



Meeting Minutes

Vermillion River Watershed Joint Powers Board (JPB) Meeting

Thursday, October 24, 2024, 1 p.m., in-person at the Dakota County Extension and Conservation Center and virtual via Microsoft Teams

Board Members in Attendance

Dakota County Commissioner Bill Droste
Dakota County Commissioner Mike Slavik
Scott County Commissioner Tom Wolf

Watershed Planning Commission (WPC) Members in Attendance

Sandy Weber

Others in Attendance

Nikki Stewart, Dakota County, Environmental Resources Department Director (virtual)
Travis Thiel, Dakota County, Vermillion River Watershed Joint Powers Organization (VRWJPO) Administrator
Melissa Bokman Ermer, Scott County, VRWJPO Co-Administrator
Kelly Perrine, Dakota County, VRWJPO Senior Watershed Specialist
Jeff Dunn, Dakota County, VRWJPO Water Resources Engineer
Brita Moore-Kutz, Dakota County, VRWJPO Communications and Outreach Specialist
Brian Wisdorf, Dakota County, Assistant County Attorney, VRWJPO legal counsel
Ashley Gallagher, Dakota County Soil and Water Conservation District (SWCD), District Manager
Bruce Johnson, Dakota County SWCD, Supervisor
Justin Hagel, Dakota County, Assistant County Attorney
Joshua Murphy, Dakota County, Budget Office Financial Analyst
Allie Regenscheid, Dakota County, Budget Manager
Carla Skog, Dakota County, Deputy Director of Finance Operations (virtual)
Stephanie Salisbury, Apple Valley High School (virtual)

1. Call to Order

Meeting was called to order at 1 p.m. by Chair Slavik.



2. Roll Call

Commissioners Slavik, Wolf, and Droste were in attendance.

3. Audience Comments on Items Not on the Agenda

None.

4. Approval of Agenda

Item 8b, Authorization to Execute a Contract with Sunram Construction, Inc., for the 78-06 South Branch Nitrate Reduction Project Berm Repair, was requested to be moved to the consent agenda as 6e.

Res. No. VRW 24-43: Motion by Commissioner Wolf to approve the agenda as modified, seconded by Commissioner Droste. Motion carried on a 3-0 voice vote.

5. Approval of Minutes from the August 22, 2024, Meeting

Res. No. VRW 24-44: Motion by Commissioner Wolf to approve the minutes, seconded by Commissioner Droste. Motion carried on a 3-0 voice vote.

6. Approval of Consent Agenda

- a. Acceptance of Treasurer's Reports
- b. Authorization to Execute a Grant Agreement with the Minnesota Board of Water & Soil Resources for Fiscal Year 2024-2025 Watershed-Based Implementation Funding for Vermillion River – City of Farmington, 4th and Willow TSS Reduction Project
- c. Authorization to Execute a Grant Agreement with the Minnesota Board of Water & Soil Resources for Fiscal Year 2024-2025 Watershed-Based Implementation Funding for Vermillion River – City of Hastings, 15th and Bailey TSS Reduction Project
- d. Authorization to Execute a Grant Agreement with the Minnesota Board of Water & Soil Resources for Fiscal Year 2024-2025 Watershed-Based Implementation Funding for North Creek – City of Lakeville, Firelight Way TSS Reduction Project
- e. Authorization to Execute a Contract with Sunram Construction, Inc., for the 78-06 South Branch Nitrate Reduction Project Berm Repair

Res. No. VRW 24-45: Motion by Commissioner Droste to approve the consent agenda, seconded by Commissioner Wolf. Motion carried on a 3-0 voice vote.



7. Approval of Expenses

Travis Thiel presented the expenses submitted between August 1 and August 31, 2024, totaling \$128,319.21, and expenses submitted between September 1 and September 30, 2024, totaling \$55,526.71.

Res. No. VRW 24-46: Motion by Commissioner Wolf to approve the expenses, seconded by Commissioner Droste. Motion carried on a 3-0 roll call vote.

8. Business Items

a. Authorization to Execute a Wetland Bank Credit Partnership Agreement with the Minnesota Board of Water and Soil Resources

Travis presented the proposed Wetland Bank Credit Partnership Agreement to construct a wetland impact mitigation bank (wetland bank) on the Mork property in Castle Rock Township. The creation of the wetland bank would be a partnership with the Minnesota Board of Water and Soil Resources (BWSR) where BWSR would use their credits as part of the Local Government Road Wetland Replacement Program for road projects impacting wetlands and the VRWJPO would sell credits for wetland impacts on the open market. The project requires an easement acquisition, which VRWJPO is discussing with the Minnesota Board of Water and Soil Resources (BWSR) and Dakota County SWCD. The agreement would facilitate the VRWJPO in receiving some of the seed money from BWSR for the easement acquisition.

Commissioner Slavik asked if VRWJPO was negotiating the easement, or if Dakota County's Real Estate unit or an outside consultant would be involved. Travis said he is considering options. Kelly Perrine added that the BWSR has a step-by-step process that must be followed for wetland bank easement acquisition. She has met periodically about this with the landowner and plans to meet with the County Real Estate unit.

Sandy Weber suggested also speaking with the real estate agent from the previous Braun Wetland Bank completed in 2021.

Res. No. VRW 24-47: Motion by Commissioner Droste to authorize executing the agreement, seconded by Commissioner Wolf. Motion carried on a 3-0 voice vote.

b. Authorization to Execute a Contract with Sunram Construction, Inc. for the 78-06 South Branch Nitrate Reduction Project Berm Repair

Approved on Consent Agenda as item 6e.



c. Direction on the Format and Operations of the Vermillion River Watershed Planning Commission

Travis presented options for the WPC that are being considered in the revised VRWJPO empowering joint powers agreement (JPA). The key point of the discussion was the possibility of the WPC moving to a virtual meeting format, which may allow for more success in recruiting and retaining members.

According to Dakota and Scott County legal counsels, the WPC must meet in person if providing recommendations to the JPB, in compliance with Minnesota Open Meeting Law. If the WPC is only providing comments or review, virtual meetings would be permissible. VRWJPO staff were seeking input from the JPB on whether they'd like recommendations or comments from the WPC. The revised JPA no longer specifically mentions that the WPC is subject to Open Meeting Law, but the group may still be subject to it depending on whether they provide recommendations or comments according to state statute.

Another consideration is how often the WPC should meet. Currently, the group meets once a quarter. In some watersheds, the citizen advisory committees only meet when their watershed management plans are being updated or for other policy matters that require their input.

Commissioner Droste asked if the WPC makes formal recommendations at all its meetings. Travis said they typically only make recommendations at the August and November meetings for the draft budget and final budget.

Commissioner Slavik said he'd heard about organizations that have one or two meetings in person per year, as required by law, with the rest being virtual.

Sandy shared her experience from serving on the North Cannon River Watershed Management Organization citizen advisory group during the COVID-19 pandemic, with all virtual meetings. She said there was difficulty with being able to read maps in the online format.

Commissioner Wolf asked Melissa Bokman Ermer if the Scott Watershed Management Organization citizen advisory group met virtually. Melissa said that they meet in person twice a year and otherwise virtually.

Commissioner Slavik said that he appreciates citizens having the opportunity to provide recommendations, as well as that allowing some virtual meetings is a good idea. Commissioner Droste agreed that empowering citizens is a positive for elected officials.

Commissioner Droste asked if the WPC had been meeting quarterly for a long time. Travis said that they used to meet monthly. Droste said it would be good to keep a couple of meetings in-person so people could get to know each other better.



Travis reminded the Commissioners that the revised JPA contains language expanding the WPC residency requirement to anyone who lives in Dakota or Scott County, not just in the area of the watershed boundary.

Commissioner Droste asked for clarification about the distinction between the WPC and other planning commissions, such as in cities. Travis said that the WPC is equivalent to what other watersheds call citizen advisory committees.

Commissioner Slavik suggested that the WPC settle on two in-person and two virtual meetings per year, with recommendations approved at the in-person meetings. He confirmed with Legal Counsel Brian Wisdorf that this format was allowable. Brian reminded the group that any language suggested on this topic would also have to be reviewed by the Scott County Attorney for the JPA.

Information only.

9. Staff Reports

Justin Hagel

- The application for a VRWJPO tax identification number has been denied twice by the U.S. Internal Revenue Service (IRS). VRWJPO has been seeking its own number since spring 2024. A third application was submitted on September 17, with no answer so far. The reason given for the denials was that there is no responsible authority listed, though governmental organizations and nonprofits are not typically required to provide one when applying for a tax identification number. Commissioner Slavik suggested reaching out to Congresswoman Angie Craig or either of Minnesota's U.S. Senators for assistance. The IRS's Taxpayer Advocacy Office is also an option the Attorney's office is considering.

Joshua Murphy

- Presented a new potential format for the Treasurer's Report and Expense Reports as requested by the Board. Commissioners responded positively to it, with suggestions on ways to categorize transactions more clearly.

Brian Wisdorf

- Finalizing revisions to the empowering JPA, hoping to have it for the December JPB meeting.

Melissa Bokman Ermer

- The Niagara water bottling facility building is up.



- Received a comment from a Spring Lake Township resident about black water coming out during the Elko New Market pump test, directed to the City for further follow-up.

Jeff Dunn

- Managing the finances for capital improvement projects, including applying for grants.
- Construction signs posted at in-progress project sites, with QR codes directed to the projects webpage on the VRWJPO website.

Ashley Gallagher

- The SWCD has hired five new staff within five months, including one new FTE from a BWSR soil health grant.

Kelly Perrine

- The Met Council requested her to join the Natural Systems Technical Advisory Committee, which is developing a technical assistance package for comprehensive plans.
- The first dose of the Alimagnet Lake alum treatment took place on October 15. A City of Apple Valley intern monitored Secchi depth in the lake before and after the treatment, which showed a threefold improvement in water clarity

Brita Moore-Kutz

- Brita and Kelly worked at Dakota County SWCD's Outdoor Education Days in September.
- Publicizing the results from Alimagnet alum treatment, East Lake carp removals, and other projects.
- Tabling at Dakota County Fix-It Clinic at Pleasant Hill Library in Hastings on November 16.

Travis Thiel

- Continues to hear concerns from stakeholders and residents about data centers and high-water users, asking what VRWJPO is doing about it. The organization does not take a position on whether to allow data centers and would like more information from them. Proposed data center companies submit environmental review documents to state agencies, which VRWJPO also reviews. The Dakota County Environmental Resources Department is discussing options for decision-making at the county, watershed, and city levels, and how to best inform elected officials. Commissioner Slavik asked that VRWJPO staff send the Board copies of comments on environmental reviews.



10. Adjourn

Motion by Commissioner Wolf to adjourn, seconded by Commissioner Droste. Motion carried on a 3-0 voice vote.

Next Meeting Date: Thursday, December 5, 2024, at 1 p.m. in Conference Room A at the Dakota County Extension and Conservation Center, 4100 220th Street West, Farmington, MN, and via teleconference on Microsoft Teams.

Respectfully submitted by

Brita Moore-Kutz

Communications & Outreach Specialist for the Vermillion River Watershed Joint Powers Organization

Attest

Commissioner

Secretary/ Treasurer

Date