPO staff for the issuance of VRWJPO permits.

**7c. Appointment of Joshua Borton to the Vermillion River Watershed Planning Commission**

Mark Zabel explained that two applications were received for the vacancy on the Watershed Planning Commission (WPC) and both were recommended by the WPC for interviews with the review committee. The review committee consists of the chair of the Joint Powers Board (JPB), the chair of the WPC, and the Watershed Administrator. Before the interviews were held, one candidate, Michael Greco, withdrew his application, leaving the other, Joshua Borton to be forwarded on to the JPB for appointment. Mr. Borton lives in the watershed and is involved and interested in natural resources.

**Res. No. 17-40**: Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous vote to appoint Joshua Borton to the Vermillion River 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 the incumbent vacant term plus two consecutive three-year terms; and

WHEREAS, Joshua Borton has applied and has been determined eligible to be appointed to serve as a Commissioner on the WPC.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB hereby appoints Joshua Borton to the Vermillion River Watershed Planning Commission with his first term ending December 31, 2019.

**8. Staff Reports**

a. Travis Thiel discussed current and upcoming projects.
   i. Rambling River Park Stream Habitat and Bank Stabilization is under construction and only slightly behind schedule due to recent rain events. Work within the stream needs to be
complete before September 1, 2017; however work on the adjacent trail can be finished at any
time.

ii. Dakota County/Blair Stream Restoration has not yet started but due to the delay on the
Rambling River Park project, it is suggested that clearing and grubbing begin while water levels
recede. As with Rambling River Park, all work within the stream needs to be completed before
September 1, 2017.

iii. The Dakota County Western Service Center Stormwater Bioretention Pond will hopefully
obtain Clean Water Funds and funding from Dakota County facilities for work in 2018.

iv. A contractor has been hired for the 205th Street Channel Stabilization Phase 2 project. Clearing
and grubbing took place in the channel this spring but has since sat idle. The hope is that
mobilization will begin next week.

v. The MN Zoo Tropics Building Stormwater Reuse System needs more funding to complete. Staff
is working with the Zoo to determine feasibility.

vi. The Golden Pond/South Creek Restoration design will be finished and out for bid this summer
for construction starting this winter or next spring.

vii. The Alimagnet Pond Iron Enhanced Sand Filter and Alum Treatments projects are in the final
design phase and will be out for bid this summer for construction starting this fall.

viii. The South Creek Hydrodynamic Separator Structure is in the final design phase and will be out
for bid this summer for construction starting this fall.

ix. The County 78-06/South Branch Nitrate Treatment Practice is underway and should be
complete in November.

x. A contract was just awarded for the County Road 50-19 Lake Marion Protection BMPs and
should start in October 2017.

b. Travis Thiel briefed the Joint Powers Board on two potential grant applications for Clean Water
Funding. The first is for the Dakota County Western Service Center Stormwater Bioretention, as
mentioned previously. The second is as a partner with the City of Apple Valley on the Johnny Cake
Ridge Road project which aims to incorporate best management practices to improve water quality in
Long and Farquar Lakes.

c. Travis Thiel gave an update on the E. coli testing in Scott County. Concentrations were highest at
Pillsbury, slightly less at Dupont, even less at the north-south ditch east of Dupont, and almost
nothing at Xerxes. DNA testing confirmed that it is human E. coli at Pillsbury, Dupont, and the ditch.
More investigation will be coordinated with Scott County.

d. Jen Dullum let the Joint Powers Board know that the Vermillion River Watershed Joint Powers
Organization Facebook page was live with over 30 followers.

e. Mark Ryan mentioned that he met with Apple Valley on July 26 to conduct a Standards Review.

f. Mark Zabel updated the Joint Powers Board on the Minnesota Department of Agriculture’s (MDA)
Nitrogen Fertilizer Rule development. Dakota County is part of MDA’s pilot study on nitrogen fertilizer
use. The comment period for the proposed Rule is August 11, 2017. Mark plans to comment on the
proposed implementation of the plan. The program is structured on a township basis and the
threshold is based on the number of private wells that are above standard within a given township.
Mark will be suggesting in his written comments that the program be structured on, and best
management practices promoted for, the natural resource so that fringe areas are included where
areas with nitrogen impacts may be affecting the whole system. Other comments may be included
after a thorough review of the proposed rule.

g. Mark Zabel also mentioned Governor Mark Dayton’s 25 by 25 civic engagement process, which
proposes bringing the public together in small group discussions focusing on water quality issues in
the region in which they reside. Mark introduced the potential for the VRWJPO to hold sessions in
order to gauge the Joint Powers Board’s interest in holding such a discussion. The VRWJPB is aware of a listening session for the 25 by 25 initiative planned to be held in Burnsville in October and suggested that the VRWJPO might promote that event.

h. Mark Zabel provided a brief overview of the recent Carver County Watershed Management Organization tour he attended. It was a small group consisting of mostly watershed management organization committee members and soil and water conservation district officials. There were no county commissioners. There were several city and township staff and elected officials. A box meal was served before the two and a half hour tour began. Four conservation and water quality sites were highlighted.
Adjourn
  Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous voice vote to adjourn the meeting at 1:34 p.m.

Next Meeting Date: September 28, 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  Secretary/ Treasurer

[Signature]

8-24-17
Date