Meeting Minutes

Vermillion River Watershed Joint Powers Board Meeting
October 25, 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

Others in Attendance
Mark Zabel, Watershed Administrator
Melissa Bokman, Watershed Co-administrator
Travis Thiel, VRWJPO Watershed Specialist
Paula Liepold, VRWJPO Water Resources Educator
Mark Ryan, VRWJPO Watershed Engineer
Jen Dullum, VRWJPO Education and Outreach Specialist
Bruce Johnson, Dakota County Soil and Water Conservation District Supervisor

1. Call to Order
Meeting was called to order by Commissioner Slavik at 1:01 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 Consent Agenda

Res. No. VRW 18-34: 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 presented the current invoices. Dakota County Legal, Scott County, Dakota County Soil and Water Conservation District, and Vermillion River Watershed Dakota County staff time are all routine expenses. The VRW Planning per diem was paid to the Watershed Planning Commission members. Fossil Industries is for fabrication of four new interpretive signs. Carp Solutions is for carp tagging and tracking. The invoice from Interfluve is for a geomorphic assessment from Highway 52 to Hastings on the main
stem of the Vermillion River. The Wenck invoice is for fish monitoring. 144Design submitted invoices for website maintenance and upkeep. An invoice was paid to Forum Communications for a public hearing notice. Income is shown from a special use permit from Eureka Township. An invoice to Dakota County Transportation is for work done on the 78-06 project. The Metro Conservation District invoice is for the Children’s Water Festival and Friends of the Mississippi River payment is to support the Vermillion Stewards program.

Res. No. VRW 18-35: Motion by Commissioner Holberg, Second by Commissioner Wolf, and passed on a 3-0 roll call vote to approve the expenses totaling $346,165.63 that occurred between August 16, 2018, and September 19, 2018, as submitted on October 25, 2018.

5. Business Items


Mark Zabel continued the conversation from August by thanking Commissioners Slavik and Holberg for attending the Township Officers meeting on September 20, 2018, where he and Mark Ryan discussed the Standards with township officials. Mark explained that he will present more information on that meeting and provide an overview from the Vermillion River Watershed Planning Commission (WPC) meeting that was held on October 10, 2018.

At the Township Officers meeting, Mark Zabel read the current Rural Collaborative ordinance on stormwater management in section 5.1 which states, “No person shall commence a land disturbing activity under one acre in area, unless exempted, without submitting an Erosion and Sediment Control Plan to the Community Engineer of the Community Building Inspector. No building permit of land disturbing activity shall be authorized until the Community approves the plan”. He compared that to the current Vermillion River Watershed Joint Powers Organization (VRWJPO) Standard which provides a relaxation from the Rural Collaborative ordinance by providing exemptions for; “Land disturbance of less than 5,000 square feet in area, involving less than thirty cubic yards of soil, or that do not change existing contours or drainage, may be exempted if there is no direct threat to a water resource from the activity”.

Mark Zabel presented the WPC with two options at their meeting; amend the Standard, or retain the Standard as adopted with the Watershed Management Plan, and forward the recommendation to the VRWJPB. The WPC suggested considering the VRWJPO fund an inspection program for the townships within the watershed and asked staff to come back with more information on the implications, details, and the criteria the VRWJPO would use for an inspection program. Based on the inspection services the VRWJPO is providing in Eureka Township, Mark Ryan determined it would cost between $6,000 and $8,000 annually for a township inspection program.

Commissioner Slavik stated that after reading WPC minutes he feels the Commission is satisfied with the current VRWJPO Standard. He also feels that there are significant differences with enforcement across the watershed. Mark Zabel wants the VRWJPB to be aware the relationship with Eureka Township could change because they would probably want an inspection subsidy as well. There will also be townships that will not want an inspection service provided. Also, there may be situations where the VRWJPO feels townships are not enforcing the Standard and the VRWJPB would need to take permitting control.
Commissioner Slavik does not think the VRWJPO is ready to undertake any of the proposed options. He would like to see an ad hoc group formed to develop recommendations to solve these issues. Commissioner Slavik would like others to have a voice. He sees this ad hoc group consisting of members from the WPC, township officers, a VRWJPB member and staff. Commissioner Slavik noted that the WPC appears to be satisfied with the current Standard and he believes the VRWJPB is also satisfied the Standard is reasonable. He does not know what the townships think of the Standard, but has a feeling the townships believe the Standard is unreasonable because people were not following it and are now being asked to comply. Commissioner Slavik would like a recommendation from the ad hoc group on whether any changes are needed to the Standard, or other initiatives for education or partnership to ensure compliance throughout the watershed.

Commissioner Slavik stated if changes are needed to the Standard, the VRWJPB would address those changes at that time and vote. He stressed that even if the Standard is not changed uniformity with enforcement is imperative. The VRWJPO could investigate whether providing training or other support will achieve uniform enforcement. Commissioner Holberg thinks there was a general consensus at the Township Officers meeting on the needs for a Standard for the health of the watershed. She noted that an ad hoc committee could be set up with parameters for its purpose for fair application to try and relieve the burden for the townships. Commissioner Holberg also noted the uniform application of the Standard should matter more before the VRWJPO should begin discussion on the actual numbers contained within the Standard.

Mark Ryan suggested meeting with townships individually to provide enforcement guidance/assistance. Commissioner Slavik mentioned that with all his contacts with the townships, the idea of a free inspection program has never been discussed. Commissioner Holberg mentioned that residents in cities like Lakeville do not get a free program. Mark Zabel provided this information to the WPC and the response was that things are not always fair. Commissioner Holberg does not think the VRWJPO should start with subsidizing this program. Commissioner Holberg understands the limited resources townships might be facing however, does not want the investments made upstream to keep the river clean be for nothing.

Travis Thiel asked if the VRWJPO did pursue assisting townships with consistent enforcement whether there is a break-even point where the VRWJPO evaluates the cost of staff time invested against the permit fees collected. Commissioner Holberg believes that significant staff has already been invested in monitoring and addressing this issue and that will continue into the future. Travis Thiel believes consistency can be achieved if the VRWJPO took over permitting, even if it is not the popular choice. Mark Ryan noted that during the Standards evaluation it was sometimes difficult to obtain a copy of the records. Commissioner Holberg suggested a toolkit. Melissa Bokman described Scott County being the local land used authority as a way for the VRWJPO to pass control onto Dakota County.

Commissioner Holberg believes an ad hoc committee with one VRWJPB commissioner is a disadvantage because the VRWJPB is a commission of three, two commissioners on the committee would violate open meeting laws. Commissioner Slavik said he should not be on the committee. He asked Commissioner Holberg if she would sit on the ad hoc committee. Commissioner Slavik suggested asking Terry Holmes for appropriate township representatives and to ask the WPC for committee members. Commissioner Slavik identified the issue as how to apply the standards uniformly and consistently across the Watershed. Commissioner Slavik’s question for the committee to address is why the Standard is unenforceable.
Commissioner Slavik would like to present any findings and recommendations from the ad hoc group at the next Township Officers meeting in March 2019. Commissioner Holberg agreed to serve on the ad hoc committee and would like to have parameters for the group identified by the December VRWJPB meeting. Commissioner Slavik would like the parameters/framework of the group, as well as membership by December. Mark Zabel suggested a draft from the ad hoc group be presented at the VRWJPB in February and then presented at the Township Officers meeting in March. A final draft would be also presented to the WPC and the VRWJPB at their March meetings.

Travis Thiel asked how many inspectors are familiar with erosion and sediment control. Mark Ryan said inspectors from larger inspection companies are very familiar with erosion and sediment control but he does not know whether sole proprietor inspectors have the same familiarity. Travis suggested that a brainstorm session with the ad hoc group on the benefits and feasibility of the VRWJPB taking over permitting authority and charge applicants, training inspectors, assisting with record keeping, or subsidizing an inspection program. Commissioner Holberg noted ultimately each township must determine what they are willing to do to ensure the Standard is met. She would like copies of inspection records passed to the VRWJPO.

Mark Zabel stated both the WPC and VRWJPB have provided direction. Commissioner Slavik will communicate with Township Officer Terry Holmes and explain the status of the issue. The VRWJPB needs to have very clear parameters, a schedule, and committee membership by the December meeting. Commissioner Holberg reiterated with Commissioner Slavik that as Chair of the VRWJPB he is appointing her to the ad hoc committee. Commissioner Slavik affirmed he is appointing her to the ad hoc committee on the Erosion and Sediment Control Standard. Commissioner Slavik will work with staff on the framework for the committee and with the townships on members. The committee should also include members of the WPC, staff, and inspectors.

Commissioner Holberg sympathizes with the Townships following the Township officers meeting addressing their implementation concerns. Commissioner Slavik reiterated this must be done and the VRWJPB needs to own this by March. Mark Ryan hopes the committee will be unified at the March Township Officers meeting, during the presentation/question and answer session. Mark Zabel verified that Commissioner Slavik will continue communication with the townships.

6. Staff Reports
Melissa Bokman will bring the Scott County Comprehensive Plan to the VRWJPB at their next meeting.

Travis Thiel updated the Commissioners on the Lakeville Golden Pond (South Creek Temperature Reduction) project. It is complete. South Creek has been diverted out of the pond and the berm repaired.

Travis Thiel also updated the Commissioners on the County Road 50 Stormwater Treatment (Iron-Enhanced Sand Filter) project. This project is almost complete.

Travis also discussed irrigation projects in Lakeville at Orchard Meadows and Century Ridge Town Home Associations. Reports are being generated. One association was fairly good the other was patched together. Reports will be presented at an upcoming meeting.

Paula Liepold showed the Commissioners four new interpretive signs. She is currently coordinating with cities for installation.
Paula also gave an update on the Master Water Stewards Program. The VRWJPO had four graduates from last year’s class. There are two new volunteers for this year.

Mark Ryan updated the Commissioners on the Nitrate Treatment project (78-06). The project is online and receiving water. Some vegetation management is still needed for close-out in 2019. Travis Thiel collected samples at the project site last week and will get results soon.

Mark also went to symposium on nitrate removal at the University of Minnesota. He met with an individual from the Minnesota Department of Agriculture and discussed potential outreach grants.

Mark Zabel updated the Commissioners on the budget projection. He noted there could be additional carryover into 2019. The VRWJPO could potentially restore some projects. This will not affect the levy. Commissioner Slavik asked if we were close to our carryover. Mark Zabel replied that we will revise our budget in April. Commissioner Slavik proposed to leave the budget as it is and review in April 2019.
Adjourn
Motion by Commissioner Holberg, Second by Commissioner Slavik, and passed on a unanimous voice vote to adjourn the meeting at 2:13 p.m.

Next Meeting Date: December 06, 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

[Signature]
Date
12.6.18