



Minutes

Vermillion River Watershed Planning Commission Meeting

March 10, 2021 – 4:00 p.m.

Zoom Videoconference

WPC Members in Attendance

Mark Henry Chuck Clanton
Josh Borton Carolyn Miller
Ken Betzold James Kotz
Andy Riesgraf Steve Hamrick

Staff in Attendance

Mark Zabel, VRWJPO
Mark Ryan, VRWJPO
Travis Thiel, VRWJPO

Others in Attendance

Curt Coudron, Dakota County SWCD

1. Call to Order

The meeting was called to order by Commissioner Henry at 4:02 p.m. Member Wotzka was absent.

2. Roll Call

3. Audience Comments on Items Not on the Agenda

None

4. Approval of Agenda

Chair Henry asked for any changes to the agenda. Upon hearing none, Chair Henry called for a motion to approve the agenda as provided in the packet.

Motion by Commissioner Miller, second by Commissioner Betzold, to approve the agenda. The agenda was unanimously approved by a 8-0 roll call.

5. Approval of Minutes

Chair Henry requested any additions, deletions, or edits to the agenda. Upon hearing none Chair Henry called for a motion to approve the minutes of the February 10, 2021 meeting of the WPC.

Motion by Commissioner Clanton, second by Commissioner Borton, to approve the minutes of the February 10, 2021, meeting, as distributed. The minutes were unanimously approved by a 8-0 roll call vote.

6. Business Items

a. Recommendation to Execute a Grant Agreement with the Minnesota Board of Water and Soil Resources for Fiscal Year 2021 Watershed-Based Initiative Funding

Chair Henry introduced the Item. Travis Thiel described the purpose of the request to approve the execution of a grant agreement from the Minnesota Board of Soil and Water Resources (BWSR) for Watershed Based Initiative Funding (WBIF). Currently \$487,181 is proposed to come to the VRWJPO from the WBIF grant. There were 11 total projects approved for funding through the WBIF. The VRWJPO is receiving funding only for those projects where we are the grantee and fiscal agent. Dakota County SWCD, Scott SWCD and the City of Apple Valley are receiving grants directly and acting as their own fiscal agents for projects they are implementing.

Motion by Commissioner Clanton, second by Commissioner Kotz, recommending execution of a grant agreement with the Minnesota Board of Water and Soil Resources for fiscal year 2021 Watershed-Based Initiative Funding was unanimously approved by a 8-0 roll call vote.

b. Recommendation to Adopt Modifications to the VRWJPO Permit Program Fee and Security Schedule

Chair Henry introduced the item. Mark Ryan described the permitting program and the need for and use of the fees collected and the security schedule. The VRWJPO provides watershed permits but only in those communities who have chosen not to implement the VRWJPO Standards through their local ordinances. Most cities and townships within the watershed incorporate the VRWJPO standards through their ordinances so if there is a building development or other activity requiring a permit the VRWJPO doesn't issue a separate permit for the activity. If there are design challenges or if it meets certain size criteria we might provide comment on it, but we don't issue our own VRWJPO permit. However, the VRWJPO has implemented a permitting program in one community (Eureka Township) since 2017.

In 2018, the VRWJPO updated the permitting fee document to align with needs from a permitting standpoint. Based on experience with the permitting program over the past few years, the proposed modifications adjust the fees that are charged. There is a \$10 application fee charged with all permits. In addition, money is collected into escrow that is then used to pay for staff to do site inspections, address complaints, or to address inadequacies associated with standards. The current proposal reduces the \$100 per hour fee to \$90 per hour to better align with current staff costs and experience with travel times and rates to sites. The proposal also provides for some additional escrow categories to address different levels of risk associated with different levels of development activities. This is basically an adjustment that keeps us up to date with needs for the permitting program and ensures that adequate but fair escrow amounts are collected.

Travis and others on the call noted that a Tornado Warning was issued for much of the Dakota, Scott, Rice and Goodhue Counties area at this time.

Commissioner Miller asked if this was a preliminary approval and if there was a later public hearing. Mark Ryan responded that this action will be a recommendation to the Vermillion River Watershed Joint Powers Board and there will be a public hearing for this item at the next Vermillion River Watershed Joint Powers Board meeting on March 25th. Commissioner Clanton asked if the public hearing was an

automatic requirement or if it had a specific trigger of interest, like 25 people requesting there be a public hearing. Zabel responded that the VRWJPO is required to hold a public hearing but that doing so isn't really an additional burden other than the cost to publish a notice in the County newspaper of record. All meetings of the Vermillion River Watershed Joint Powers Board are public meetings and so having an associated public hearing is not a problem. Chair Henry asked if the Vermillion River Watershed Joint Powers Board meetings are now in person or if they are virtual. Zabel answered that they are still in virtual mode. The Vermillion River Watershed Joint Powers Board will be discussing future meeting formats at its next meeting on March 25th. Changes to meeting formats will be noticed with the posting of future meeting packets and materials.

Motion by Commissioner Miller, second by Commissioner Betzold, recommending to adopt modifications to the Vermillion River Watershed Joint Powers Organization Permit Program Fee and Security Schedule was unanimously approved by a 8-0 roll call vote.

7. Updates

a. Chairperson's Report

Chair Henry commented that he had a conversation with Mark Ryan about the possibility for a project for nitrate reduction within the Dakota County Fairgrounds easement area. Mark Ryan mentioned that he and Travis Thiel had visited the area Wednesday March 3rd. There may be potential to do something there. The existing channel does seem to be providing hydrologic connection to the surrounding wetland area, though there is some potential to modify the wetland hydrology there. Doing so would promote more area as wetland whereas much of the existing restoration is oriented more toward prairie. One of the first questions would be the delineation of what portions of the easement area landscape should be wetland and what portion prairie. Chair Henry commented that he would like some input from VRWJPO and DCSWCD staff as to potential restoration and management efforts. There are some funds available for restoration. There is some expectation that part of the area would remain in existing reed canary grass and sedges as that is what will grow in anyway.

Chair Henry asked about the potential to redistribute spoil piles in the easement area (spoil piles were placed as part of wetland/ditch excavation many years ago). The amount of funds may not be there to deal with this. Chair Henry's primary interest in the potential for nitrate treatment and benefits to the system. Travis mentioned that this is something we can look at but there are issues that would need to be considered in the process. Vegetation changes would be one, another would be the potential for changes to the delineated floodplain and the potential need for a revision to the floodplain associated with a project, which could involve a filing of a Letter of Map Revision with FEMA (which can be an involved and costly process). Travis offered that he and others will continue looking into these issues and keep Chair Henry and members informed of possibilities for this site.

Commissioner Clanton asked how much is known about concentrations of nitrate in water coming into and leaving the easement area. Travis indicated that there has been sampling in the area in the past and Mark Ryan indicated that previous sampling indicated concentrations of up to twice the water quality standard. Commissioner Clanton asked if this is something that could be included in future agendas. Commissioner Clanton went on to ask if removal of vegetation through a harvest of some type might be feasible as a means of removing nutrients. Chair Henry mentioned that the County and Fair Board have been considering some alternative uses to assist in management of the site as prairie. Harvesting may be an option. Chair Henry commented that input from resource professionals are welcomed. Commissioner Clanton asked whether this might be good project for students seeking a capstone

project, especially for those involved in sustainable design programs. Chair Henry indicated being open to that. Chair Henry went on to state that the Fair Board is looking for how to best meet their commitment to manage the area as a natural area and prairie. Commissioner Miller requested that staff provide a presentation on the process for how projects come to the VRWJPO and are considered and prioritized at an upcoming meeting.

Commissioner Clanton reported on a recent meeting (February 23rd) of the Local Advisory Team (LAT) for the Minnesota Department of Agriculture to assist with addressing nitrate issues in the Hastings Drinking Water Supply Management Area (DWSMA). The LAT has been meeting occasionally over the last two years. The recent meeting was held to review draft Best Management Practices (BMPs) for farmers to use in order to reduce nitrate levels in the groundwater. The purpose of the development of the BMPs is to promote practices that have the potential to reduce the nitrate levels in groundwater. If the nitrate levels in groundwater in the DWSMA are not reduced over time, farmers could be required to use the BMPs or further actions to address the nitrate levels could be implemented. Commissioner Clanton commented that his opinion is that most farmers in the area already incorporate most of these BMPs in their operations. Travis Thiel asked if the LAT discussions were only focused on BMP development or did they also address Alternative Management Techniques (AMTs). AMTs are more stringent practices that can be implemented by farmers if BMPs are not found to be effective at reducing nitrate concentrations in groundwater. Clanton indicated that AMTs were included. Clanton said they address nitrogen fertilizer and he thinks farmers in the area are there already. Zabel indicated that this issue is something that may be worth having on the agenda at a future meeting as an information item where we could have staff from the Dakota County Groundwater Unit organize some information in regard to the nitrate in groundwater issue for the DWSMA. Perhaps some people from MDA could be included to talk about what the LAT is trying to accomplish in general and what the MDA's charge is in this, to give a full picture for us.

b. Staff Updates

Curt Coudron noted that the cost share policy presented at the last meeting has been approved by the Dakota County SWCD Board and so the Harvestable Cover cost share program is now in place. Curt also reported that the Dakota County SWCD will be receiving some Watershed Based Implementation Funds for projects and a subwatershed analysis being implemented by the SWCD.

Mark Zabel reported that he and Chuck Clanton have been invited to participate in a Board of Water and Soil Resources training on citizen advisory committees as presenters. Zabel also reported that the vacant position was posted on February 26th and closes Friday (March 12th). There were 47 applicants as of March 3rd. Hopefully we may be able to make an offer, if all goes well, by the end of the month. Zabel will be on the call for the Township Officer's meeting just to monitor the call, we have not been asked to present.

8. Adjourn

Motion by Commissioner Miller, second by Commissioner Kotz, to adjourn the meeting at 4:57 p.m. The motion passed on a 7-0 roll-call vote.