



Meeting Minutes

Vermillion River Watershed Joint Powers Board Meeting

April 27, 2023, 1 p.m., In-person and Teleconference using Microsoft Teams

Board Members in Attendance

Dakota County Commissioner Mike Slavik
Dakota County Commissioner Mary Hamann-Roland
Scott County Commissioner Tom Wolf
Dakota County Commissioner Bill Droste (alternate)

Others in Attendance

John Powell, City of Farmington, Public Works Director
Nikki Stewart, Dakota County, Environmental Resources Department Director (virtual)
Nigel Pickering, (virtual)
Jennifer Wolf, Assistant Dakota County Attorney, VRWJPO Counsel
Travis Thiel, Dakota County, VRWJPO Senior Watershed Specialist
Brita Moore-Kutz, Dakota County, VRWJPO Communications and Outreach Specialist
Mark Zabel, Dakota County, VRWJPO Administrator

1. Call to Order

Meeting was called to order at 1 p.m.

2. Roll Call

Commissioners Slavik, Hamann-Roland, and Wolf were in attendance.

3. Audience Comments on Items Not on the Agenda

John Powell introduced himself. John commented that he recently accepted the position as Public Works Director for the City of Farmington and looks forward to partnerships with the VRWJPO.

4. Approval of Consent Agenda

- a. Approval of Agenda
- b. Approval of Minutes from the March 23, 2023, Meeting
- c. Acceptance of Treasurer's Report

Res. No. VRW 23-09: Motion by Commissioner Hamann-Roland, Second by Commissioner Wolf and passed on a 3-0 vote to approve the consent agenda.

5. Approval of Expenses

Mark Zabel presented the current expenses for approval as shown on item 5. Commissioner Slavik asked if there was opportunity to change the frequency of payment of the website service invoice as the costs are always the same month to month. Zabel explained that the monthly website support costs usually remain the same but the contract allows staff to access additional services if required which would then be invoiced in that month. Zabel suggested that staff could approach the contractor about quarterly or less frequent invoicing. Commissioner Hamann-Roland suggested an annual payment. Zabel suggested possibly an annual fee for basic services and invoicing as needed for additional services. Zabel added that it might be appropriate to address this with next year's contract development. Commissioner Slavik commented that staff should look into options for next year's contract.

Res. No. VRW 23-10: Motion by Commissioner Hamann-Roland, Second by Commissioner Wolf and passed on a 3-0 vote to approve the expenses totaling \$39,117.01 incurred between March 14, 2023, and April 14, 2023.

Business Items

6a. Approval of proposed amendments to the Vermillion River Watershed Joint Powers Organization (VRWJPO) 2023 Budget

Mark Zabel noted that nothing had changed from what was presented in the information item on the proposed amendments to the budget at last month's meeting. Zabel offered to go through proposed changes if Board members wished. Commissioner Slavik noted that he was not at last month's meeting but had read through the item. Zabel highlighted some areas of significant change. There were additional staff expenses added to the Research and Planning category for anticipated activities associated with the Watershed Management Plan update. Other areas of significant change are associated with grants, we have been awarded some new grants that are reflected as amendments to the budget, we also have some grants that were expected to have been complete and paid out before the end of the year but either have not been completed or have not been invoiced and those then carry over into the current budget.

Res. No. VRW 23-11: Motion by Commissioner Hamann-Roland, Second by Commissioner Wolf and passed on a 3-0 vote to approve the amendments to the VRWJPO 2023 Budget to bring the budgeted total expenses to \$3,750,680 and total revenue to \$3,966,750 with a cash reserve of \$216,070.

6b. Authorization to submit 2022 Vermillion River Watershed Joint Powers Organization (VRWJPO) Annual Activity Report and Financial Statement to the Minnesota Board of Water and Soil Resources (BWSR)

Brita Moore-Kutz relayed that she had prepared this year's report. The Draft Annual Activity Report is available in the Board Packet. It details how monies and VRWJPO staff time were spent over the course of the past year as well as information on the programs and projects that

were worked on in the past year. Brita highlighted specific projects, events, and activities. Brita commented that the report will be provided to BWSR and will be available on the VRWJPO website and that it is intended that the report both provide factual information on the activities of the VRWJPO as well as context to make it digitally accessible for screen readers. Commissioner Hamann-Roland commented that she read the draft report and was impressed with the content. Brita commented that last year's report received positive comments from BWSR staff and hopes that this report will also be positively received.

Res. No. VRW 23-12: Motion by Commissioner Hamann-Roland, Second by Commissioner Wolf and passed on a 3-0 vote to authorize staff to submit the final 2022 Annual Activity Report and Financial Statement to BWSR on or before April 30, 2023.

6c. Authorization to Amend the Joint Powers Agreement with the City of Rosemount for Irrigation System Audits and Improvements

Travis Thiel noted that this is a procedural change, the financial contributions of each organization is not changing, the way that duties are carried out by each organization is changing. The VRWJPO has been overseeing the irrigation audits and financial assistance for improvements. The change to the process is that the City will oversee the financial assistance part of the process while the VRWJPO will continue to oversee the irrigation audit process. This change will result in a gain in efficiency for both the VRWJPO and City. Commissioner Slavik asked if the VRWJPB might see similar requests from other cities participating in the program. Travis responded that the City of Apple Valley is going to pursue a similar change to their Joint Powers Agreement and that the City of Lakeville is going to terminate their Joint Powers Agreement and will pursue the program independently as a City supported program.

Res. No. VRW 23-13: Motion by Commissioner Hamann-Roland, Second by Commissioner Wolf and passed on a 3-0 vote to authorize the execution of an amendment to the Joint Powers Agreement with the City of Rosemount for irrigation system audits and improvements.

Staff Reports

Travis Thiel

Travis reported that the City of Rosemount is constructing a new Public Works and Police Campus north of their existing City Hall. The VRWJPO has been in conversation with the City on plans for this new development regarding possible participation on projects to capture and reuse rainwater/ stormwater and projects to capture and infiltrate stormwater. The proposed rainwater/ stormwater reuse would capture water for use in truck and equipment washing where the washwater would then discharge to sanitary sewer for treatment. Although there is value to this practice for the reduction of accessing municipal water supply and groundwater for this use, it does not provide benefit of volume reduction or treatment similar to capture and reuse in irrigation systems on soils that do not have high infiltration capacity and so the VRWJPO is not offering to cost share on this practice. The project to capture and infiltrate stormwater that goes above and beyond VRWJPO standards has a higher benefit for

stormwater management and treatment for the VRWJPO and so is a consideration for possible cost share. Staff have offered \$25,000 as a potential cost share to this project and are awaiting response from the City. Commissioner Hamann-Roland asked if there was value in the reuse system as a demonstration project. Travis noted that there is the possibility of Dakota County supporting the project through the Groundwater Plan and could possibly be funded as a future project (2024), an advantage of this project is that it is relatively modular and could be added at a later date at approximately the same cost level.

Brita Moore-Kutz

Brita reported that outside of the Annual Report her work of late has been focused on Earth Day and Earth Month. Although Earth Month is concluding in a few days there are still activities scheduled in the near term. Several cities will be celebrating Arbor Day tomorrow. Brita tabled at the City of Lakeville's Earth Day event which was attended by Commissioners Droste and Holberg as well. Brita promoted the Adopt-A-Drain program and provided samples of macroinvertebrates for peoples viewing and inspection.

Brita and Travis coordinated with teachers and students at the School of Environmental Studies to plant some flowering shrubs at the completed stormwater treatment project at Dakota County Road 50 and Jaguar Avenue in Lakeville. It rained at the event but students were still enthusiastic and also picked up trash at the site. We are likely to identify and coordinate on similar events in the future. Commissioner Hamann-Roland noted that the event was recognized both in social media and was also picked up in the local newspaper. Brita commented that the event was posted to the VRWJPO Instagram immediately following the event and that posting received 240 likes, which is a high for the VRWJPO Instagram.

Mark Zabel

Mark mentioned that at last month's meeting there was discussion about planning for the VRWJPO Tour. Soon after that meeting, the VRWJPO was approached by the Minnesota Board of Water and Soil Resources (BWSR) with a request to potentially coordinate the Annual Tour for the BWSR Board. Staff discussed this potential with BWSR staff and suggested holding a combined tour with the VRWJPO thus those who normally would be invited on the VRWJPO Tour would be invited to participate on the same tour with the BWSR Board. BWSR staff were supportive of this approach. The difference between the BWSR tour and the VRWJPO tour is that the BWSR tour is normally a full day event whereas the VRWJPO is normally a half day. We will plan to coordinate with BWSR, the SWCDs, and partners on the selection of tour stop sites. We do not need to confine ourselves to only sites within the VRWJPO and so sites may be selected within the surrounding area. Commissioner Droste suggested that the Dakota County Board had recently toured Byllesby Dam and that was very interesting. Zabel noted that the dam may not be of particular interest to the BWSR Board as a tour site as the BWSR Board will visit projects and practices that are promoted and implemented through BWSR. Zabel also mentioned that the date for the combined tour would be Wednesday, August 23, 2023, which is changed from what was discussed at the last VRWJPB meeting.

Zabel mentioned that several months previously there was some discussion with the VRWJPB about options for the Vermillion River Watershed Planning Commission (WPC) to try to address issues of membership, recruitment, and possibly changing the structure of the WPC to make membership more attractive. Unfortunately, the things that are open to change for the WPC are limited to place or time of the meeting but to get into the actual structure of the WPC it would require amending the empowering joint powers agreement of the VRWJPO. An amendment of to the empowering joint powers agreement would require processing it through the respective County Boards for approval. One of the things that had been suggested by WPC members was the removal of term limits. It was suggested that members terms would remain and serving members could stay on until such time as there was new applicants and members may be willing to give up their seat. Commissioner Slavik asked if members could come back on after having been off as a member. Commissioner Slavik added that he is not in favor of unlimited terms. Zabel described that the current terms are three-year terms and members are eligible to serve two consecutive three-year terms. If an applicant is appointed to fill a vacancy during an incumbent term they are allowed to complete that term and serve two full terms following that incumbent term. Zabel also answered that they can return and that has happened in the past. They must vacate their seat after serving their full eligibility but can apply to new openings after having left membership. Commissioner Hamann-Roland clarified that this approach does allow members to return and does not preclude them from ever serving again after completing a seat's two term eligibility. Zabel reported that the VRWJPO has received an application for the last vacant seat for Dakota County on the WPC and that with appointment of that candidate the Dakota County member seats on the WPC will be filled. Commissioner Slavik asked if elected officials are allowed to serve on the WPC and also expressed concerns about situations where a potential conflict of interest could emerge if a member was voting on a contract or project that would benefit the member or an entity they represent. Travis Thiel noted that elected officials have served on the WPC in the past and so there is precedent. Travis also noted that the WPC discussion about terms was in the context of being able to maintain a quorum for meetings and less about unlimited service. Counsel Jennifer Wolf indicated that where a potential conflict of interest is in consideration a member would need to recuse themselves if their represented entity or personal interest would stand to benefit from a decision. In returning to discussion about WPC terms Brita added that WPC members had also suggested that, when a term is coming to conclusion, staff make a concerted effort to recruit applicants beginning several months before the potential vacancy. Commissioner Slavik commented that the VRWJPO should pursue better management of the opportunities to serve as a member of the WPC, provide greater communication with sitting members about when their terms end and if they wish to continue, pursue more strenuous recruitment when an opening is anticipated, etc. Commissioner Slavik then asked if the WPC is required to hold meetings in person or if a virtual attendance option is available. Counsel asked staff if the role of the WPC was that of final decision or recommendation only. Zabel responded that the WPC only provides recommendations to the VRWJPB for their decision. Currently the VRWJPO does provide for virtual attendance to witness and participate but those attending virtually are not allowed a vote. Commissioner Slavik asked staff to look into whether a virtual option is allowed and report back to the VRWJPB.

Commissioner Hamann-Roland returned to the discussion on the tour and noted that she and Commissioner Wolf would not be available for the entire day on August 23rd as they would be attending a meeting of the Mosquito Control District. They would be available in the afternoon.

Zabel reported that Minnesota Watersheds (what had been the Minnesota Association of Watershed Districts) had once again solicited the VRWJPO to join in membership in their organization. The VRWJPO has been solicited for membership in the past and discussion with the VRWJPB previously had brought up concerns that the VRWJPB being comprised of county commissioners may potentially have issues with advocacy by Minnesota Watersheds if it conflicts with Association of Minnesota Counties or individual county platforms. Commissioner Hamann-Roland asked what benefits might be provided to the VRWJPO through membership. Zabel responded that Minnesota Watersheds does offer trainings that would be available to the VRWJPO staff and Board members, they also provide some coordination activities such as discussion forums and seminars. Commissioner Slavik noted that the VRWJPO is structured uniquely in that staff, counsel, and fiscal management are supplied by the counties.

Zabel reported on the status of filling the vacant Water Resources Engineer position for the VRWJPO. There have been few qualified applicants to date. Zabel suggested that he will plan to interview from among the qualified candidates. The listing remains open for applications.

Melissa Bokman-Ermer provided notes to Mark Zabel for an update on the Niagara Bottling proposal and its status. Currently the Minnesota Department of Natural Resources (DNR) has delayed addressing the City of Elko-New Market's request for an amendment to their appropriation permit as they deal with an issue with Blaine's appropriations. Commissioner Wolf asked if there is any requirement that limits the time allowed for DNR to respond. Zabel responded that Melissa is looking into that but hadn't found a reference yet. Zabel also reported that the City Attorney and City Council have had discussions on amendments to the City code to address potential future large water users. We don't know what the content of that would be. The City has also drawn up a draft contract with Niagara Bottling about their water use, but we don't know what is in that contract. The City may be willing to share that information in future.

Zabel announced that he is planning to retire as of July 14, 2023. Commissioner Slavik congratulated Mark and expressed appreciation that some lead time is provided.

Adjourn

Motion by Commissioner Wolf, Second by Commissioner Hamann-Roland and passed on a 3-0 vote to adjourn the meeting at 1:49 p.m.

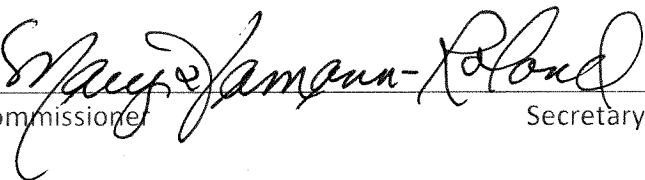
Next Meeting Date: Thursday, May 25, 2023, at 1:00 p.m. in Conference Room A at the Dakota County Extension and Conservation Center, 4100 220th Street West, Farmington, MN.

Respectfully submitted by

Mark Zabel

Administrator for the Vermillion River Watershed Joint Powers Organization

Attest



Commissioner Secretary/ Treasurer

6/22/23
Date