Meeting Minutes

Vermillion River Watershed Joint Powers Board Meeting
August 24, 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
Melissa Bokman, Watershed Co-administrator
Travis Thiel, VRWJPO Watershed Specialist
Mark Ryan, VRWJPO Watershed Engineer
Paula Liepold, VRWJPO Water Resources Educator
Jen Dullum, VRWJPO Education and Outreach Specialist
Brian Watson, Dakota County Soil and Water Conservation District
Lindsey Albright, Dakota County Soil and Water Conservation District

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, as amended, adding Business Item 7e. Watershed Planning Commission Appointment, for the August 24, 2017, meeting.

4. Approval of Minutes from the July 27, 2017, Meeting
Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous vote to approve the minutes of the July 27, 2017, meeting, as presented on August 24, 2017.

5. Approval of Expenses
Mark Zabel discussed invoices that were not routine expenses. The Metropolitan Conservation District payment for $600 is for support of the Metro Children’s Water Festival. The invoice from Sunram Construction for $49,347.87 is payment for work on the Rambling River Park stream habitat and restoration project. Wenck was paid $9,408.95 for their work on fish monitoring and the South Creek stabilization project. The Fossil Industries payment of $1,964 is for fabricating project signage. All other expenditures are routine monthly expenditures.
Res. No. VRW 17-41: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a 3-0 roll call vote to approve the expenses totaling $119,551.95 that occurred between July 12, 2017, and August 11, 2017, as submitted on August 24, 2017.

6. Acceptance of Treasurer’s Report
Mark Zabel provided an overview of the Treasurer’s Report showing that expenses pending match the expenses just approved. The account balances are within the budgeted amounts.

Res. No. VRW 17-42: Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a 3-0 roll call vote to accept the Treasurer’s Report, on August 24, 2017.

7. Business Items

7a. Ratify the scheduling of a public hearing to receive comments on the draft VRWJPO 2018 Budget and Watershed Management Tax District Levy
Scheduling the public hearing on the draft VRWJPO 2018 budget and proposed levy did not get on the July 27, 2017, agenda. Public notice procedures in local papers were followed. Staff is asking to ratify scheduling of the public hearing.

Res. No. VRW 17-43: Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous vote to schedule of a public hearing to receive comments on the draft VRWJPO 2018 Budget and Watershed Management Tax District Levy.

WHEREAS, the Vermillion River Watershed Joint Powers Board (VRWJPB) is required to adopt a budget for the VRWJPO by September 1 for the following calendar year; and

WHEREAS, the VRWJPB is required, under Minn. Stat. § 103D.911, to hold a public hearing on the draft budget prior to its adoption; and

WHEREAS, VRWJPO staff scheduled a public hearing for August 24, 2017, at 1 p.m. in Conference Room 334 at the Dakota County Western Service Center in Apple Valley, to receive comments on the Draft VRWJPO 2018 Budget; and

WHEREAS, notice of the public hearing was published in the Sun ThisWeek newspaper on August 11 and August 19 and in the Belle Plaine Herald newspaper on August 9 and August 13 in Scott County; and in the Farmington Rosemount Independent Town Pages newspaper on August 10 and August 17 in Dakota County.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB hereby ratifies the scheduling of a public hearing for August 24, 2017, at 1 p.m. in Conference Room 334, Dakota County Western Service Center in Apple Valley, to receive comments on the draft VRWJPO 2018 Budget; and

BE IT FURTHER RESOLVED, that VRWJPB acknowledges legal notice of the public hearing published in accordance with Minn. Stat. § 103D.911.

7b. Conduct a public hearing to receive comments on and adoption of the draft VRWJPO 2018 Budget and Vermillion River Watershed Management Tax District Levy
Mark Zabel provided an overview of the new draft VRWJPO 2018 budget and levy. What was discussed at the July 27, 2017, Joint Powers Board meeting is not what is now being proposed because fiscal disparity had not been accurately reflected in the draft budget presented at the last Joint Powers Board meeting. Originally, fiscal disparity and the levy amount had been shown as separate line items. However, fiscal disparity is incorporated into the levy. The Vermillion River Watershed Joint Powers Organization is a receiver of fiscal disparity and
communities in the watershed receive a reduction in the tax rate. Because of this, $110,000 in expense reductions needed to be made. This reduction is proposed to come from the following budget items: $5,000 – Vermillion River Watershed Staff – Research and Planning, $10,000 – Coordination and Collaboration, $5,000 Regulation – Staff and Local Projects, $40,000 – Capital Improvement – Buffer and Floodplain Easement, and $50,000 – Capital Improvement – Cost Share Competitive Grants.

Commissioner Slavik opened the Public Hearing on the draft VRWJPO 2018 Budget and Vermillion River Watershed Management Tax District Levy at 1:09 p.m. He requested public comments. There were none.

Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous vote to close the Public Hearing on the draft VRWJPO 2018 Budget and Vermillion River Watershed Management Tax District Levy at 1:10 p.m.

Melissa Bokman gave a brief update on Scott County. Fiscal disparity went up slightly dropping the tax rate by $0.20.

Mark Zabel continued that despite the changes, the levy request remains the same as proposed; $887,900 for Dakota County and $34,100 for Scott County.

Commissioner Slavik noted that in a situation where an unforeseen event would occur and funds should need to be cut, staff was prepared to take from cost share, and is that what was done. Mark said that his estimate on both the Capital Improvement Project Reserve and Fund Balance are conservative. There is a possibility we could come in under budget in these two areas.

Res. No. VRW 17-44: Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous vote to adopt the draft VRWJPO 2017 Budget and Vermillion River Watershed Management Tax District levy.

WHEREAS, the Joint Powers Agreement governing the VRWJPO requires the Vermillion River Watershed Joint Powers Board (VRWJPB) to adopt a budget by September 1 of each year for the following calendar year; and

WHEREAS, the VRWJPO requires a budget and the subsequent levy to implement the programs and projects described in its Watershed Management Plan; and

WHEREAS, the Vermillion River Watershed Planning Commission (WPC) has reviewed, discussed, and recommended adoption of the draft VRWJPO 2018 Budget and Vermillion River Watershed Management Tax District Levy; and

WHEREAS, the VRWJPB conducted a Public Hearing on August 24, 2017, to receive comments on the Draft VRWJPO 2018 Budget and Vermillion River Watershed Management Tax District Levy.

NOW, THEREFORE, BE IT RESOLVED, that the VRWJPB hereby approves a Draft VRWJPO 2018 Budget totaling $2,196,500 for 2018 and recommends a Vermillion River Watershed Management Tax District Levy of $34,100 in the Scott County portion of the watershed and $887,900 in the Dakota County portion of the watershed.

7c. Schedule a public hearing to receive comments on proposed amendments to the VRWJPO Rules
Mark Ryan stated that staff is requesting the Joint Powers Board schedule a public hearing to show and approve the proposed amendments to the Vermillion River Watershed Joint Powers Organization Rules. The Standards were updated in 2016 as part of the Watershed Plan update but the Rules were not updated since the Vermillion River Watershed Joint Powers Organization (VRWJO) was not a permit authority for any local unit of government at that time. Since then the VRWJO has taken over permit authority for Eureka Township and the Rules have been updated. The Rule updates include formatting changes, removing obsolete language, and updating procedures. The Rules need to be noticed for 45 days to all transportation authorities within the watershed. It is therefore proposed to schedule the public hearing at the October 26, 2017, meeting.
Commissioner Slavik asked if we could send him a copy of the Rules or a summary document explaining changes from the 2016 Plan before the Township Meeting on September 21, 2017. Per Commissioner Holberg’s request, a red-line copy will be included in the packet for the public hearing so that the changes can be seen by the Commissioners and citizens.

Res. No. 17-45: Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous vote to schedule a public hearing to receive comments on proposed amendments to the VRWJPO Rules.

WHEREAS, the Vermillion River Watershed Joint Powers Board (VRWJPB) adopted the 2016-2025 Vermillion River Watershed Management Plan (Plan) at its June 23, 2016 meeting (Res. No. VRW 16-33); and

WHEREAS, amendments to the VRWJPO Rules have been drafted to match the VRWJPO Standards, eliminate obsolete language, and update procedural processes; and

WHEREAS, the VRWJPO Rules must be amended to be consistent with the VRWJPO Standards that were updated and approved at the time of the Plan and reviewed by the Board of Water and Soil Resources; and

WHEREAS, the public hearing must be noticed for public comment including a 45-day comment period for all transportation authorities within the watershed, as required under Minn. Stat. § 103D.341.

THEREFORE, BE IT RESOLVED, that the VRWJPB hereby authorizes the release of the draft VRWJPO Rules amendments for public comment and to transportation authorities for a 45-day comment period, and

BE IT FURTHER RESOLVED, that the VRWJPB schedules a Public Hearing for amendment of VRWJPO Rules on October 26, 2017, at 1:00 p.m. at the Dakota County Western Services Center, Room 334.

7d. Presentation on the Vermillion River Monitoring Network 2016 Report
Lindsey Albright from the Dakota County Soil and Water Conservation District gave a presentation of the 2016 Vermillion River Monitoring Network results. Conclusions consisted of: the dissolved oxygen standard is frequently violated; E. coli bacteria is very high throughout all sites in the network; total phosphorous levels are low during base flow conditions, but with violations occurring during rainfall events; nitrate at site SB802 is elevated compared to other sites in the network; violations of total suspended solids occurring during runoff events; macroinvertebrate index of biological integrity scores is variable; temperature and habitat have room for improvement; and overall monitoring indicate that tributaries may be key sources of pollutants or stressors to the Vermillion River.

Recommendations include DNR fingerprinting bacterial source assessment monitoring, implementing projects to help address increasing nitrate in the South Branch subwatershed, strategically placing water storage and retention features, undertaking development projects to improve habitat throughout the watershed, and continuing to monitor to assess progress towards reaching water quality goals and further refine priority areas.

7e. Watershed Planning Commission Appointment
Mark Zabel stated that the Vermillion River Watershed Planning Commission has one current vacancy. This opening comes after commission member Jeannie Fredlund resigned after the August 9, 2017, meeting. Between the last opening and this one there have been two applicants. In addition, Michael Greco decided to keep his application available for appointment since the last vacancy was filled. This gives us three eligible candidates.

The commissioners discussed the possibility of interviewing candidates or choosing a candidate without input from the Watershed Planning Commission. This second option would allow for a potential full meeting and quorum at the September 13, 2017, Watershed Planning Commission meeting. After discussion of the candidates, it was decided that Bruce Rydeen would be appointed to fill the Watershed Planning Commission vacancy.
Res. No. 17-46: Motion by Commissioner Wolf, Second by Commissioner Holberg, for discussion, passed on a unanimous vote to appoint Bruce Rydeen to the Vermillion River Watershed Planning Commission.

8. Staff Reports
a. Melissa Bokman gave an update on the Vermillion River bacterial impairment. The focus area will be between Xerxes and station V24. Xerxes does not show human markers and E. coli counts are high. Upstream, there is human DNA detection. Scott County has outlined a strategy to move forward. This includes mailing landowners with septic systems in the drainage area of V24 built before 2000 informing them of the septic grant and loan program, working on nutrient management, and work plans for agricultural lands along the river and in areas not in compliance with buffer rules or areas of suspected sources. Research on the legal basis for inspection on non-compliant septic systems will be done along with continued and additional monitoring.

b. Paula Liepold shared three new project signs that will be installed this year at the Avonlea wetland restoration in Lakeville, the stormwater reuse project at King Park in Lakeville, and the iron-enhanced sand filter at Long Lake Park in Apple Valley.

c. Paula Liepold also mentioned upcoming workshops related to water quality. There is a Winter Parking Lot & Sidewalk Maintenance workshop on September 22, 2017, at the Dakota County Western Service Center and a Winter Roads Maintenance Workshop on October 10, 2017, at the Dakota County Empire Transportation Shop in Rosemount.

d. Paula Liepold mentioned the watershed tour on September 21, 2017, from 1 p.m. to 4 p.m. There are four scheduled stops and currently 26 individuals registered.

e. Travis Thiel gave an update on the two stream habitat projects. The in-stream work at Rambling River Park is complete. The only thing left is the trail restoration. South Creek is just beginning. An extension was granted by the Minnesota Department of Natural Resources for in-stream work from September 1 to September 15, 2017.

f. Jen Dullum shared that the Vermillion River Watershed Joint Powers Organization is now on Twitter. Search @VRWJPO to follow.

g. Jen Dullum also shared newly purchased swag handouts. Some items will be for volunteers while smaller items will be given as handouts at events.

h. Mark Ryan had two updates on grants. The first was to inform the Commissioners that a Clean Water Fund grant application was submitted by Apple Valley for the Johnny Cake Ridge Road project. The Vermillion River Watershed Joint Powers Organization is listed as a matching partner on this grant. The second was to state that there will be no grant submitted for work on the Dakota County Western Service Center reflecting pool in 2018.

i. Mark Ryan also discussed two upcoming projects. The Lakeville hydrodynamic separator and the Burnsville Alimaget iron-enhanced sand filter nearly have completed construction plans and will be going out for bid soon. The plan is for fall to early winter construction for both projects.

j. Mark Zabel informed the Commissioners on the development of both a policy and an operational handbook for the Vermillion River Watershed Joint Powers Organization. These two handbooks will assist in record tracking and actions taken by the Joint Powers Board on how we do business.
Adjourn

Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous voice vote to adjourn the meeting at 2:21 p.m.

Next Meeting Date: September 28, 2017 – Western Service Center, Room 334 at 1 p.m.

Respectfully submitted:
Jen Dullum
Vermillion River Watershed Joint Powers Organization

Mark Zabel
Administrator for the Vermillion River Watershed Joint Powers Organization

Attest

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Commissioner Mary Liz Holberg   Secretary/ Treasurer   Date