



Meeting Minutes

Vermillion River Watershed Joint Powers Board Meeting

April 22, 2021, 1 p.m., Teleconference using Zoom

Board Members in Attendance

Dakota County Commissioner Mike Slavik, Chair

Scott County Commissioner, Tom Wolf, Vice-Chair

Dakota County Commissioner Mary Hamann-Roland, Secretary/ Treasurer

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

Paula Liepold, Dakota County, Public Outreach and Communications

Helen Brosnahan, Dakota County, Assistant County Attorney

Bruce Johnson, Dakota County SWCD Supervisor

1. Call to Order

Meeting was called to order at 1:02 p.m.

2. Roll Call

Commissioners Slavik, Hamann-Roland, and Wolf 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 March 25, 2021, meeting
- c. Acceptance of Treasurer's Report
- d. Authorization to Submit 2020 Vermillion River Watershed Joint Powers Organization (VRWJPO) Annual Activity Report and Financial Statement to the Minnesota Board of Water and Soil Resources (BWSR)

Res. No. VRW 21-12: Motion by Commissioner Hamann-Roland, Second by Commissioner Wolf and passed on a 3-0 roll call vote to approve the consent agenda.

5. Approval of Expenses

Mark Zabel presented the current expenses for approval as shown on item 5.

Res. No. VRW 21-13: Motion by Commissioner Wolf, Second by Commissioner Hamann-Roland and passed on a 3-0 roll call vote to approve the expenses totaling \$48,414.61 incurred between March 13, 2021, and April 14, 2021.

Business Items

6a. Approval of Proposed Amendments to the Vermillion River Watershed Joint Powers Organization (VRWJPO) 2021 Budget

Mark Zabel presented the proposed amendments to the VRWJPO 2021 Budget. Budget amendments reflect revenue carryovers from the previous year, Watershed-Based Implementation Grant funds approved for 2021, expenses for new grants, adjustments for expected costs, and cash reserves. The overall amended budget is reduced by \$9,500 compared to the adopted Final VRWJPO 2021 Budget. Commissioner Wolf commented that the overall budget reduction was good to see. Commissioner Slavik asked about budgeting for changes in employment status with a current vacant position and potential new hire. Mark Zabel commented that budgeting for the VRWJPO is based on anticipated costs aligned with budget needs, and staffing is provided by the Counties. If there are additional needs, staff from other departments with other expertise can be utilized as needed. Paula Liepold is currently providing additional support to the VRWJPO for communications and outreach due to the current vacant position. Commissioner Slavik commented that he supports the increase to the feasibility study category because it supports implementing projects and attracts grant funding. Commissioner Hamann-Roland commented she also supports implementing projects.

Res. No. VRW 21-14: Motion by Commissioner Hamann-Roland, Second by Commissioner Wolf and passed on a 3-0 roll call vote to approve the proposed amendments to the Vermillion River Watershed Joint Powers Organization 2021 Budget.

6b. Planning for future Vermillion River Watershed Joint Powers Board meeting formats

Mark Zabel commented this item is a carryover from a previous meeting. Mark Zabel also stated that the May meeting of the Vermillion River Watershed Joint Powers Board has been cancelled the last two years due to light meeting agendas (no decision items) and this will likely be true again in 2021. Anticipating the cancellation of the May meeting, the Board may want to consider the format of its June meeting. Commissioner Slavik suggests planning for a virtual meeting in June and an in-person meeting in July and perhaps outdoors. There was consensus among the Board for continuing with a virtual meeting in June. Mark Zabel noted that he would keep this item on the agenda for discussion in June.

6c. Project Paths to the Vermillion River Watershed Joint Powers Organization (VRWJPO)

Mark Ryan introduced this item that was presented to the Vermillion River Watershed Planning Commission (WPC) at the request of one of the WPC members to both provide information for new members as well as to enhance background for existing members regarding how projects are proposed and selected for implementation by the VRWJPO. The primary document directing the VRWJPO is the Watershed Management Plan (Plan). There are studies that have been completed over the years assessing water quality issues in different geographic areas within the watershed that then guide where projects might be implemented. Cost share also allows the VRWJPO to provide support for projects that are suggested by partners. Mark Ryan provided an overview focusing on Goals, Objectives, and Actions Section and the Implementation Section of the Plan. Watershed-based studies, like the Watershed

Restoration and Protection Strategies (WRAPS) study completed with Minnesota Pollution Control Agency funding, help inform the implementation process. The VRWJPO also pursues subwatershed assessments to help identify potential projects either in conjunction with the Soil and Water Conservation Districts or under contract with consultants. Mark Ryan provided a specific example of the subwatershed assessment process and project implementation for Alimagnet Lake. Another form of assessment is a geomorphic assessment which is more specific to assessing the stream or near stream environment. Cost share policy addresses how VRWJPO funding is allocated to projects in supporting their implementation with partner funding. Mark Ryan commented to aspects of long-term plans for implementation projects and funding, especially as there is now a more predictable state grant funding source. Commissioner Hamann-Roland expressed her appreciation for this background information and asked about grant funding and match. Mark Zabel commented that the VRWJPO sometimes partners with local units of government where the match requirement for a grant is supported by both the VRWJPO and the local unit, allowing the VRWJPO to reduce its contribution for the total match. Commissioner Slavik asked if there was specific feedback from the WPC. Mark Ryan shared that the WPC was interested in how projects are prioritized and the big picture planning to target the best projects and their distribution throughout the watershed. Commissioner Hamann-Roland asked how projects are prioritized among cities. Mark Ryan commented that there are tools, such as the subwatershed prioritization, that could be used to evaluate which project becomes a higher priority. Commissioner Slavik acknowledged that more stable funding allows better predictability and planning. Commissioner Slavik recommended the Board consider a half-day strategic planning session in about a year (2022 spring/early summer) to develop direction for the VRWJPO, including CIP, and that session could include an invitation for WPC members participation. Commissioner Hamann-Roland supported the added value of having WPC members join the Board.

Staff Reports

Travis Thiel reported a follow up to a request at last month's VRWJPB meeting to look at deadfalls and obstructions on the Vermillion River between Highway 52 and Highway 61 in Hastings. Travis completed a desktop inventory using available GIS tools and aerial photography and categorized deadfalls based on the level of resulting blockage. The categories Travis applied were: completely blocking for deadfalls fully across the stream, partially blocking for deadfalls across approximately 50% or more of the stream, limited blocking for which deadfalls block 50% or less of the stream, and leaners which refers to trees that may not be in the stream but may fall into the stream sometime in the future (5 to 10 years). Reviewing reaches of the river using the Public Land Survey, Section by Section, Travis quantified the following deadfalls: 46 completely blocking, 63 partially blocking, 156 limited blocking, and 426 leaners.

Commissioner Slavik commended Travis for compiling this information. Commissioner Slavik also noted, in reference to current work done near Cedar Avenue, that opening the river for recreation would be no small undertaking. Travis commented that he had mentioned the scale of the project at last month's meeting and agreed that the effort would require significant labor, time, and cost. If we were to engage a contractor for this purpose it will require addressing several issues including: coordination with landowners, access for equipment, timing of work (might include work in winter to avoid rutting things up), and removal of debris.

Commissioner Slavik contacted Hastings Environmental Protectors and Parks Department; some volunteers were very enthusiastic about working to clear the deadfalls. Logistically, this issue is more complicated. One challenge is that most of the area is private property on both banks. The completely blocking deadfall is of greatest concern and some of the perception that is conveyed is that the river is blocked in all these spots and holding back water causing flooding issues. That may not be the case, but

addressing some of that perception might be helpful. Commissioner Slavik also wondered if something can be done that has some impact and brings value to users and taxpayers for recreation while maintaining values for habitat. Commissioner Slavik requested input from staff for these issues. Mark Zabel commented that the next step would be to confirm the desktop inventory to accurately represent the current conditions on this reach of the river. This will involve getting on the river in canoes or kayaks and documenting the deadfalls present. Mark Zabel also reported that the previous iteration of the Vermillion River Watershed Board completed a similar project with a contractor in 1994. During that project the contractor removed some trees on private property resulting in the property owner suing and winning a settlement of \$80,000 for restitution. Care needs to be taken when addressing this issue and be limited to removing, or partially removing, obstructions actually in the river. Other issues including habitat will need to be addressed if this project moves forward. Staff will report back to the Board in June. Commissioner Wolf commented that trees along the stream are a natural occurrence and generally would be in favor of leaving things alone, although allowing for passage might be a good idea. Commissioner Wolf approved of completing the inventory. Commissioner Hamann-Roland liked the actions being taken in a considered manner and moving toward prioritization of addressing issues. She supported addressing obstructions that are completely blocking. Mark Ryan commented that landowner outreach will be an important consideration in determining feasibility for this and if a landowner(s) were to reach out to staff or Board members, perhaps there is an opportunity to develop a pilot project that could then inform how we approach this further. Commissioner Slavik commented confirming the desktop inventory should focus on deadfall completely blocking and partially blocking the stream.

Travis reported that there was an accidental spill of fertilizer in Ravenna Township. The incident was reported to the Duty Officer and the product was vacuumed up. Based on pictures provided, it appears to have been cleaned up effectively.

Mark Zabel reported that Chuck Clanton, who serves on the Local Advisory Team (LAT) for the Minnesota Department of Agriculture (MDA), which is evaluating nitrate and fertilizer management issues in the Hastings Drinking Water Supply Management Area (DWSMA), is developing a list of Best Management Practices (BMPs) that, after adoption by the MDA, would be promoted within the DWSMA. Chuck forwarded the draft list of BMPs to VRWJPO staff for comments. After receiving comments from the VRWJPO, MDA staff requested a meeting with VRWJPO staff to discuss the comments. Mark Zabel summarized the comments provided to the WPC referencing the Minnesota Groundwater Protection Act. The MDA is charged with protecting groundwater from contamination from agricultural chemicals. In the case of nitrates in the Hastings DWSMA, one of the primary sources of nitrate is from nitrogen fertilizer use. Mark Zabel also summarized the MDA's current approach. Some of VRWJPO staff comments to the development of the list of BMPs is that we are often told that farmers in the area are already applying at rates recommended as BMPs; if that is the case we are not seeing improvements in the levels of nitrates in groundwater and surface water in the area due to the application of BMPs. MDA is putting in 27 monitoring wells in the Hastings DWSMA at which they will sample shallow groundwater for contaminants. But then they are developing this list of BMPs that are going to be adopted for promotion in the area and basically it's the same BMPs that we are told most farmers are already using. The BMPs won't be evaluated until three years down the road. Staff comments strongly recommend that MDA do their assessment now so that the level of BMP adoption is established and a determination can be made as to whether those BMPs are effective or if something else that better addresses the issue needs to be done. The list is still in development and so the LAT is supplying the list to MDA for adoption (probably this summer).

Mark Zabel also reported that the Lower Minnesota East Watershed, one of the Major Watersheds, involved in the statewide watershed planning efforts known as One Watershed, One Plan, is in the process of developing a Plan. The VRWJPO will not be involved in the planning process for this area (a large part of Scott County and portions of LeSueur and Rice Counties). The VRWJPO has a small portion of what the Minnesota Board of Water and Soil Resources is calling Area 56 which is also part of the Lower Minnesota Watershed (the watershed not the Watershed District) which includes the Lebanon Hills and northwest Rosemount area within the VRWJPO. However, the VRWJPO will not be part of those processes because it is entirely within the Metro Area and the VRW allocation of Watershed Based Implementation Funding is set by the jurisdictional bound of the VRWJPO.

Mark Zabel also noted that Dakota County is in the process of interviews for the open position of Communications and Outreach Specialist for the VRWJPO.

Adjourn

Motion by Commissioner Wolf, Second by Commissioner Hamann-Roland, and passed 3-0 roll call vote to adjourn the meeting at 2:22 p.m.

Next Meeting Date: Thursday, June 24, 2021, at 1 p.m. Teleconference using Zoom.

Mark Zabel

Administrator for the Vermillion River Watershed Joint Powers Organization

Attest



Commissioner Hamann-Roland Secretary/ Treasurer

8/6/2021
Date