



Minutes

Vermillion River Watershed Planning Commission Meeting

April 13, 2022 – 4:00 p.m.

In-person and Zoom Videoconference

WPC Members in Attendance

Mark Henry James Kotz
Josh Borton Andy Riesgraf
Steve Hamrick
Chuck Clanton via teleconference

Staff in Attendance

Mark Ryan, VRWJPO
Brita Moore-Kutz, VRWJPO
Mark Zabel, VRWJPO

Others in Attendance

Curt Coudron, Dakota County SWCD

1. Call to Order

The meeting was called to order at 4:00 p.m.

2. Election of officers

Mark Zabel opened nominations for Chair. Josh Borton nominated Mark Henry as Chair. Mark Henry nominated Chuck Clanton as Chair. There was some discussion about whether either of them was accepting their nomination. Both indicated a willingness to serve. After further discussion Commissioner Clanton withdrew leaving Commissioner Henry as the lone nominee. Mark Henry was elected Chair by acclamation. Chair Henry then nominated Chuck Clanton as Vice-chair. There were no other nominations and Chuck Clanton was elected Vice-chair by acclamation.

3. Roll Call

All members present.

4. Audience Comments on Items Not on the Agenda

None.

5. Approval of Agenda and Minutes

Chair Henry asked for approval of the agenda. Commissioner Clanton asked if there were no minutes listed for approval on the agenda. The January meeting did not have a quorum of

members present and so there was no meeting. Commissioner Clanton pointed out that the minutes of the previous meeting presented in the January meeting packet would still require approval. The minutes from the November 17, 2022 meeting of the Vermillion River Watershed Planning Commission were added for approval.

Chair Henry requested any adjustments to the minutes as presented. Upon hearing none, Chair Henry called for a motion to approve the minutes of the November 17, 2021 meeting of the WPC.

Motion by Commissioner Clanton, second by Commissioner Borton, to approve the agenda, and minutes of the November 17, 2021 meeting, as distributed. The agenda and minutes were approved by a 6-0 vote.

6. Business Items

a. Recommend Approval of Proposed Amendments to the Vermillion River Watershed Joint Powers Organization (VRWJPO) Draft Revised 2022 Budget

Mark Zabel introduced the draft budget document showing proposed amendments to the Final VRWJPO 2022 Budget. These amendments are based on carryover funds from underspending in the previous year and new grants awarded since adoption of the Final VRWJPO 2022 Budget on December 2, 2021. Mark went through the document highlighting each line where a change had occurred and explained the reason for the change. The overall result of proposed amendments to the budget is an increase in revenues from \$1,942,600 to \$2,693,350, a total increase of \$750,750, an increase in expenses from \$1,753,060 to \$2,464,010, a total increase of \$710,410, with a cash reserve of \$229,340.

Motion by Commissioner Kotz, second by Commissioner Riesgraf, recommending approval of the amendment to bring the budgeted total expenses in 2022 to \$2,464,010 and total revenue to \$2,693,350 with a cash reserve of \$229,340 was unanimously approved by a 6-0 vote.

b. Recommendation to Approve Vermillion River Watershed Joint Powers Organization (VRWJPO) Consultant List for 2022-2023

Mark Ryan presented the list of consultants whose application met the requirements of the Request for Qualifications (RFQ). Mark Ryan commented that the VRWJPO does the RFQ process every two years to meet the requirements set out by the Minnesota Board of Water and Soil Resources. Commissioner Riesgraf asked whether this list represents all consultants that we might use and how new consultants are accessed. Mark Zabel described the purpose of BWSR's requirement and how the VRWJPO then uses the consultant list, but that the list does not limit our access to consultants as the VRWJPO can use the Request for Proposals (RFP) process for larger projects or for projects with specific service needs. Commissioner Clanton suggested that the services (five areas) listed in the RFQ be shown with the list of consultants so that it is evident to those accessing the document as to what services are available through these consultants (i.e. a checklist). Mark Ryan commented

that we will consider that, though it is not something that the VRWJPO had done in the past or would be required by Statute. Commissioner Clanton commented that since this is a public document the information could be used as a resource for outside parties looking to access certain services. Commissioner Borton pointed out that consultants on the list would have the opportunity to subcontract for services that they don't directly support. Mark Ryan acknowledged that consultants do use that approach when responding to an RFP. Commissioner Kotz asked if any of these firms are located within the watershed. Mark Ryan responded that he was not aware if any of these firms were officed locally within the watershed, but that could be a future consideration in trying to access local firms.

Motion by Commissioner Borton, second by Commissioner Hamrick, recommending approval of the list of qualified professional consultant services for 2022-2023, was unanimously approved by a 6-0 vote.

c. Recommend Authorization to Submit 2021 VRWJPO Annual Activity Report and Financial Statement to the Board of Water and Soil Resources (BWSR)

Brita Moore-Kutz presented a summary of the VRWJPO Annual Activity and Financial Report. Brita noted that a change to the report for this year was a formatting to an ADA compliant accessible format to make it readily available to screen readers. Commissioner Borton noted that his address should be corrected. Brita agreed to make that correction before presenting to the VRWJPB. The WPC members commented that the report was well done, thorough and complete. Mark Zabel noted that the report is a BWSR requirement that calls for its submittal within 120 days of the end of the VRWJPO fiscal year, which is the calendar year. The report will need to be submitted to BWSR by the end of April 2022.

Motion by Commissioner Clanton, second by Commissioner Kotz, recommending VRWJPB approval and submittal to the Minnesota Board of Water and Soil Resources of the VRWJPO Annual Activity Report and Financial Statement, was unanimously approved by a 6-0 vote.

7. Updates

a. Chairperson's Report

Chair Henry mentioned Joe Duggan has been advocating a bill at the Minnesota State Capitol supporting the promotion of enhanced CRP/CREP for riparian areas. There was some discussion about CRP (Conservation Reserve Program – implemented through the United States Department of Agriculture) and the challenges around getting conservation practices implemented on the land.

b. Staff Updates

Curt Coudron provided an update on several projects and programs of the Dakota SWCD. Curt highlighted the Landscaping for Clean Water Program as the workshops for the introductory course have been completed and the program will be moving into the design course soon.

Brita Moore-Kutz reported that efforts for outreach in direct public contact like tabling events were lacking in 2021 mainly due to COVID. This year and this month (being Earth Month and Earth Day being April 22nd) the VRWJPO will be participating in several events, one in Farmington and one in Lakeville. Another event involves students from the School of Environmental Studies with a live staking on North Creek in Farmington. Brita has been coordinating with the “We Are Water” development with Dakota County. Displays will be at two locations, the Pleasant Hill Library in the City of Hastings and at the Visitor Center at Lebanon Hills Regional Park. Events and activities are being planned for both locations. The eNewsletter was sent out recently and included several articles and a few yard management tips for Spring.

Curt Coudron followed up with a note that the Dakota SWCD is holding their Tree Sale at the Dakota County Fairgrounds County Building on April 20, 21, and 22.

Mark Ryan reported that Apple Valley is a new partner in the Irrigation Audit Program and so we will be seeing some water conservation implementation in three participating cities this year (Lakeville and Rosemount again are the other two). Mark Ryan also reported having attended the Spring Township Officer’s meeting on March 19th where he talked about the need for updating ordinances for Water Resource Management (to implement the VRWJPO Standards). Mark also mentioned that the Manager for the Empire Wastewater Treatment Plant presented information about biosolids management at that meeting and has a copy of an information sheet to share with Commissioner Clanton with his prior interest in the subject. Mark mentioned that staff have been coordinating with the Dakota SWCD on a subwatershed assessment on the Lower Mainstem Vermillion River South – which encompasses the tributaries flowing to the Vermillion River from the south for an area generally between highways 52 and 61. Something new in the subwatershed assessment will be assessing projects for nitrate reduction to help with this local concern.

Mark Zabel provided an update on the wetland bank and the sale of wetland bank credits. Dakota County was allocated credits for the Braun Wetland bank (Wetland Bank #1740) a portion, 5.1066 acres of credit, for public sale on behalf of the VRWJPO. The VRWJPO is offering those credits for mitigation of wetland impacts at a cost of \$37,000 per acre credits for replacement of impacts that occur within the watershed, and \$45,000 per acre credits for replacement of impacts that occur outside the watershed. Mark Zabel recently sent letters to all the local units of government that implement the Minnesota Wetland Conservation Act (WCA) within the watershed, informing them of the development of Wetland Bank #1740 and the availability of wetland credits. Since then there have been three inquiries for a total of 3.212 acres of credit. Two are from inside the watershed and one, for 0.24 acres, from outside the watershed. If all three of these requests go through to completion it would generate \$120,764 of revenue. Mark gave a brief explanation of how WCA manages for wetland impacts through mitigation and the options available for permit applicants to mitigate their impacts – which may include obtaining credits from a wetland bank. Mark described the recent restoration of the Braun Wetland through a partnership between BWSR, Dakota County, and

the VRWJPO (financially) toward developing a wetland bank. If these requests go through the VRWJPO would have approximately 1.9 acres left and then we will have to wait until next year for the next performance evaluation, certification, and release of credits. Mark Henry commented that the area of this wetland was once called Lake Eleven as it was in Section 11 of Castle Rock Township. Mark Henry also shared that Blaine Avenue which runs along the western edge of this wetland was originally constructed as a dirt road by hauling load after load of sand and gravel out onto the ice in Winter to build up a roadbed through the wetland. Chair Henry noted that the restoration of this wetland may also provide some treatment for nitrates going to the South Creek tributary to the Vermillion River.

Commissioner Clanton commented that he had heard that the Field Biology Class at Hastings High School is not continuing. Staff noted that Joe Beattie had resigned his position at Hastings High School as the Biology Teacher and is now teaching at Inver Hills Community College. Commissioner Clanton suggested the VRWJPO consider appointing people who own land (but who do not live) in the watershed as WPC members in order to broaden the opportunity for people who have an interest to serve. Mark Zabel said that he believed that the residency requirement is set out in the Joint Powers Agreement that established the VRWJPO and will verify that requirement and discuss with the Vermillion River Watershed Joint Powers Board.

8. Adjourn

Motion by Commissioner Hamrick, second by Commissioner Borton, to adjourn the meeting at 5:22 p.m. The motion passed on an 6-0 vote.