



Minutes

Vermillion River Watershed Planning Commission Meeting

January 11, 2023 – 4:30 p.m.

In-person and Microsoft Teams Videoconference

WPC Members in Attendance

James Kotz Sandra Weber
Josh Borton Andy Riesgraf
Steve Hamrick

Staff in Attendance

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

Others in Attendance

Curt Coudron, Dakota County SWCD
Nikki Stewart, Dakota County

1. Call to Order

The meeting was called to order at 4:31 p.m.

2. Election of Officers

Mark Zabel called for nominations for the Chair. Josh Borton nominated James Kotz for Chair. There were no other nominations. James Kotz was elected Chair by acclamation. Chair Kotz called for nominations for Vice-chair. Andrew Riesgraf nominated Josh Borton for Vice-chair. There were no other nominations. Josh Borton was elected Vice-chair by acclamation.

3. Roll Call

All members present except Linda Larson.

4. Audience Comments on Items Not on the Agenda

None.

5. Approval of Agenda

Chair Kotz asked for approval of the agenda.

Motion by Commissioner Borton, second by Commissioner Riesgraf, to approve the agenda as distributed. The agenda was approved by a 5-0 vote.

6. Approval of Minutes from the November 16, 2022 Meeting

Chair Kotz requested any adjustments to the minutes as presented.

Motion by Commissioner Borton, second by Commissioner Riesgraf, to approve the minutes of the September 16, 2022 meeting, as presented. The minutes were approved by a 4-0 vote. Commissioner Weber abstained due to not having been present at the meeting.

7. Business Items

a. Presentation of 2023 VRWJPO Communications Plan

Brita Moore-Kutz described having updated the VRWJPO Communications, Outreach, and Engagement Plan, as recently renamed. Brita described changes made to the Plan with the current update completed with the new year. Brita requested the WPC members review the Plan and provide any additional input. Brita noted that the Plan is a living document and can be adjusted as needed. Mark Zabel requested that members contact staff if they have additional ideas that might be added to the Plan.

b. Recommend Execution of an Agreement with the Minnesota Board of Water and Soil Resources for a Fiscal Year 2023 Clean Water Fund Grant

Travis Thiel commented that staff had applied to Clean Water Fund through BWSR for a grant to fund a project for a fish barrier and rough fish removal in East Lake in the City of Lakeville. BWSR has awarded a grant to the VRWJPO for the project. Staff are requesting the WPC recommend the VRWJPB accept the grant for the VRWJPO to implement the project. Travis briefly described the project as the construction of a fish barrier downstream from the outlet of East Lake. The function of the barrier is to prevent rough fish from moving between East Lake and North Creek to prevent rough fish from migrating between the lake and spawning areas thus preventing continued population of the lake with rough fish. After the barrier is completed, efforts can be taken to control rough fish in the lake to manageable levels through commercial harvest.

Commissioner Borton asked about timing for barrier construction. Travis commented that there are a few steps involved and will involve two consultants working on the project. Carp Solutions will assess the channel conditions for the fish barrier and determine what modifications may be needed and a civil engineering firm would do the channel design/construction work after which the barrier would be constructed. Commissioner Riesgraf asked what engineering firm would be doing the work. Travis indicated that Moore Engineering was contracted for the civil engineering work and staff there are some that we have worked with before. Commissioner Kotz asked about the location of the barrier. Travis indicated that the barrier will be placed about one quarter mile to the south of the outlet from East Lake.

Motion by Commissioner Weber, second by Commissioner Hamrick, to recommend the Vermillion River Watershed Joint Powers Board execute of an agreement with the BWSR in an amount not to exceed \$300,000 for a CWF Grant. The motion was approved by a 5-0 vote.

c. Recommend Execution of a Joint Powers Agreement with the City of Lakeville for the East Lake Rough Fish Barrier and Rough Fish Removals Project

Travis Thiel introduced this item as the implementation of the grant identified in the previous item through a partnership with the City of Lakeville.

Motion by Commissioner Borton, second by Commissioner Riesgraf, to recommend the execution of a Joint Powers Agreement with the City of Lakeville for the East Lake rough fish barrier and rough fish removals project in an amount not to exceed \$337,500. The motion was approved by a 5-0 vote.

d. Recommend to Execute a Joint Powers Agreement with Dakota County Soil and Water Conservation District for Services in 2023

Mark Zabel introduced this as an annual activity approving a Joint Powers Agreement between the VRWJPO and Dakota SWCD for services that are provided by the Dakota County SWCD in support of VRWJPO programs and projects. Mark asked Curt Coudron of the Dakota County SWCD to provide further description. Curt mentioned that the Work Plan and Budget for this agreement were included in the packet. The dollar amount of the agreement is the same as was agreed last year at a not to exceed \$257,000. Curt went through the items identified in the Work Plan giving a brief description of each activity.

Motion by Commissioner Hamrick, second by Commissioner Borton, to recommend authorization to execute a Joint Powers Agreement with Dakota County SWCD for a total not to exceed \$257,000 as presented to the Vermillion River Watershed Joint Powers Board at its meeting on January 26, 2023. The motion was approved by a 5-0 vote.

e. Recommend to Execute a Joint Powers Agreement with Scott Soil and Water Conservation District for Services in 2023

Mark Zabel introduced this as similar to the previous item in that this is an annual agreement between the VRWJPO and Scott SWCD for services that are provided by the Dakota County SWCD in support of VRWJPO programs and projects. Mark briefly described the activities identified in the Scott SWCD Work Plan. The overall not to exceed amount of the agreement is reduced by \$1,000 compared last year to \$42,950. Commissioner Borton asked about CIP allocations and if specific projects have been identified. Mark Zabel commented that a subwatershed assessment had been completed for the Scott County portion of the Vermillion River Watershed which has identified several potential projects, but there currently aren't projects that have been contracted. Mark Ryan noted that if the projects identified are not too large the Scott SWCD could use this money to fund the project. Mark Zabel noted that in the past few years the SWCDs have been encouraged to lean their budgets with the caveat that if a larger project or program need was identified and caused them to exceed their JPA limits, they could apply for an amendment to the JPA and the required funding.

Motion by Commissioner Borton, second by Commissioner Weber, to recommend authorization to execute a Joint Powers Agreement with Scott SWCD for a total not to exceed \$42,950 as presented to the Vermillion River Watershed Joint Powers Board at its meeting on January 26, 2023. The motion was approved by a 5-0 vote.

8. Updates

a. Chairperson's Report

Chair Kotz commented that he was made aware of the Niagara Water proposal in the Elko-New Market area and was curious about what that is about and the status of the proposal. Mark Zabel explained that the City of Elko-New Market (City) had identified an area around the I35/Hwy 2 interchange for future development. The development area is called Park I35 and this area had undergone review through the Alternative Urban Areawide Review (AUAR) process. Within Park I35 there is a proposal for Niagara Water to site a bottling plant. The Niagara Water bottling plant would access the municipal water supply as its water source. The proposal identifies Phase 1 with two lines of bottling that would result in a demand of 155 million gallons of water per year with the possibility of the addition of two more lines of bottling in future resulting in a total demand of 310 million gallons of water per year. The wells for the municipal water supply are finished in the Jordan (Prairie du Chien/ Jordan) aquifer as its source. The proposal has raised a lot of citizen concern. A group of citizens has petitioned for an Environmental Assessment Worksheet (EAW) to be completed for this proposal. The Minnesota Department of Natural Resources (DNR) has been assigned as the Responsible Governmental Unit (RGU) for a decision on the need for an EAW. Currently the DNR has not made a decision and has requested an extension from the City on the time allowed for the decision. The City was set to make a decision on the proposal at their January 12, 2023 meeting. Because there has been no decision on the EAW, it is likely that any action by the City will come sometime after January 12, 2023. If the DNR decides an EAW is warranted the EAW would be completed first, after which there would also be a later action in regard to a request by the City to amend their appropriations permit to increase their appropriations to meet the additional demand. Niagara Water has identified the target market for the bottled water product from this plant would be the greater Twin Cities and surrounding area. Chair Kotz commented that current water use by the City is 135 million gallons per year and the request is for 365 million gallons per year when Niagara Water is planning for 310 million gallons per year. Mark Zabel commented that they are probably planning to add wells. Mark also mentioned that staff have not had a chance to discuss this with the Vermillion River Watershed Joint Powers Board (VRWJPB). The Scott County Board has commented in support of the proposal. Commissioner Riesgraf asked what authority DNR has in regard to allocation. Mark Zabel replied that DNR is the permitting authority for water appropriations in the state. DNR will make a determination as to whether the aquifer has the capacity to meet the requested demand and the decision on the request may include conditions for its approval. Municipal water suppliers in the Seven County Metropolitan Area are required to include a Conservation Plan. Chair Kotz asked what might happen with the environmental review. Mark Zabel noted that the potential impacts of additional pumping of groundwater in this area isn't known and we don't know what effect it might have on the river. The upper reaches of the watershed is the area where there are springs and seeps which are fed from the surficial aquifer that bring groundwater into the river. The surficial aquifer lies above the Prairie du Chien/ Jordan aquifer and the head of the Prairie du Chien/ Jordan aquifer is higher than the river elevation so if the system is leaky there could be upwelling from the lower aquifer that feeds the river. A few years ago, around 2015, there was controversy regarding agricultural appropriations in the watershed and their potential impacts to the river. Commissioner Riesgraf asked if the Scott SWCD or the VRWJPO has any say

about this. Mark Zabel replied that those entities would be allowed to comment but have no regulatory authority in the matter. At this point in the process the DNR has the authority for actions to be taken, whether for the EAW or the appropriations permit. Mark Zabel noted that drinking water supply planning also involves the Metropolitan Council and the Minnesota Department of Health.

b. Staff Updates

Chair Kotz asked if there had been any further development regarding Watershed Planning Commission membership and terms. Mark Zabel responded that there had been no further discussion with the VRWJPB.

Mark Zabel reported that there is a new applicant to become a member of the Watershed Planning Commission. However, since there weren't chairs assigned for either the WPC or VRWJPB and the evaluation team is made up of the two chairs and the administrator, no action can be taken until that group has a chance to review the application. Commissioner Borton asked what efforts are being made in the Scott County portion of the watershed to try to recruit a Scott County member. Brita commented that the Co-administrator works with the news outlets in that area to advertise the position.

Curt Coudron reported that the SWCD is updating its cost share policies. Curt reported that the past year was a good year for projects. There were a number of cover crop projects with some mixed results due to the drought. Currently SWCD are doing planning for the upcoming season.

Travis Thiel reported that he is currently doing a lot of grant reporting work. State grant fund reporting is due which includes Watershed Based Implementation Fund grants, Clean Water Fund grants, Conservation Partners Legacy grants all require reporting for outcomes. We currently have one project underway on North Creek channel restoration project between Cedar Avenue and Highview Avenue. The project is planned to do some channel grading and add rock checks to control stream gradient to keep the channel from downcutting the channel and headcutting upstream.

Mark Ryan is also doing grant reporting work. Mark Ryan also reported that he has applied to an internal Dakota County engineering position and may be leaving service to the VRWJPO.

Mark Zabel reported that with the new year it is time for review of finances and plans and that he will provide an end-of-year report on revenues and expenses at the next meeting.

Staff welcomed Sandra Weber to the Watershed Planning Commission.

9. Adjourn

Motion by Commissioner Riesgraf, second by Commissioner Borton, to adjourn the meeting at 5:25 p.m. The motion passed on an 5-0 vote.