Meeting Minutes

Vermillion River Watershed Joint Powers Board Meeting
July 26, 2018, 1 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 (arrived at 1:08 p.m.)

Others in Attendance
Mark Zabel, Watershed Administrator
Melissa Bokman, Watershed Co-administrator
Helen Brosnahan, Assistant County Attorney
Travis Thiel, VRWJPO Watershed Specialist
Mark Ryan, VRWJPO Watershed Engineer
Jen Dullum, VRWJPO Education and Outreach Specialist
Bruce Johnson, Dakota County Soil and Water Conservation District Supervisor
Carrie Jennings, Freshwater Society
Terry Holmes, Empire Township Supervisor
Gloria Pinke, Marshan Township Supervisor

1. Call to Order
Meeting was called to order by Commissioner Slavik at 1:01 p.m. Commissioner’s Slavik and Wolf were in attendance.

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

3. Approval of Consent Agenda

Res. No. VRW 18-29: Motion by Commissioner Wolf, Second by Commissioner Slavik, and passed on a unanimous vote to approve the consent agenda.

4. Approval of Expenses
Mark Zabel went over the current invoices. Scott County, Dakota County staff time, Dakota County Legal, and Dakota County Soil and Water Conservation District are all routine expenses under Joint
Powers Agreements. The Amazon listing is a return from tree planting supplies. There are two invoices from Inter-fluve for geomorphic assessments on the river east of Highway 52. 144 Design is for monthly website maintenance. Jane Beattie Consulting is for design of new interpretive signs. Freshwater Society is for the contract on the Aggregate white paper. The payment to Cross Nursery is for trees and shrubs for the recent plantings. A credit was received from MNDNR Stream Restoration Training. The VRW per diem was paid to the Watershed Planning Commission members. The invoice from the Friends of the Mississippi is for the Vermillion Stewards program. The U.S. Department of the Interior is for maintaining the gauging station in Empire.

**Res. No. VRW 18-30:** Motion by Commissioner Wolf, Second by Commissioner Slavik, and passed on a 2-0 roll call vote to approve the expenses totaling $85,000.34 that occurred between June 20, 2018, and July 20, 2018, as submitted on July 26, 2018.

5. **Business Items**

5a. **Presentation of Aggregate White Paper**

Carrie Jennings from Freshwater Society presented a report on a white paper on the impacts of aggregate mining in the Vermillion River Watershed. She began by giving an overview of the geologic layers in the watershed and moved onto discussing a study done by the University of Minnesota at UMore Park. General conclusions are that existing aggregate extraction in the heavy use area around the UMore Park is unlikely to directly impact surface water or base flow to the Vermillion River due to a groundwater divide. Thermal impacts to the river were not evaluated for other areas or cumulative mining impacts in the Vermillion River Watershed, but the study documented research studies that developed a method for determining thermal impacts to groundwater from mine pit waters that could be used in specific locations in the future. Freshwater recommendations include:

- Townships in the watershed are independently regulating aggregate extraction with varying levels of oversight
- The Vermillion River Watershed Joint Powers Board (VRWJPB) could create a model mining ordinance for adoption by the townships or revise watershed standards to create monitoring consistency across the watershed
- The Alternative Urban Areawide Review (AUAR) that was employed to study the UMore mining impact could be employed to address thermal impact from various sources
- Coordination between the Minnesota Pollution Control Agency, Minnesota Department of Natural Recourses (DNR) EcoWaters and DNR Lands and Minerals (Aggregate Mapping Division) could be encouraged to address changes in the water table aquifer in the vicinity of cold-water streams.
- Adapting a setback for trout streams similar to one that DNR EcoWaters worked with the Environmental Quality Board (EQB) on for silica sand mines. The VRWJPO can develop a better rationale for a setback based on modeling and specific studies.

Commissioner Wolf commented on the dense network of drill holes at the UMore Park site. Upon mining completion, a mine pit lake will have been created that could be 85 feet deep at UMore Park. Mining in the UMORE Park area is not likely to impact the Vermillion River as groundwater in the area moves toward the Mississippi River. Students from St. Thomas are working on guided research and developing a mathematical model that will be provided to the VRWJPO with a summary of their work. Commissioner Wolf questioned the thermal plume and its incremental warming. Carrie Jennings replied that yes, over a given year that can occur. Monitoring is one way to verify. Travis Thiel asked about the studies conducted in Ontario and if climate differences should be taken into consideration. Carrie Jennings said that the Great Lakes probably affect the studies but hadn’t looked at the latitude where
the studies were conducted. Travis mused that it was probably warmer here. Carrie thinks it is probably very similar. A study like that could be used to establish a setback but a margin of safety should probably be used when applying those studies locally. Terry Holmes mentioned that in Empire Township mining has been occurring over the past 60 years. Monitoring is taking place in various locations. There have been AUARs, environmental impact studies and other plans done on mining that Freshwater and the VRWJPO could review. A mining ordinance was developed around 20 years ago. Terry was surprised that he had not heard about this Freshwater study on the mining impacts in the area and is hopeful for more transparency in the future. Mark Zabel noted that this was in the watershed plan to evaluate potential risk. Commissioner Slavik asked what has been found in Eureka Township. This is the first look at the potential cumulative impacts to the Vermillion River due to aggregate mining. Commissioner Slavik asked about data that has been collected at the mine in Eureka Township. Carrie Jennings said that they had years of data but it is not been evaluated. She does not believe the water table has been exposed yet. Terry Holmes mentioned that all mine pits have a reclamation plan. He noted that plans will change but wants to make sure that we don’t lose sight of the monitoring as it is an extremely important component. Commissioner Slavik ended the conversation promising to engage more with partners.

5b. Presentation on the Vermillion River Watershed Joint Powers Organization Standards
Mark Ryan started the discussion by stating that changes to the standards were made in 2016. Outreach was made to the townships in June and feedback has been coming to the Vermillion River Watershed Joint Powers Organization (VRWJPO) and to Commissioners on erosion and sediment control standards. There was discussion at the Vermillion River Watershed Planning Commission (VRWPC) in July. Some of the comments were about treating people the same, considering sewered versus unsewered communities, and factoring in distance to water bodies or setbacks. Staff will be bringing back a discussion to the VRWPC in August. Ravenna Township has asked the consultant for the Dakota County Rural Collaborative not to submit the comprehensive plan until there is resolution on the Standard (specifically requesting to revert to a 1 acre size threshold).

Commissioner Slavik stated that he visited with almost every Township on the issue and there are two concerns that he has heard 1) changing the standard from one acre of land disturbance to 5000 ft.² and the 2) is how we are communicating with townships that do not have full-time staff. He has noticed that there are inconsistencies between townships even with the old one acre standard. Terry Holmes noted that people are concerned about the 5000 ft.² land disturbance standard; however, the Township Collaborative is planning to adopt the standard by reference. Terry noted that a cheat sheet would have been nice to make changes to the Watershed Plan more obvious. Language was missed. Empire is following the current standards but they do not have agricultural buildings. He feels that for some townships the 5,000 sq. ft. standard could be a little severe. Gloria Pinke from Marshan Township only has a part-time planner and part-time building official. The building inspector tries to check all the VRWJPO Standards but it is not always clear to him what is included/exempt from the Standard. The Township did not know anything about this change or even why it was changing. We’re an agricultural township and zoned 1 per quarter quarter, we don’t know what it really means about disturbing 5,000 square feet. To some in the Township there is no connection to the Vermillion River. Perception is not much different from the other townships where there is no staff. Commissioner Slavik sees two issues 1) the reduction to 5000 ft.² and 2) the agricultural buildings which don’t have to follow the state building code. Mark Zabel stated that although agricultural buildings may be exempted from the state building code, they are not exempt from compliance with local land use controls.

Commissioner Holberg would like to wait for the VRWPC to discuss the Standards once more. She asked about the process and timeline to amend the Standards, if they were to be amended. Mark Zabel stated
that we would need to get further information from the Board of Water and Soil Resources (BWSR) as to whether this would be considered a major or minor plan amendment for an accurate timeline on plan amendment. Terry Holmes said the Township Collaborative is planning on submitting Township Comprehensive Plan and adopting by reference the VRWJPO Standards as they are to date. A discussion took place on automatic updated by reference if the Standards should change after the Township Plan adoption. Gloria Pinke was asked how many building permits Marshan Township receives annually. She replied about 3 to 4 permits per year but would not be able to guess how much agricultural buildings or fill they would have to permit for with the 5000 ft.² standard. Most townships are 1 per quarter quarter zoning and so not much building is going on. Most comments on the township officers has been that agriculture is losing something again. Terry Holmes would like the VRWJPB to notify him of what direction the Board is inclined to go as soon as possible. Commissioner Slavik is comfortable getting more information. Commissioner Holberg would like more information and input from the VRWPC. She is inclined to keep the Standard as is but is open to hear more. Commissioner Wolf is willing to wait another month to hear what others have to say. Terry Holmes is hearing that this is not a hard and fast decision right now and that the Commissioners are looking at it. When you are getting information from other watersheds does that include agricultural uses. Mark Zabel responded that the information collected is only in reference to their standards and most do not differentiate agricultural. Gloria Pinke is hoping the agricultural areas will be looked at. Commissioner Slavik said action will be taken at the next meeting. Terry Holmes asked if input is being requested. Commissioner Holberg responded yes they would like some consensus from the townships. Mark Zabel stated going to the default of one acre threshold only does the National Pollutant Discharge Permit requirement and doesn’t provide oversight on relevant sites like those that bring in significant fill, or that have site characteristics that could impact. Travis Thiel is happy for the input from all parties. At the staff level he is open to changing the threshold. What he has been experiencing is that while the situation may be different for a very urban area and an agricultural area, it is very difficult to write a standard that fits everyone. He understands that the threshold could change, but he would prefer that separate standards for the urban and rural areas not be created. Terry Holmes closed the discussion stating that the administration in the Township versus the city are two very different concepts and then left an open-ended question about who would check that the standards are being followed as adopted.

5c. Presentation of the Draft VRWJPO 2019 Budget and Watershed Management Tax District Levy
Mark Zabel went over the draft Vermillion River Joint Powers Organization (VRWJPO) 2019 budget. He noted changes in red are either increases or decreases to the budget. In 2019, the subtotals for expenditures will be $2,143,350. The VRWJPO will be left with a cash reserve of $41,850 for total annual expenses of $2,185,200. There were some program cuts to the 2019 budget based on the available funding. $25,000 was cut from the stewardship grant bringing the total to zero dollars. Money can be returned to this fund if there are additional carry-over funds left at the end of year than currently anticipated. There is a cut for potential match in an application to a Conservation Partners Legacy (CPL) grant in Lakeville for a restoration on South Creek near Buddy’s kitchen. $25,000 was reduced to zero dollars. And $10,000 was cut from irrigation audit retrofits to zero dollars due to budget capacity. Mark then went over tax comparison slides for both Dakota County and Scott County. Mark asked the commissioners to go over the budget and let him know of any concerns or proposed changes. The budget will be brought back in August for adoption.

6. Staff Reports
Helen Brosnahan mentioned that she will be absent for the next two months. There will be legal staff support to the VRWJPO, but there may not be counsel present at the JPB meetings.
Jen Dullum showed a marketing video produced by PAAP Drones from the South Creek restoration project off Flagstaff Avenue in Farmington. Commissioner Holberg stated that next time describing the terms shown in the video and the location on the map would be beneficial in future videos. Jen also mentioned that Vermillion River Watershed Joint Powers Organization would be celebrating National Park and Recreation Month in Hastings that evening from 5:30 to 8:00 p.m. at Party in the Park. Lastly, preparations are underway for the Dakota County Fair.

Travis Thiel went over the 2017 Vermillion River Monitoring Report and fish survey (attached).
Adjourn

Motion by Commissioner Wolf, Second by Commissioner Holberg, and passed on a unanimous voice vote to adjourn the meeting at 2:58 p.m.

Next Meeting Date: August 23, 2018 – 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

[Signature]
Commissioner Mary Liz Holberg

[Signature]
Secretary/ Treasurer

8-23-18
Date