



Meeting Minutes

Vermillion River Watershed Joint Powers Board Meeting
December 3, 2020, 1 p.m., Teleconference using Zoom

Board Members in Attendance

Dakota County Commissioner Mike Slavik, Chair
Dakota County Commissioner Mary Liz Holberg, Vice Chair

Others in Attendance

Mark Zabel, Dakota County, Watershed Administrator
Melissa Bokman Ermer, Scott County, Watershed Co-administrator
Travis Thiel, Dakota County, Senior Watershed Specialist
Mark Ryan, Dakota County, VRWJPO Watershed Engineer
Jen Dullum, Dakota County, Public Outreach and Communication
Helen Brosnahan, Dakota County, Assistant County Attorney
Steve Mielke, Dakota County Physical Development Division Director
Brian Watson, Dakota County Soil and Water Conservation District Manager
Troy Kuphal, Scott County Soil and Water Conservation District Manager

1. Call to Order

Meeting was called to order by Commissioner Slavik at 1: p.m.

1a. Statement of Need to Change Format of Meeting Due to Health Pandemic

Commissioner Slavik noted that the Vermillion River Watershed Joint Powers Board (VRWJPB) had been meeting in hybrid forum through this past October. With the rise in COVID-19 cases a decision was made to meet remotely.

2. Roll Call

Commissioner Slavik and Commissioner Holberg were in attendance.

3. Audience Comments on Items Not on the Agenda

There were no comments from the audience.

4. Approval of Consent Agenda

- a. Approval of Agenda
- b. Approval of Minutes from the October 22, 2020, meeting
- c. Acceptance of Treasurer's Report
- d. Approval of Expenses

e. Approval of Dates for 2021 Vermillion River Watershed Joint Powers Board Meetings

Res. No. VRW 20-17: Motion by Commissioner Holberg, Second by Commissioner Slavik, and passed on a 2-0 roll call vote to approve the consent agenda.

5. Business Items

5a. Adoption of VRWJPO 2021 Final Draft Budget and Watershed Management Tax District Levy

Mark Zabel introduced the final draft budget and watershed management tax district levy. Mark went through changes from the preliminary budget, shown in red, that were presented in August. Changes noted were mostly related to final Capital Improvement Project numbers and grant funds anticipated to be received in 2021. Mark shared the Vermillion River Watershed Joint Powers Organization (VRWJPO) levy request presentation (attached).

Commissioner Slavik is glad that we are moving forward with stream obstruction removal after seeing photos of the work done with Conservation Corps of Minnesota (CCM) on the Vermillion River near Cedar Ave.

Res. No. VRW 20-18: Motion by Commissioner Holberg, Second by Commissioner Slavik, and passed on a 2-0 roll call vote to adopt the VRWJPO 2021 Final Draft Budget and Watershed Management Tax District Levy.

5b. Approval of Submittal of an Amendment and Schedule a Public Hearing of the Vermillion River Watershed Joint Powers Organization Watershed Management Plan to the Board of Water & Soil Resources

Mark Zabel introduced this item. The current waterbody is a wildlife pond, listed as a Minnesota Department of Natural Resources (DNR) public water. The current outlet is challenged and has potential for imminent failure. Staff want to request Watershed Based Implementation Funding (WBIF) for repairs. For the Minnesota Board of Water and Soil (BWSR) to approve this project, it needs to appear in an approved watershed plan. Staff requested approval to submit an amendment to the Vermillion River Watershed Plan, as well as approval to schedule a public hearing after a public 30-day review.

Melissa Bokman Ermer added that BWSR had additional questions when staff recently met with them to clarify aspects of the project. BWSR noted that it will be difficult to justify the project as a water quality improvement project. Additional water quality information on the current state of the basin is needed. Troy Kuphal is currently doing additional investigation. Staff will meet with BWSR on December 9, 2020, to discuss further.

Troy gave additional details on the project. The basin is located in New Market Township in Scott County. The area was originally a pasture. A berm was created to make an open water system for storage. Because of the size of the basin, the DNR has identified it as a public water even though it is an engineered system. The outlet, a shallow ditch, flows south until it meets the Vermillion River. The berm structure is over 50 years old. The 12-inch outlet structure is deteriorating and collapsing. The basin is currently providing storage and water quality benefits, capturing approximately 260 acres of drainage. In addition to reducing volume and peak flow downstream, open water basins provide longer resident time for the settling of phosphorous and sediment. A concerned landowner brought the issue to the attention of the Scott Soil and Water Conservation District (SWCD).

The Scott SWCD completed modeling comparing the current system to if/when the outlet fails. The modeling program (PTMApp) is a supported model developed by the BWSR. The BWSR is interested in additional information on water quality improvement comparing the existing condition to the future, fixed condition. Scott SWCD is working on modeling reductions in phosphorous and sediment and will be revising retention and peak discharge numbers. Afterward, there are two steps: 1) amend the Watershed Plan to include the project, and 2) demonstrate to BWSR the water quality benefits that make the project eligible for WBIF.

Commissioner Holberg questioned the extent of damage that would occur from outlet failure. Troy Kuphal noted that once the outlet pipe is washed out, the berm will be destroyed. Water from the basin should stay within the channel and flow to the Vermillion headwaters. Every storm following failure of the berm will flow through with no pollution filters. No infrastructure should be impacted except for one landowner driveway and culvert just downstream of the berm (for the Bemis home site). Commissioner Slavik summarized that it would be a one-time failure bringing a lot of water downstream.

Commissioner Slavik has no objection to this project and supports putting it in the Watershed Plan.

Res. No. VRW 20-19: Motion by Commissioner Holberg, Second by Commissioner Slavik, and passed on a 2-0 roll call vote to approve submittal of an amendment and schedule a public hearing of the Vermillion River Watershed Joint Powers Organization Watershed Management Plan to the Board of Water & Soil Resources.

Staff Reports

Travis Thiel gave an update on the status of several projects:

- Three water quality improvement projects associated with 21st St. in Hastings wrapped up this week: the hydrodynamic separator, filtration basin, and ravine basin stabilization.
- The 78-10 woodchip bioreactor at Castle Rock Town Hall is mostly complete. Seeding and stabilization still need to take place.
- Staff investigated a complaint about standing water in a backyard in Hastings. This is not the first-time staff have been to this residence. The previous landowner also had concerns about water in the backyard. The standing water issue appears to be a result ongoing high water flows and a downstream neighbor having likely placed fill in the floodplain.
- The Dakota County SWCD is planning to submit a multi-organization (SWCD/County/VRWJPO) Conservation Corps Minnesota (CCM) grant application in December. The VRWJPO would like to continue the work at the Bachman's property clearing downfalls and debris to improve river flow and the grant application is for CCM crew time to help with that project. Mark Ryan noted that an important factor for doing some selective removal with CCM is that Bachman's has been a very good private landowner partner to work with on the cleanup.
- The enhancements at the Jaguar Basin (Jaguar and 50), that were approved at the October meeting, will be completed this week.

Commissioner Slavik reiterated his comment about river obstructions and noted down trees in the Vermillion River at Highways 52 and 66 and from Highway 52 into Hastings. He mentioned if there should ever be a project that can look at this, perhaps partnering with other groups like the Hastings Environmental Protectors, to get the work done as it would be beneficial for recreation and water retention.

Mark Ryan provided updates on projects:

- The Records Trail project is complete after seeding in October.
- Small project work on the Jaguar basin and the nitrate treatment wetland at County Road 78 (mentioned by Travis) has been ongoing and finished up with seeding this fall.

Mark Ryan also described a potential collaborative effort in Ravenna Township that has reemerged in discussion with Township officials. Localized flooding is taking place along a waterway which runs through a neighborhood. The neighborhood was built in 1970's without much accommodation for the waterway/dry channel that runs through it because no regulation was present at that time. Existing condition modeling was done for the area by the VRWJPO in 2018. The township was awarded a Community Block Grant (through the Dakota County Community Development Authority) to investigate solutions in more detail. A consultant (Stantec) has completed this work and produced a final memo, and project options will be discussed further at the December township meeting. Travis Thiel has been engaged with a township supervisor recently on project ideas. Project funding and partners are currently being investigated. Staff believe it to be beneficial to create upstream storage instead of just upsizing culverts in the neighborhood, and a project may be considered in collaboration with Dakota County Water Resources/Land Conservation units.

Melissa Bokman Ermer stated that the Webster wetland restoration began construction in November and is almost complete. She will have photos and more detail at next month's meeting.

Brian Watson provided an update on the 2020 Landscaping for Clean Water program. Thirty-five (35) in-person workshops had been scheduled at the start of 2020. The Dakota County SWCD had completed four classes before COVID-19 halted in-person activities. Within three weeks, the classes had been made virtual. Three course types were offered; maintenance, design, beginner. Over 700 people participated in these online classes. 17 projects were installed in the Vermillion River Watershed in 2020; receiving cost share funding. The education committee decided to continue full virtual courses for 2021.

Mark Zabel mentioned that, at the November Watershed Planning Commission meeting, two of students of Hastings High School teacher Joe Beatie's field biology class presented macroinvertebrate data from the Vermillion River. The presentation was well received and Mark would like to have it presented at the January VRWJPO Board meeting.

Mark Zabel received a call from an attorney representing a client/landowner in Vermillion Township who would like to put in a field road, in a low spot, on their property. The property is near the Vermillion River and in a floodplain. The landowner is seeking approval from the VRWJPO. Mark informed the attorney that the VRWJPO does not have a role in permitting within Vermillion Township. Mark directed the attorney to work through township supervisors and noted that there would likely be a permit required from Dakota County because of the regulatory shoreland and floodplain. Helen Brosnahan noted that the property involved is currently in litigation related to violations of County Ordinance 50.

Adjourn

Motion by Commissioner Holberg, Second by Commissioner Slavik, and passed unanimously to adjourn the meeting at 1:50 p.m.

Next Meeting Date: January 28, 2021, at 1 p.m. Location to be determined.

Respectfully submitted:

Jen Dullum
Vermillion River Watershed Joint Powers Organization

Mark Zabel
Administrator for the Vermillion River Watershed Joint Powers Organization

Attest



Commissioner Mary Hamann-Roland Secretary/ Treasurer

3/5/21
Date