



Dakota County

Physical Development Committee of the Whole Agenda

Tuesday, October 11, 2022

10:00 AM

Conference Room L139 Western Service
Center, Apple Valley

(or following Community Services Committee of the Whole)

If you wish to speak to an agenda item or an item not on the agenda, please notify the Clerk to the Board via email at CountyAdmin@co.dakota.mn.us
Emails must be received by 7:30am on the day of the meeting.
Instructions on how to participate will be sent to anyone interested.

1. Call To Order And Roll Call

Note: Any action taken by this Committee of the Whole constitutes a recommendation to the County Board.

2. Audience

Anyone in the audience wishing to address the Committee on an item not on the Agenda or an item on the Consent Agenda may send comments to CountyAdmin@co.dakota.mn.us and instructions will be given to participate during the meeting. Verbal comments are limited to five minutes.

3. Approval Of Agenda (Additions/Corrections/Deletions)

3.1 Approval of Agenda (Additions/Corrections/Deletions)

4. Consent Agenda

4.1 Approval of Minutes Of Meeting Held On September 13, 2022

4.2 *Transportation* - Authorization To Execute Joint Powers Agreement With City Of Burnsville For Preliminary Engineering Of Multi-Use Trails Along County State Aid Highways 42 And 5 And Amend 2022 Transportation Capital Improvement Program Budget

4.3 *Physical Development Administration* - Planning Commission Update

5. Regular Agenda

5.1 *Environmental Resources* - Authorization To Adopt Dakota County Agricultural Chemical Reduction Effort Plan

5.2 *Transportation* - Update On 2022 Transportation Capital Improvement Construction Projects

5.3 *Physical Development Administration* - Review Of 2023-2027 Parks And Greenways Capital Improvement Program Project Working Draft And Capital Improvement Program Funding Structure

6. Physical Development Director's Report

7. Adjournment

7.1 Adjournment

For more information please call 952-891-7030.

Physical Development agendas are available online at

<https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx>

Public Comment can be sent to CountyAdmin@co.dakota.mn.us



Physical Development Committee of the Whole

Request for Board Action

Item Number: DC-1482

Agenda #: 3.1

Meeting Date: 10/11/2022

Approval of Agenda (Additions/Corrections/Deletions)



Physical Development Committee of the Whole

Request for Board Action

Item Number: DC-1484

Agenda #: 4.1

Meeting Date: 10/11/2022

Approval of Minutes Of Meeting Held On September 13, 2022



Dakota County

Physical Development Committee of the Whole

Minutes

Tuesday, September 13, 2022

10:00 AM

**Conference Room L139 Western
Service Center, Apple Valley**

(or following Community Services Committee of the Whole)

1. Call To Order And Roll Call

Also in attendance were Matt Smith, County Manager; Tom Donely, First Assistant County Attorney; Georg Fischer, Physical Development Division Director; Liz Hansen, Administrative Coordinator.

The meeting was called to order at 10:06 a.m. by Commissioner Liz Workman.

Present

- Commissioner Mike Slavik
- Commissioner Kathleen A. Gaylord
- Commissioner Laurie Halverson
- Commissioner Joe Atkins
- Chairperson Liz Workman
- Commissioner Mary Liz Holberg
- Commissioner Mary Hamann-Roland

2. Audience

Commissioner Workman asked if there was anyone in the audience that wished to address the Physical Development Committee of the Whole on an item not on the agenda or an item on the consent agenda. No one came forward and no comments were submitted to CountyAdmin@co.dakota.mn.us.

3. Approval Of Agenda (Additions/Corrections/Deletions)

3.1 Approval of Agenda (Additions/Corrections/Deletions)

Motion: Mike Slavik

Second: Laurie Halverson

On a motion by Commissioner Slavik, seconded by Commissioner Halverson, the agenda was unanimously approved. The motion carried unanimously.

Ayes: 7

4. Consent Agenda

Motion: Mary Hamann-Roland

Second: Joe Atkins

On a motion by Commissioner Hamann-Roland, seconded by Commissioner Atkins, the consent agenda was unanimously approved as follows:

4.1 Approval of Minutes Of Meeting Held On August 16, 2022

Motion: Mary Hamann-Roland

Second: Joe Atkins

4.2 Authorization To Submit Grant Applications To Federal Railroad Authority For Infrastructure Investment And Jobs Act Railroad Crossing Elimination Grant For Funding To Remove Or Improve Railroad Crossings

Motion: Mary Hamann-Roland

Second: Joe Atkins

WHEREAS, to promote a safe and efficient transportation system throughout Dakota County, the County pursues transportation funding through external sources to address priority transportation needs; and

WHEREAS, the Federal Railroad Authority is requesting project submittals for the Railroad Crossing Elimination (RCE) grant allocated by the Infrastructure Investment and Jobs Act that is funded with \$573,264,000 in federal funding; and

WHEREAS, the RCE grants provide funding for highway-rail and pathway-rail grade crossing improvement projects that focus on improving the safety and mobility of people and goods; and

WHEREAS, the RCE grant funds up to 80 percent of project construction costs; and

WHEREAS, application submittals are due on October 4, 2022; and

WHEREAS, all projects proposed are consistent with the adopted Dakota County Comprehensive Plan; and

WHEREAS, subject to federal funding award, the Dakota County Board of Commissioners would be asked to consider authorization to execute a grant agreement at a future meeting.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following County led projects for submittal to Infrastructure Investment and Jobs Act for federal funding:

- 1) Mississippi River Greenway along Pine Bend Trail in Rosemount
- 2) Minnesota River Greenway in Fort Snelling State Park at the Union Pacific railroad crossing in Eagan

This item was approved and recommended for action by the Board of Commissioners on 9/20/2022.

4.3 Authorization To Execute Jurisdictional Transfer Agreement, County State Aid Highway 9 And Accept Quit Claim Deed For Right Of Way From City Of Lakeville

Motion: Mary Hamann-Roland

Second: Joe Atkins

WHEREAS, Dakota County's 2040 Transportation Plan identifies a portion of County State Aid Highway (CSAH) 9 (Dodd Boulevard) between Hayes Avenue and CSAH 31 (Pilot Knob Road) as a turnback to the City of Lakeville; and

WHEREAS, Dakota County's 2040 Transportation Plan identifies 179th Street W between Hayes Avenue and CSAH 31 (Pilot Knob Road) as a future County Highway; and

WHEREAS, the County State Aid Screening Board awarded Dakota County an additional 39.6 miles of CSAHs to be added to Dakota County's State Aid Highway System in the fall of 2012; and

WHEREAS, Minn. Stat. § 163.11 Subdivision 5 and 9 authorize the County Board to transfer jurisdiction and ownership of a County highway to another road authority upon agreement; and

WHEREAS, the Transportation Director/County Engineer recommends revoking County State Aid status from Dodd Boulevard between Hayes Avenue and CSAH 31 (Pilot Knob Road); and

WHEREAS, Dakota County will turnback operations and maintenance of this segment of Dodd Boulevard to the City of Lakeville in accordance with the terms of the turnback agreement; and

WHEREAS, Dakota County will construct Dodd Boulevard to Municipal State Aid standards as part of County Project (CP) 9-56 and CP 9-64; and

WHEREAS, Dakota County accepts the jurisdictional transfer of 179th Street W between Hayes Avenue and CSAH 31 (Pilot Knob Road) from the City of Lakeville in accordance with the terms of the turnback agreement; and

WHEREAS, Dakota County will construct 179th Street W between Hayes Avenue and CSAH 23 (Cedar Avenue) to County State Aid standards as part of CP 9-56; and

WHEREAS, the City of Lakeville constructed 179th Street W between CSAH 23 (Cedar Avenue) and CSAH 31 (Pilot Knob Road) to County State Aid standards as part of CP 97-203; and

WHEREAS, the Transportation Director/County Engineer recommends designating County State Aid status for 179th Street W between Hayes Avenue and CSAH 31 (Pilot Knob Road) as CSAH 9.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to enter into an agreement with the City of Lakeville for the revocation and turnback of a portion of County State Aid Highway 9 (Dodd Boulevard) between Hayes Avenue and County State Aid Highway 31 (Pilot Knob Road) and accept the jurisdictional transfer of 179th Street W between Hayes Avenue and County State Aid Highway 31 (Pilot Knob Road); and

BE IT FURTHER RESOLVED, By the County Board of the County of Dakota, that the road described as follows, to-wit:

Dodd Boulevard between Hayes Avenue and County State Aid Highway 31 (Pilot Knob Road)

be, and hereby is, revoked as a County State Aid Highway of said County, subject to the approval of the Commissioner of Transportation of the State of Minnesota; and

BE IT FURTHER RESOLVED, By the County Board of the County of Dakota, that the road described as follows, to-wit:

179th Street W between Hayes Avenue and County State Aid Highway 31 (Pilot Knob Road)

be, and hereby is, established, located, and designated a County State Aid Highway of said County, subject to the approval of the Commissioner of Transportation of the State of Minnesota; and

BE IT FURTHER RESOLVED, That the County Auditor is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for consideration and that upon approval of the designation of said road or portion thereof, that same be constructed, improved, and maintained as a County State Aid Highway of the County of Dakota, to be numbered and known as a County State Aid Highway.

This item was approved and recommended for action by the Board of Commissioners on 9/20/2022.

4.4 Authorization To Amend County State Aid Highway 31 Wetland Bank

Motion: Mary Hamann-Roland

Second: Joe Atkins

WHEREAS, planned improvements to County State Aid Highway 31 in the early 2000s would negatively impact existing wetlands; and

WHEREAS, the state Wetland Conservation Act of 1991 required mitigation for wetland impacts; and

WHEREAS, a 17.1-acre wetland bank, administered through the Minnesota Board of Water and Soil Resource (BWSR), was proposed to locally mitigate these wetland impacts; and

WHEREAS, by Resolution No. 02-562 (November 5, 2002), the County Board of Commissioners approved the establishment of a 17.1-acre wetland bank and authorized the execution of a Declaration of Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank (Declaration) which described wetland bank requirements and the legal description of the wetland bank area; and

WHEREAS, the intent of the mitigation project and Declaration was to also exclude 25 feet of the southern portion of the identified property parcel and reserve it for future public use as a trail corridor; and

WHEREAS, it was recently discovered during the North Creek Greenway trail design and construction process that the legal description for the Declaration did not exclude the future trail corridor in the wetland bank area; and

WHEREAS, the Declaration includes language to request the modification of the Declaration with written approval by the City of Lakeville and BWSR; and

WHEREAS, staff and the County Attorney's Office prepared an Amendment to Declaration of Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank; and

WHEREAS, the Amendment to Declaration of Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank includes a revised legal description for the wetland bank area that excludes the trail corridor and reaffirms that all other terms and conditions of the 2002 Declaration shall remain in full force and effect for the amended wetland bank area.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes amending the Declaration of Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Chair to execute the Amendment to Declaration of

Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank and to submit the amended Declaration to Minnesota Board of Water and Soil Resources; and

BE IT FURTHER RESOLVED, That upon approval by the Minnesota Board of Water and Soil Resources, the fully executed Declaration of Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank will be recorded in the County's Recorder's Office and a copy of the recorded Amendment to Declaration of Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank will be provided to the Minnesota Board of Water and Soil Resources.

This item was approved and recommended for action by the Board of Commissioners on 9/20/2022.

4.5 Update On Lebanon Hills Sustainable Trails Study

Motion: Mary Hamann-Roland

Second: Joe Atkins

Information only; no action requested

4.6 Planning Commission Update

Motion: Mary Hamann-Roland

Second: Joe Atkins

Information only; no action requested.

5. Regular Agenda

5.1 Adoption Of Recommendations For County Project 97-197, Regional Roadway System Visioning Study Update Addressing Transportation Needs Within Northwest Inver Grove Heights, Northeast Eagan And Adjacent Areas Of Mendota Heights And Sunfish Lake

Motion: Joe Atkins

Second: Laurie Halverson

Kristi Sebastian, Traffic Engineer, presented this item and responded to questions.

WHEREAS, to promote safe and efficient transportation throughout the County and region, Dakota County partnered with the Minnesota Department of Transportation (MnDOT) and the Cities of Eagan, Inver Grove Heights, Mendota Heights, and Sunfish Lake for County Project (CP) 97-197, Regional Roadway System Visioning Study (RRSVS) Update; and

WHEREAS, the study included an investigation of potential future transportation system needs in northern Dakota County to develop a vision for the transportation system that will result in safe and efficient travel in the area as cost-effectively as possible while at the same time recognizing agency land use development objectives; and

WHEREAS, the Cities of Eagan and Inver Grove Heights have planned for continued growth and development through their 2040 Comprehensive Plans that will result in additional impacts on the area transportation system; and

WHEREAS, continued growth in surrounding communities will result in additional impacts on the area transportation system; and

WHEREAS, representatives of Dakota County, MnDOT, and the Cities of Mendota Heights, Sunfish Lake, Eagan, and Inver Grove Heights have participated as members of a Study Advisory Committee and have reviewed study findings and recommendations; and

WHEREAS, the study process involved the public through in-person public open houses, virtual material, and engagement on the website and in city council meetings; and

WHEREAS, the Regional Roadway System Vision Update recommendations support future growth in the area in a way that will result in a safe and efficient system of City, County, State, and Federal roadways in the future; and

WHEREAS, the County recognizes there are additional steps necessary to gain requisite agency approvals before the improvements included in the recommendations can be constructed; and

WHEREAS, the Dakota County Engineer recommends the adoption of the recommendations for CP 97-197, RRSVS Update.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the study recommendations for County Project 97-197, the Regional Roadway System Visioning Study Update, as presented to the Physical Development Committee of the Whole on September 13, 2022.

This item was approved and recommended for action by the Board of

Commissioners

Ayes: 7

5.2 Adoption Of Natural Resource Management Plan For North Creek Greenway

Motion: Mike Slavik

Second: Mary Hamann-Roland

Chris Klatt, Natural Resources Specialist, presented this item and responded to questions.

WHEREAS, by Resolution No. 17-274 (May 23, 2017), the County Board adopted the Natural Resources Management System Plan, which determined that Natural Resource Management Plans (NRMPs) would be developed for all County Parks, Greenways, and Easements; and

WHEREAS, Stantec was hired to develop the Lake Marion and North Creek Greenway NRMPs, and it addresses natural resource management on non-County lands in proximity to the Greenway; and

WHEREAS, a Technical Advisory Committee consisting of staff from host communities, other agencies, and major landowners convened on January 7, 2022, to discuss future development and natural resource management on these lands; and

WHEREAS, the Dakota County Planning Commission reviewed the Lake Marion and North Creek Greenway NRMP Study Areas and initial findings on July 22, 2021, then reviewed the recommendations, restoration work plan, and proposed cost-share structure and recommended the Drafts be released to the public on February 24, 2022; and

WHEREAS, by Resolution No. 22-122 (March 22, 2022), the County Board approved the release of the Drafts to the public for a 60-day review period; and

WHEREAS, during the public review period, County staff presented and solicited feedback from municipal citizen advisory boards and two Public Open Houses; and

WHEREAS, the Dakota County Planning Commission reviewed the final Draft of the North Creek Greenway NRMP and recommended the adoption of the Plan on August 25, 2022.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the North Creek Greenway Natural Resources Management Plan.

This item was approved and recommended for action by the Board of Commissioners on 9/20/2022.

Ayes: 7

5.3 Update On 2022 Dakota County Greenway Projects

Jeff Bransford, Parks Administrative Manager, and Tony Wotzka, Sr. Project Manager presented this item and responded to questions.

Information only; no action requested.

5.4 Overview And Update On County Project 66-15 Needs And Alternatives For Trunk Highway 52 Interchange At County Roads 62 Or 66 In Vermillion Township

Doug Abere, Sr. Project Manager, presented this item and responded to questions.

Information only; no action requested.

6. Physical Development Director's Report

Georg Fischer, Physical Development Director, provided the Committee with a written Division update.

7. Adjournment

7.1 Adjournment

Motion: Laurie Halverson

Second: Mike Slavik

On a motion by Commissioner Laurie Halverson, seconded by Commissioner Mike Slavik, the meeting was adjourned at 11:42 a.m.

Ayes: 7

Respectfully submitted,

Liz Hansen
Administrative Coordinator



Physical Development Committee of the Whole

Request for Board Action

Item Number: DC-1438

Agenda #: 4.2

Meeting Date: 10/11/2022

DEPARTMENT: Transportation

FILE TYPE: Consent Action

TITLE

Authorization To Execute Joint Powers Agreement With City Of Burnsville For Preliminary Engineering Of Multi-Use Trails Along County State Aid Highways 42 And 5 And Amend 2022 Transportation Capital Improvement Program Budget

PURPOSE/ACTION REQUESTED

- Authorize execution of a Joint Powers Agreement (JPA) with the City of Burnsville for preliminary engineering of multi-use trails along County State Aid Highway (CSAH) 42 and CSAH 5.
- Amend the 2022 Transportation Capital Improvement Program (CIP) budget.

SUMMARY

To provide a safe and efficient multi-modal transportation system, Dakota County partners with cities to construct trails and sidewalks along County highways. City and County staff have identified two trail gaps as priorities for advancement to preliminary engineering. These trail gaps were identified as "Top 20 Trail Gaps" in the 2018 Dakota County Pedestrian and Bicycle Study. The first trail gap, County Project (CP) 42-167, is along CSAH 42 between Portland Avenue and CSAH 5. The second trail gap, CP 05-054, is along CSAH 5 between 150th Street and CSAH 42 (See Attachment: Burnsville Trail Gap Map).

The preliminary engineering effort will assess feasibility, identify property impacts, provide opportunities for public engagement, and estimate trail construction costs for both corridors. This information will inform decisions about programming additional project phases in future CIPs and may also help advance external funding applications.

Prior to starting project development, a JPA with the City is necessary to define project responsibilities and cost share. The City is the lead agency with strong participation from County staff. The Cost participation for preliminary engineering and preparation of approved external grant applications will be in accordance with the adopted Cost Share Policy F1 Roadway. The County's cost share is 85 percent (\$170,000), and the City's share is 15 percent (\$30,000).

The 2022-2026 Transportation CIP Adopted Budget includes \$200,000 in County set-aside funds that have not yet been utilized for trail gap design. A budget amendment is needed to transfer funds from the trail gap set aside to CPs 42-167 and 05-054.

RECOMMENDATION

Staff recommends executing a JPA with the City of Burnsville for the costs associated with consultant services for preliminary engineering and preparation of approved grant applications for two priority trail gaps along CSAH 42 and CSAH 5 in the City of Burnsville. Staff also recommends amending the 2022 Transportation CIP Adopted Budget to transfer \$200,000 from the trail gap set aside to the two trail gap projects, CPs 42-167 and 05-054.

EXPLANATION OF FISCAL/FTE IMPACTS

The Dakota County 2022-2026 Transportation CIP Adopted Budget includes an annual trail gap set aside to fill priority trail and sidewalk gaps along County highways, which will be used to fund the preliminary engineering phase of these projects. A budget amendment is required to transfer the funds from the trail gap set aside to CPs 42-167 and 05-054.

- | | | |
|---|---|---|
| <input type="checkbox"/> None | <input type="checkbox"/> Current budget | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Amendment Requested | | <input type="checkbox"/> New FTE(s) requested |

RESOLUTION

WHEREAS, to promote a safe and efficient transportation system throughout Dakota County, the County is partnering with the City of Burnsville to conduct preliminary engineering for missing trail segments along County State Aid Highway (CSAH) 42 and CSAH 5; and

WHEREAS, the Dakota County Pedestrian and Bicycle Study identified these trail gaps as high priorities for improving safety and mobility of pedestrians and bicyclists; and

WHEREAS, preliminary engineering of the trail gaps will assess feasibility, identify property impacts, provide opportunities for public engagement, and estimate trail construction costs; and

WHEREAS, the preliminary engineering effort will include preparation of grant applications for external funding with City and County approval; and

WHEREAS, the City of Burnsville is the lead agency for the preliminary engineering of the two trail gap projects, County Projects (CP) 42-167 and 05-054, with active participation of Dakota County staff; and

WHEREAS, costs of the preliminary engineering effort will be shared 85 percent County funds and 15 percent City funds in accordance with adopted County Policy; and

WHEREAS, the 2022-2026 Transportation Capital Improvement Program Adopted Budget includes \$200,000 in County set-aside funds that have not yet been utilized for trail gap design; and

WHEREAS, a budget amendment is required to transfer the funds from the trail gap set aside to CPs 42-167 and 05-054.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement with the City of Burnsville to identify costs and responsibilities for preliminary engineering and preparation of approved external grant applications in accordance with County policy for trail gaps along County State Aid Highway 42 and County State Aid Highway 5 for County Projects 42-167 and 05-054, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the 2022 Transportation Capital Improvement Program Adopted Budget is hereby amended as follows:

Expense:

CP 42-167	\$100,000
CP 05-054	100,000
Trail Gap Setaside	<u>(200,000)</u>
Total Expense	\$0

Revenue:

CP 42-167 - City Funding	\$15,000
CP 42-167 - County Funding	85,000
CP 05-054 - City Funding	15,000
CP 05-054 - County Funding	85,000
Trail Gap Setaside - City Funding	<u>(30,000)</u>
Trail Gap Setaside - County Funding	<u>(170,000)</u>
Total Revenue	\$0

PREVIOUS BOARD ACTION

None

ATTACHMENTS

Attachment: Burnsville Trail Gap Map

BOARD GOALS

- | | |
|---|---|
| <input checked="" type="checkbox"/> A Great Place to Live | <input type="checkbox"/> A Healthy Environment |
| <input type="checkbox"/> A Successful Place for Business and Jobs | <input type="checkbox"/> Excellence in Public Service |

PUBLIC ENGAGEMENT LEVEL

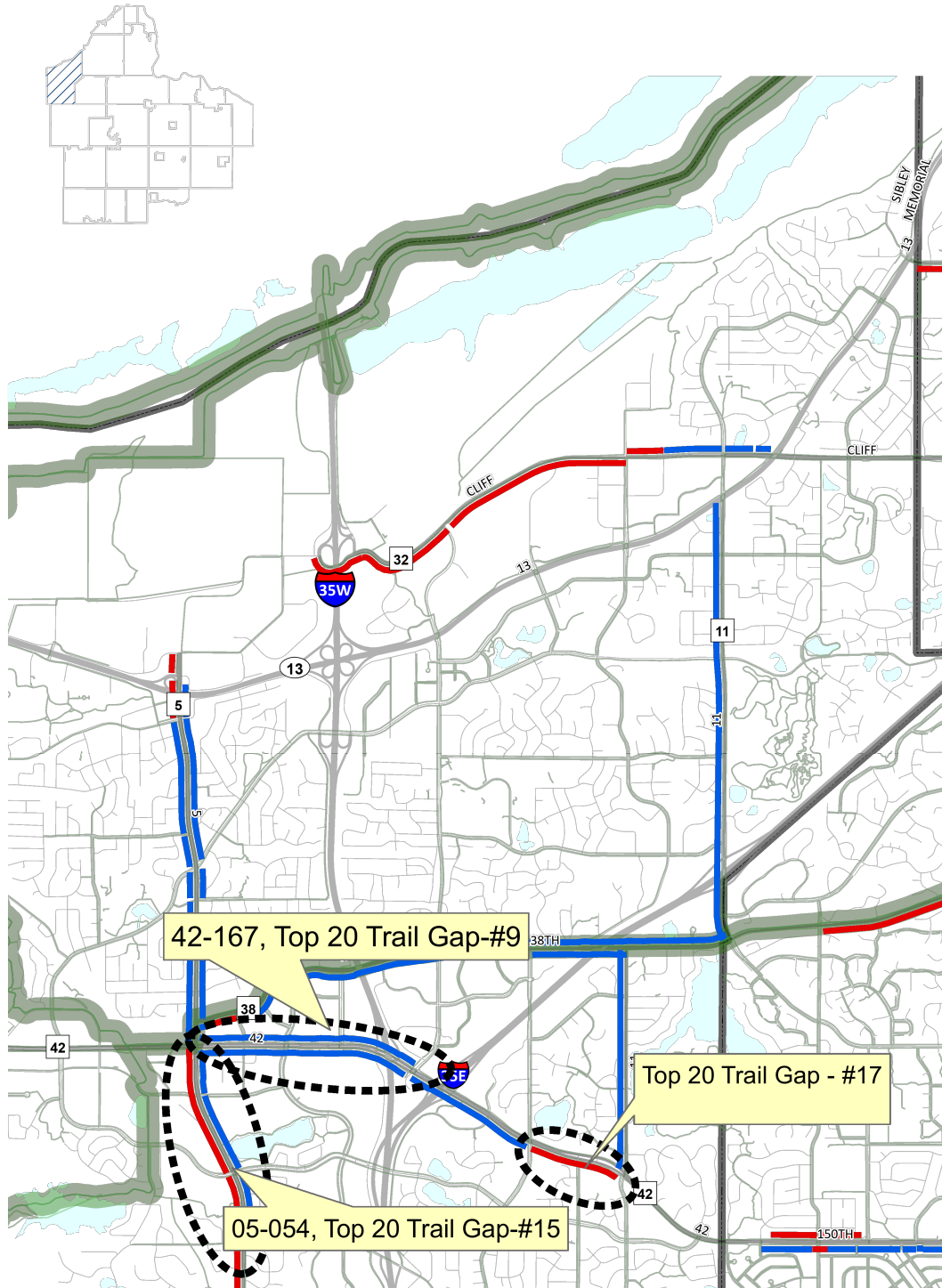
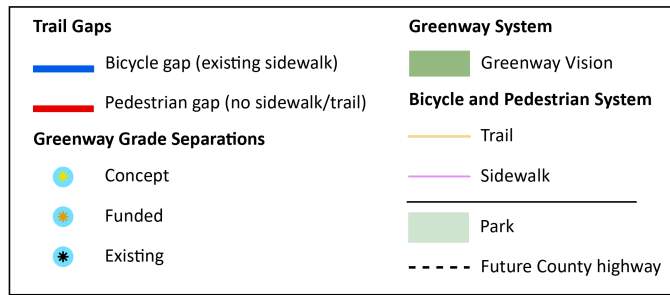
- | | | | |
|--|----------------------------------|----------------------------------|---|
| <input type="checkbox"/> Inform and Listen | <input type="checkbox"/> Discuss | <input type="checkbox"/> Involve | <input checked="" type="checkbox"/> N/A |
|--|----------------------------------|----------------------------------|---|

CONTACT

Department Head: Erin Laberee

Author: Gina Mitteco

Trail Gaps on County Systems



Project 42-167

	Expense Budget			Funding Sources Budget						
	Budget	Proposed RBA	Revised Budget	Current County's Share	Proposed RBA	Revised County's Share	Current Non-County Funding	Proposed RBA	Revised Non-County Funding	Total Revised Project Funding
Year										
Prior to 2022	-	-	-	-	-	-	-	-	-	-
2022 Budget	-	100,000	100,000	-	85,000	85,000	-	15,000	15,000	100,000
2023 Plan	-	-	-	-	-	-	-	-	-	-
2024 Plan	-	-	-	-	-	-	-	-	-	-
2025 Plan	-	-	-	-	-	-	-	-	-	-
2026 Plan	-	-	-	-	-	-	-	-	-	-
Current CIP Total	-	100,000	100,000	-	85,000	85,000	-	15,000	15,000	100,000
Costs Beyond Current CIP	-	-	-	-	-	-	-	-	-	-
Total	-	100,000	100,000	-	85,000	85,000	-	15,000	15,000	100,000

Project 5-54

	Expense Budget			Funding Sources Budget						
	Budget	Proposed RBA	Revised Budget	Current County's Share	Proposed RBA	Revised County's Share	Current Non-County Funding	Proposed RBA	Revised Non-County Funding	Total Revised Project Funding
Year										
Prior to 2022	-	-	-	-	-	-	-	-	-	-
2022 Budget	-	100,000	100,000	-	85,000	85,000	-	15,000	15,000	100,000
2023 Plan	-	-	-	-	-	-	-	-	-	-
2024 Plan	-	-	-	-	-	-	-	-	-	-
2025 Plan	-	-	-	-	-	-	-	-	-	-
2026 Plan	-	-	-	-	-	-	-	-	-	-
Current CIP Total	-	100,000	100,000	-	85,000	85,000	-	15,000	15,000	100,000
Costs Beyond Current CIP	-	-	-	-	-	-	-	-	-	-
Total	-	100,000	100,000	-	85,000	85,000	-	15,000	15,000	100,000

TRAIL GAP SETASIDE

	Expense Budget			Funding Sources Budget						
	Budget	Proposed RBA	Revised Budget	Current County's Share	Proposed RBA	Revised County's Share	Current Non-County Funding	Proposed RBA	Revised Non-County Funding	Total Revised Project Funding
Year										
Prior to 2022	-	-	-	-	-	-	-	-	-	-
2022 Budget	200,000	(200,000)	-	170,000	(170,000)	-	30,000	(30,000)	-	-
2023 Plan	-	-	-	-	-	-	-	-	-	-
2024 Plan	-	-	-	-	-	-	-	-	-	-
2025 Plan	-	-	-	-	-	-	-	-	-	-
2026 Plan	-	-	-	-	-	-	-	-	-	-
Current CIP Total	200,000	(200,000)	-	170,000	(170,000)	-	30,000	(30,000)	-	-
Costs Beyond Current CIP	-	-	-	-	-	-	-	-	-	-
Total	200,000	(200,000)	-	170,000	(170,000)	-	30,000	(30,000)	-	-



Physical Development Committee of the Whole

Request for Board Action

Item Number: DC-1488

Agenda #: 4.3

Meeting Date: 10/11/2022

DEPARTMENT: Physical Development Administration

FILE TYPE: Consent Information

TITLE

Planning Commission Update

PURPOSE/ACTION REQUESTED

Receive an update on issues addressed by the Planning Commission.

SUMMARY

The Dakota County Planning Commission met on Thursday, September 22, 2022. The Planning Commission discussed the following issue:

Agricultural Chemical Reduction Effort (ACRE)

The Planning Commission reviewed public and agency comments on the draft ACRE plan which had been released for public review. Staff identified the sections of the Plan that were modified in response to public comment. Following discussion, the Planning Commission recommended that the draft ACRE Plan be adopted by the County Board.

RECOMMENDATION

None.

EXPLANATION OF FISCAL/FTE IMPACTS

- | | | |
|--|---|--------------------------------|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Current budget | <input type="checkbox"/> Other |
| <input type="checkbox"/> Amendment Requested | <input type="checkbox"/> New FTE(s) requested | |

RESOLUTION

Information only; no action requested.

PREVIOUS BOARD ACTION

None.

ATTACHMENTS

Attachment: Draft Meeting Minutes

BOARD GOALS

- | | |
|---|--|
| <input type="checkbox"/> A Great Place to Live | <input type="checkbox"/> A Healthy Environment |
| <input type="checkbox"/> A Successful Place for Business and Jobs | <input checked="" type="checkbox"/> Excellence in Public Service |

PUBLIC ENGAGEMENT LEVEL

☐ Inform and Listen

☐ Discuss

☐ Involve

☒ N/A

CONTACT

Department Head: Erin Stwora

Author: Kurt Chatfield



Meeting Minutes: Dakota County Planning Commission Advisory Committee Meeting Minutes

Date: 09/22/2022

Minutes prepared by: Liz Hansen

Location: Western Service Center, Conference Room L139

Attendance

Members Present

- Greg Oxley
- Amy Hunting
- Jill Smith
- Barry Graham
- Anna Boroff
- Lori Hansen
- Tony Nelson
- James Guttman
- Nate Reitz
- Dennis Peine

Staff Present

- Kurt Chatfield
- Liz Hansen
- Valerie Neppl
- Lil Leatham
- Georg Fischer

Others Present

- None

Meeting Called to Order

- Time: 7:03 p.m.
- By: Chair Oxley

Audience items not on the agenda

- Comments/Notes: No one was present in the audience.

Approval of Agenda

- Motion by: Commissioner Graham
- Second: Commissioner Smith

- Vote: Unanimously approved.

Approval of Minutes (from June 23, 2022, and August 25, 2022)

One additional amendment to the June 23, 2022, minutes was noted. A misspelling of a commissioner's name in the approval details on item #1.

- Motion by: Commissioner Graham
- Second: Commissioner Smtih
- Vote: unanimously approved.

Item #1 Recommend Approval of Agricultural Chemical Reduction Effort Plan – Action (Valerie Neppl– Environmental and Natural Resources)

Valerie Neppl, Groundwater Protection Supervisor, presented this item and responded to questions.

Comments/Notes:

Questions and comments by Commissioners along with responses from staff (italics):

Is Dakota County concerned about other forms of water contamination other than from agricultural sources? *Staff responded that the recently adopted Groundwater Plan addresses all sources of contamination, but a follow-up Agricultural Chemical Reduction Effort (ACRE) plan was necessary to address the extent of nitrate and agricultural chemical levels attributed to farming primarily in southern Dakota County.*

Several questions were raised about public and private wells and whether contamination data from these wells are available to Dakota County. *Staff responded that data from Municipal wells are available and regularly collected by the MPCA. Dakota County does not have access to data about private wells once they have been constructed. The County is installing monitoring wells in surficial aquifers to monitor nitrate levels in the agricultural area. It can use this information to evaluate whether nitrate levels increase or decrease over time.*

Several questions were raised about nitrate contamination in the Hastings Drinking Water Supply Area and the role of the State vs. the County in addressing contamination. *Staff responded that the state had imposed agricultural regulations in this area because nitrate levels exceeded eight parts per million. Dakota County's role will be to offer informational resources about best management practices and incentives to encourage farmers to reduce nitrate levels.*

Planning Commissioners inquired about the number of people that are on private wells. *Staff responded that an estimated 8,000 households are on private wells, many of which are located in the southern part of Inver Grove Heights.*

Planning Commissioners inquired about sinkholes and their potential impact on surface water and groundwater contamination. *Staff responded that Dakota County does not have an inventory of all sinkholes but confirmed that some Karst topography is present in Dakota County and that Karst topography can be a source of rapid transmission of contaminants. Staff map sink hole locations, but Dakota County does not have regulations regarding sinkholes.*

Planning Commissioners had a lengthy discussion on whether agricultural groups were adequately engaged in preparing and reviewing the plan. Commissioners discussed the importance of using effective methods and timing of communication to engage farmers and farm groups. *Staff provided an overview of the public engagement process, which included: 1) attending individual township meetings at each town hall, 2) the use of a task force that included a farm group representative, 3) direct email notification and draft plan documents sent to farm groups for review and comment, 4) one on one conversations with farm group leaders to make them aware of the ACRE plan and public comment process. Staff reported that while there were not many comments from farm groups, an extensive effort was made to invite farm groups into the process and receive comments.*

Several Planning Commissioner members concluded the discussion by complimenting staff on the completeness and quality of the plan and the thoroughness of the public engagement effort.

The Planning Commission recommended the approval of the Agricultural Chemical Reduction Effort Plan.

- Motion by: Commissioner Graham
- Second: Commissioner Smith
- Vote: unanimously approved.

Planning Manager Update and County Board Actions at Physical Development Committee

Kurt Chatfield, Planning Manager, provided the Planning Commission with an update on the following County Board Actions:

Comments/Notes:

- New County Commissioner Districts for 2023 - map and reappointment process
- Reviewed Lebanon Hills Sustainable Trails Study – written report presented at Physical Development Committee of the Whole.
- Adopted the North Creek Greenway Natural Resource Management Plan
- Adopted the All-Hazard Mitigation Plan

A Commissioner expressed appreciation for sharing the Lebanon Hills Sustainable Trails Study with the Planning Commission. Several commissioners expressed their support for the Sustainable Trails Study and noted that there appear to be some significant issues that will need to be addressed. Planning Commissioners discussed the need to protect water bodies from trail erosion and provide safe and enjoyable recreational trail experiences by separating uses. *Staff acknowledged the comments made by Planning Commissioners and responded that the County Board would prioritize the trail needs through the County's 5-year Capital Improvement Program.*

A question was raised about the status of the draft Park Ordinance update. Staff responded that the draft Park Ordinance is scheduled to be reviewed by the Planning Commission at their October meeting.

Upcoming Public Meetings – Community Outreach

Meeting	Details
Lake Marion Greenway Improvements Pop Up Event	Saturday, September 17, 1030am- 12:30pm Lakeville Parks Pioneer Plaza (Dntn Lakeville) 20785 Holyoke Ave
Dakota County Crisis and Recovery Center – Guild West St. Paul City Council Work Session	Monday, September 26, 5:00pm West St. Paul City Hall
Vermillion Highlands Greenway – Rosemount Segment Pop Up Event	Friday, September 29 th , 4:00pm-6:00pm Allesbury Park in Rosemount
117 th Street Improvements (CSAH 32) Open House	Wednesday, October 5, 4:30pm-6:30pm Veterans Memorial Community Center Inver Grove Heights
Oakdale/Thompson Roundabout Improvements Open House	Wednesday, October 12, 5:00pm-7:00pm Wentworth Library (Large Mtg Room)

Topics for next meeting (Thursday, October 27, 2022)

- Review Draft Parks Ordinance Update

Planning Commissioner Announcements/Updates:

A Commissioner asked about the status of the bison and when they expect to arrive at Spring Lake Park Reserve. *Staff responded that the bison are set to arrive on October 5th or 6th.*

Several Planning Commissioners inquired about the status of the bison safety procedures and asked for a copy of the report. *Staff responded that a summary of bison safety procedures would be shared with Planning Commissioners in a follow-up email.*

Adjourn

- Motion by: Commissioner Boroff
- Second: Commissioner Hansen
- Vote: unanimously approved.
- Time: 8:11 p.m.

Next Regular Meeting: Thursday, October 27, 2022, at 7:00 p.m., Dakota County Western Service Center, Apple Valley



Physical Development Committee of the Whole

Request for Board Action

Item Number: DC-1424

Agenda #: 5.1

Meeting Date: 10/11/2022

DEPARTMENT: Environmental Resources

FILE TYPE: Regular Action

TITLE

Authorization To Adopt Dakota County Agricultural Chemical Reduction Effort Plan

PURPOSE/ACTION REQUESTED

Authorize adoption of the Dakota County Agricultural Chemical Reduction Effort (ACRE) Plan.

SUMMARY

Developing the ACRE Plan is a 2022 Board Priority. The 2020-2030 Dakota County Groundwater Plan identified agricultural chemicals, especially nitrate and crop herbicides, as a significant drinking water concern for much of rural Dakota County. Reduction of agricultural chemical contamination is a high-priority strategy in the Groundwater Plan (Strategy 1B1); specifically, tactic 1B1 states that the County will develop an ACRE Plan.

The purpose of ACRE is to reduce agricultural chemicals in groundwater to levels that no longer pose threats to human health and the environment. The ACRE Plan was developed through extensive research on current Minnesota programs and other state programs focused on improving water quality from agricultural operations, completion of a groundwater nitrate model, a robust stakeholder engagement process, and guidance provided by the County Board, County Planning Commission, and an Agricultural Advisory Group.

By Resolution No. 22-289 (July 19, 2022), the County Board authorized the release of the draft ACRE Plan for a 45-day public review period from July 20 to September 3, 2022. The draft ACRE Plan was posted online during the review period and submitted to the Metropolitan Council, the state review agencies, the Board of Water and Soil Resources, the Dakota County Soil and Water Conservation District, cities, townships, and watershed organizations. Extensive electronic communications through social media, news releases, and emails to partners; stakeholders; state; regional; and local agencies and officials, and others, including agricultural and farm service agencies, were undertaken for ACRE Plan distribution. Staff offered a Lunch and Learn opportunity for agricultural agencies (e.g., co-ops, agronomists) on July 26, 2022; conducted a Zoom Information Webinar for the general public on August 4, 2022; and provided information briefings at 13 township board meetings.

Comments received were generally in support of the ACRE Plan, with no substantial changes to the ACRE Plan. Comments were received from county residents and five organizations during the public review period. The summary of changes to the revised ACRE Plan (see Attachment: Summary of Changes) and the response to comments (see Attachment: Response to Comments) are attached. The link to the full revised ACRE Plan is at:

<https://www.co.dakota.mn.us/Environment/WaterResources/Agriculture/Documents/ACREPlanDraft.pdf>

The Dakota County Planning Commission reviewed the revised ACRE Plan on September 22, 2022, and recommends the adoption of the ACRE Plan to the Physical Development Committee of the Whole.

RECOMMENDATION

Staff recommends the County Board approve the adoption of the Dakota County Agricultural Chemical Reduction Effort (ACRE) Plan.

EXPLANATION OF FISCAL/FTE IMPACTS

None. All future requests will be presented to the County Board during the annual budgeting process.

- | | | |
|--|---|--------------------------------|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Current budget | <input type="checkbox"/> Other |
| <input type="checkbox"/> Amendment Requested | <input type="checkbox"/> New FTE(s) requested | |

RESOLUTION

WHEREAS, developing the Agricultural Chemical Reduction Effort (ACRE) Plan is a 2022 Board priority; and

WHEREAS, the 2020-2030 Dakota County Groundwater Plan identified reduction of agricultural chemical contamination as a high priority (strategy 1B1); specifically, tactic 1B1 states that the County will develop an ACRE Plan; and

WHEREAS, the purpose of ACRE is to reduce agricultural chemicals in groundwater to levels that no longer pose threats to human health and the environment; and

WHEREAS, the ACRE Plan was developed through extensive research on current Minnesota programs and other state programs focused on improving water quality from agricultural operations, completion of a groundwater nitrate model, a robust stakeholder engagement process, and guidance provided by the County Board, County Planning Commission, and an Agricultural Advisory Group; and

WHEREAS, by Resolution No. 22-289 (July 19, 2022), the County Board authorized the release of the draft ACRE Plan for a 45-day public review period from July 20 to September 3, 2022; and

WHEREAS, comments were received from county residents and five organizations during the public review period resulting in no substantial changes to the ACRE Plan; and

WHEREAS, the Dakota County Planning Commission reviewed the revised ACRE Plan on September 22, 2022, and recommended the adoption of the ACRE Plan to the Physical Development Committee of the Whole.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the Dakota County Agricultural Chemical Reduction Effort (ACRE) Plan.

PREVIOUS BOARD ACTION

21-042; 1/19/21

22-289; 7/19/22

ATTACHMENTS

Attachment: Summary of Changes

Attachment: Response to Comments

BOARD GOALS

☐ A Great Place to Live

☒ A Healthy Environment

☐ A Successful Place for Business and Jobs

☐ Excellence in Public Service

PUBLIC ENGAGEMENT LEVEL

☐ Inform and Listen

☐ Discuss

☐ Involve

☒ N/A

CONTACT

Department Head: Al Singer

Author: Valerie Neppl

Attachment: Draft ACRE Plan Summary of Changes

The 2020-2030 Dakota County Groundwater Plan identified agricultural chemicals, especially nitrate and crop herbicides, as a significant drinking water concern for much of rural Dakota County. Reduction of agricultural chemical contamination is a high-priority strategy in the Groundwater Plan (Strategy 1B1); specifically, tactic 1B1 states that the County will develop an ACRE Plan.

The purpose of ACRE is to reduce agricultural chemicals in groundwater to levels that no longer pose threats to human health and the environment. The ACRE Plan was developed through extensive research on current Minnesota programs and other state programs focused on improving water quality from agricultural operations, completion of a groundwater nitrate model, a robust stakeholder engagement process, and guidance provided by the County Board, County Planning Commission, and an Agricultural Advisory Group.

By Resolution No. 22-289 (July 19, 2022), the County Board authorized release of the draft ACRE Plan for a 45-day public review period from July 20 to September 3, 2022. County staff posted the draft ACRE Plan online during the review period and submitted it to the Metropolitan Council, the state review agencies, the Board of Water and Soil Resources, the Dakota County Soil and Water Conservation District, cities, townships, and watershed organizations. Staff distributed the draft ACRE Plan through extensive electronic communications, including social media, news releases, and emails to partners; stakeholders; state; regional; and local agencies and officials; and others including agricultural and farm service agencies. Staff offered a Lunch and Learn opportunity for agricultural agencies (e.g., co-ops, agronomists) on July 26, 2022; conducted a Zoom Information Webinar for the general public on August 4, 2022; and provided information briefings at 13 township board meetings.

Comments were received from the county residents and the following organizations:

- Board of Water and Soil Resources (BWSR)
- Conservation Minnesota
- Metropolitan Council (Met Council)
- Minnesota Department of Agriculture (MDA)
- Vermillion River Watershed Joint Powers Organization (VRWJPO)

Changes to the ACRE Plan

Notable revisions to the draft ACRE Plan as a result of 45-day public review comments or County staff modifications/corrections are listed in the below table and highlighted yellow in the revised ACRE Plan posted to the [ACRE Website](#). No comments received resulted in substantial changes to the proposed goal, strategies, or tactics. Any changes not listed below, or highlighted in the revised ACRE Plan, were non-substantive grammatical or formatting changes in nature.

No.	Current Page No., Chapter & Section	Change to Plan (as a result of Public Review Comment or County Staff Modification)
1.	Page 1, Executive Summary, Plan Purpose	Clarified that primary focus of ACRE is nitrate reduction, but ACRE strategies/tactics will also reduce pesticides and chloride in groundwater.
2.	Page 2, Executive Summary, Agricultural Chemicals of Concerns	Clarified that sources of nitrate could be a result of septic systems or lawn fertilizer – these are addressed in other Dakota County Groundwater Plan strategies.
3.	Page 7, Chapter 1(B), Qualitative Measures	Clarified qualitative measure #5 – contributions of chloride to groundwater will be evaluated in comparison to baseline conditions described in Chapter 3.
4.	Page 8, Chapter 1(C)	Clarified primary focus of ACRE is nitrate, but ACRE strategies/tactics will also reduce pesticides and chloride in groundwater (see item #1 above).
5.	Page 10, Chapter 1(C), Strategy 1, Notable Components	Information regarding the Dakota County and MDA monitoring well network was updated as of August 2022.
6.	Page 11, Figure 4	Figure 4 replaced with well network information as of August 2022, and updated to be more visually accessible.
7.	Page 14, Chapter 1(C), Strategy 1, Tactic ACRE 1G	Edited tactic to identify that periodic pesticide sampling may occur for both private drinking water wells and the environmental well network – purpose is to evaluate risk to human health and presence in the environment.
8.	Page 21, Chapter 1(C), Strategy 4	Clarified that the County and SWCD will partner to promote <u>voluntary</u> measures since activities that are required under the Groundwater Protection Rule may be ineligible for grant funding.
9.	Page 22, Chapter 1(C), Strategy 4, Notable Components	Add clarifying descriptions of perennials and cover crops.
10.	Page 27, Chapter 1(C), Strategy 4	Clarified intent of optional tactics: ACRE 4F, ACRE 4G, and ACRE 4H.
11.	Page 29, Chapter 1(C), Strategy 4, tactic ACRE 4G	Edited tactic to identify that extending cost-share beyond 3-years is just an example of what the program may entail (see item #10 above).
12.	Page 30-31, Chapter 1(C), Potential Future Strategies	Clarified intent of potential future regulatory options, and when regulatory options may be recommended by staff.
13.	Page 33, Chapter 2(B), Planning Process	Updated Planning Process to include 45-day public review period process and outreach conducted.
14.	Page 34, Chapter 2(B), Table 9	Clarified that the Groundwater Protection Rule does have some elements of results-based measures to determine mitigation levels.

Attachment: Draft ACRE Plan Response to Comments

Source	Page, Chapter & Section	Comment	County Response
J. Clark and M. Hoffman, Met Council 8/31/22	General Comment	Thank you for providing the Met Council the opportunity. Neither of us have any specific comments or concerns. The plan is considered, has valuable and useful goals, and reasonable strategies for meeting those goals informed by residents and technical experts. We appreciate that the plan acknowledges and has strategies to build relationships with farmers, landowners, and rural communities. We too recognize the need to build trust within and help support these communities through our regional planning work and hope that the Council can learn and benefit from your efforts. We also want to recognize your identification of agency partnerships as a part of achieving the plan's outcomes. We look forward to supporting your efforts and collaborating as you proceed with plan implementation. As the 2050 regional development guide and regional policy plans are developed in the coming years, we hope that you will help them to align with local needs and Dakota County's plans and goals.	Thank you for your kind and supportive remarks! We look forward to continuing to work together toward our common goals.
S. Christopher, Board of Water and Soil Resources 9/1/22	General Comment	Thank you for the opportunity to comment on the Dakota County Draft Agricultural Chemical Reduction Effort (ACRE) Plan. I would like to acknowledge the hard work that the County has done. The ACRE Plan is well-informed through data and the strategies & outcomes for implementation are defined and include quantifiable measures which will assist the County in evaluating its effort and progress. The approach to addressing an issue that may impact many stakeholders of the County is forward-thinking and will be an example for other areas around our state and region.	Thank you!

Source	Page, Chapter & Section	Comment	County Response
K. Cervantes, Conservation Minnesota 9/6/22	General Comment	<p>We applaud Dakota County for attempting to further build on the MN Department of Agriculture’s Groundwater Protection Rule (GPR) and implementation of the Nitrogen Fertilizer Management Plan (NFMP) to address the very serious issue of nonpoint pollution in agriculture and its impacts on water quality throughout the county. We especially support the plan’s measurement of results-based contaminant reduction to protect the integrity of groundwater, and to consider private drinking water wells when measuring the plan’s outcomes.</p> <p>Much of the success of the county’s goals will depend on education and implementation, and we support the urgency of helping incentivize and provide assistance to farmers to reduce or eliminate the use of agricultural chemicals that ultimately contaminate the groundwater. Nitrogen-based fertilizers that are used to increase crop yields are important to farming operations but drinking water high in nitrates has been linked to different types of cancer, potentially fatal children’s health issues, and elevated heart rates. Rather than continuing to invest money in denitrification systems to clean up water contamination, we support the county’s effort to begin to eliminate the causes, such as over-application and nitrogen leaching into soil, which leads to these costly impacts on human health and groundwater.</p> <p>As water quality is an essential human right, Conservation Minnesota aims to ensure clean, safe drinking water in communities throughout the state of Minnesota. We support the ACRE plan as a solutions-based approach, especially creating models for cover and perennial crop adoption rate goals and the evaluation of agricultural practices. It will be vital to implement the “exploring ways” section of the plan and to secure funding to implement water quality practices on rented farmland and provide financial incentives to farmers for adopting healthy soil and groundwater practices. Conservation farming practices are proven to impact higher profits and we support the ultimate impact this new program will have on Minnesota’s farm economy, water quality, and natural resources.</p>	Thank you! Please let us know if there are ways that Conservation Minnesota would like to be more involved with this effort.

Source	Page, Chapter & Section	Comment	County Response
C. Congdon, County Resident 7/20/22	General Comment	Good Morning, While I agree that the agricultural reduction of nitrates is important to help save wells and health, I would also urge the county to mandate similar or same requirements of homeowners who are dumping these same chemicals and types on their lawns and gardens multiple times per season. This is also washing into our lakes and groundwater, continuing to add to the issue. This is not a farmer's issue alone. Commercial residences (apartment, townhomes, etc) use sprays and chemicals. A large number of my neighbors use chemicals on their lawns and we live right next to a lake. I've even seen our county parks and rec areas with signs to warn people to stay off the grass until chemicals are dry. So, it would seem farmers are only a PART of the problem and should not be held accountable to limitations and new rules, without also having the rest of the community in the same boat. Thank you for your time.	Thank you for your interest in the Dakota County Agricultural Chemical Reduction Effort (ACRE) Plan. The ACRE Plan stems from the Dakota County 2020-2030 Groundwater Plan, which addresses a wide range of potential sources of groundwater contamination, including lawn and landscape maintenance chemicals. The ACRE Plan is specific to agricultural chemicals. The Groundwater Plan is available online. It was developed with input from interested residents and other stakeholders, the Dakota County Planning Commission, and a technical advisory group. The Groundwater Plan was approved by the Minnesota Board of Soil and Water Resources (BWSR) in December 2020 and was adopted by the Dakota County Board of Commissioners in January 2021.
S. Peterson, County Resident 7/23/22	General Comment	Dakota County looks like it wants to replicate what the Netherlands is doing--which is killing farming! Stop this "green" nonsense!	Your concern is noted. The strategies proposed in the ACRE Plan are all voluntary and provide farmers with flexibility in what practices to adopt to improve groundwater quality, technical assistance, and financial incentives.

Source	Page, Chapter & Section	Comment	County Response
Various, Township Board Meetings	General Comment	Private wells with high nitrate in some cases may be a result of failing septic systems, especially in areas where there is a large cluster of septic.	<p>Septic systems can be a source of elevated nitrate on a highly localized basis. However, septic systems are more often a health concern for infectious agents such as bacteria or viruses than as sources of nitrate contamination. For example, Inver Grove Heights is the community in the county that has the most households that use septic systems and private wells and it has very little row crop agriculture. Extensive testing of private wells there has found few wells with nitrate over the drinking water guideline.</p> <p>The county Groundwater Plan includes tactics for minimizing septic system impacts on groundwater quality. The County is responsible for directly regulating septic systems for the cities of Randolph and New Trier, Randolph and Waterford townships, and the shoreland/floodplain areas in unincorporated portions of the county, a total of approximately 980 households. Cities and townships regulate septic systems in most of the county; their ordinances are required to be consistent with the County's septic system ordinance (County Ordinance 113) and with State law. To address failing septic systems, the County administers a septic system low income grant program and a tax assessment program.</p> <p>In coming years, data collected from the county's new network of monitoring wells will help county staff to differentiate between elevated nitrate due to row-crop agriculture and that due to other sources. The monitoring wells are being located adjacent to cropland to evaluate the shallow groundwater that is being most impacted by cropping practices.</p>
Various, Township Board Meetings	General Comment	What is Dakota County doing to address contaminants as a result of lawn fertilizer and landscape chemicals?	See answer to #4, above.

Source	Page, Chapter & Section	Comment	County Response
M. Ryan/T. Thiel, VRWJPO 8/29/22	References P. 26, Chapter 1, Strategy 4, Financial Incentives	In general, there is a lack of information on how agricultural pesticides and chlorides will be reduced in the identified strategies. One can assume that activities that retire farmland/convert farmland to non-agricultural uses will reduce the use of these chemicals, but there are no other activities identified that reduce the use of or mitigate the impact of these chemicals.	Please note the Plan Purpose (page 1) and Chapter 2 (page 35) states the focus of ACRE is on reducing nitrate contamination in groundwater and addressing other agricultural contaminants where practical. Practices discussed under Strategy 4, Chapter 1 that reduce nitrate contamination will also reduce other agricultural contaminants such as pesticides and chloride. More explanation was added to page 1. Regarding chloride specifically, Tactic 3G calls for educating farmers about potassium fertilizer BMPs. At this time, farmers do not have a practical alternative source of potassium besides potassium chloride.
M. Ryan/T. Thiel, VRWJPO 8/29/22	P. 26, Chapter 1, Strategy 4, Financial Incentives	All the other quantitative measures listed have some means of quantification. This measure does not quantify anything and simply states it "will decrease." Can you specify how this will be quantified? Will decrease based on the existing groundwater concentrations in wells? We suggest being more specific about how these contributions will decrease, how that decrease will be measured, and establish the baseline for which it will be measured against. In addition, will a selection of wells/groundwater data be used to analyze this measure due to the potential for road salt use to impact some agricultural areas near larger and/or paved roads?	Chloride levels will be evaluated in comparison to baseline. Clarification was added to Quantitative Measure 5. As of August 2022, County staff have limited baseline information about chloride levels in groundwater. In the next few years, the environmental well network and Community Focused Sampling program will provide a much more complete understanding of "where we're starting from." In the longer term, these two ongoing sources of information will show the seasonal and annual trends in chloride levels. For practical reasons, both the county and the Minnesota Department of Agriculture are installing their collaborative environmental well network in public rights-of-way, for the most part. As a result, the chloride levels in these wells may be higher than what would be found in shallow groundwater wells further away from roads, especially in the spring sampling event. Staff will keep this in mind when evaluating the chloride results and will be looking for relative decreases over time rather than hitting specific targets.

Source	Page, Chapter & Section	Comment	County Response
M. Ryan/T. Thiel, VRWJPO 8/29/22	P. 12-13, Chapter 1, Section C, Strategy 1	Related to the comments later in this letter on pesticide reduction, there is not much in the way of sampling for pesticide breakdown products in the monitoring well network. While sampling drinking water sources gets at the high-risk locations for exposure, analyzing monitoring network samples from the shallow groundwater might indicate whether any pesticide application reduction efforts (or land conversion programs) are having an impact.	Amended Tactic 1G to include environmental well network. This is also addressed on p. 44, Chapter 3, Background Information: "Dakota County's extensive sampling for crop herbicides and herbicide breakdown products through its Ambient Study has documented the environmental fate of common herbicides in groundwater in the county over time, but is not necessarily geographically representative. In particular, the extent and concentrations of cyanazine breakdown products in private well water are not yet comprehensively understood. To date, cyanazine has been found above the drinking water guideline of 1 µg/L in 11 townships (Table 13). In late summer 2022, the MDA will be sampling private wells in Dakota County for the herbicides cyanazine, and atrazine, and related chemicals. When the results of the 2022 sampling are available, the information about cyanazine in private wells may be quite different from what is currently shown in Table 13 below. In addition, if feasible, the County's rotating private well sampling program will be expanded to include cyanazine breakdown products and other frequently detected pesticides and pesticide breakdown products, in accordance with the Groundwater Plan."
M. Ryan/T. Thiel, VRWJPO 8/29/22	P. 21, Chapter 1, Strategy 4, Financial Incentives	The summary indicates the County and SWCD will partner with state funding agencies and others to promote and fund BMPs and AMTs. BMPs and AMTs are terms used in MDA's Groundwater Protection Rule and are the means identified to comply with the Rule. The VRWJPO and other agencies often do not provide technical or financial assistance for practices meant to comply with or meet regulatory requirements. Funding for BMPs and AMTs may be in conflict with the policies of partner organizations and this strategy should be considered further given this potential conflict. It will be critical to identify when a practice is being implemented to meet minimum requirements of the Groundwater Protection Rule versus voluntary implementation.	The ACRE Plan itself comprises voluntary practices. Clarification was added to the ACRE Plan (page 21). However, to implement the Groundwater Protection Rule, the MDA is in the process of developing BMP requirements for the Hastings Drinking Water Supply Management Area (DWSMA) that will effectively be regulatory. (The Hastings DWSMA covers a large portion of the Vermillion River watershed but is only in the Vermillion River watershed.) BMPs proposed for nitrogen fertilizer usage per se (for example, using less fertilizer or splitting fertilizer applications during the growing season) would not depend on cost-share funding in any case. Nevertheless, Environmental Resources, SWCD, VRWJPO, and MDA staff should meet to clarify the

Source	Page, Chapter & Section	Comment	County Response
			BMPs and AMTs that will be promulgated for the Hastings DWSMA and how financial incentives might be impacted.
M. Ryan/T. Thiel, VRWJPO 8/29/22	P. 26, Chapter 1, Strategy 4, Financial Incentives	It is unclear whether the “optional high priority tactic” of longer funding of initiatives will be made available to those who previously enrolled or even to those farmers who implemented cover crops on their own (without assistance) but may now be interested in cost-share programs (i.e., will people who have been doing the right thing be paid to keep doing the right thing). The table makes it seem as though the optional tactic would be for maintaining existing projects for additional time after having been provided assistance through the first three years.	Edited tactic and added clarification (see page 27). The intent of the tactic is to allow for a broad range of possibilities. Any future incentive programs would be dependent upon the identified need to increase BMP/AMT adoption rates, and County and/or SWCD Board approval. This may include incentives as extensive as providing payments to all farmers implementing cover crops, or only extending projects for additional time after having been provided assistance through the first three years in order to reduce risk of initial adoption.
M. Ryan/T. Thiel, VRWJPO 8/29/22	P. 6, Chapter 1, Section B, Goal	This goal text appears incomplete and we assume it needs something written after “unhealthy levels.”	Corrected.
M. Ryan/T. Thiel, VRWJPO 8/29/22	P.8, Chapter 1, Section C, Introduction	in the second to last paragraph, it is noted that the County and SWCD are the same on the table and that the SWCD “was identified as a trusted resource to the agricultural community.” It is recommended that this be changed to “is a trusted resource...” to get rid of confusion about the working relationship (and check for similar identity references elsewhere in the document).	Text edited.

Source	Page, Chapter & Section	Comment	County Response
M. Ryan/T. Thiel, VRWJPO 8/29/22	P.11, Figure 4	Recommend changing one of the colors of the County or MDA wells on the map for those that are visually impaired (i.e. colorblindness).	Map updated.
Various	P. 22, Chapter 1, Strategy 4, Financial Incentives	Please clarify what is meant by "perennials."	Clarification has been added to the ACRE Plan (page 22). The term "perennials" refer to the following: <ul style="list-style-type: none"> • land enrolled in the Conservation Reserve Program or Conservation Reserve Enhancement Program; • prairie restorations; • grass hay, alfalfa, or pasture; • Kernza™ or other perennial crops; • other vegetation where the root structure is left in place all year round.
Various	P. 22, Chapter 1, Strategy 4, Financial Incentives	Please clarify what is meant by "cover crops."	Clarification has been added to the ACRE Plan (page 22). Cover crops are plants seeded into agricultural fields, either within or outside of the regular cash crop growing season. Cover crops are used to slow erosion, prevent nutrient losses, improve soil health, enhance water availability, smother weeds, help control pests and diseases, increase biodiversity, and bring other benefits to cropland (Sustainable Agriculture Research and Education). In regard to nitrate, cover crops can help retain nitrogen in fields, rather than allowing the nitrogen to be converted to nitrate and leach into the groundwater. The cover crop will use whatever nitrogen is still available from the fertilizer applied for the current growing season, plus the nitrogen that continues to mineralize via soil organic matter. That nitrogen will be protected from leaching and denitrification losses. Farmers have many choices among cover crops, depending on their priorities for the planting, the cash crop that preceded the cover crop, and the crop to be planted after the cover crop. The most common cover crops in Dakota County are Winter Cereal Rye, oats, or an oat and radish mix (Dakota SWCD staff). Dakota County SWCD staff or UMN

Source	Page, Chapter & Section	Comment	County Response
			Extension Educators can assist farmers with selecting an appropriate cover crop for their farm.
L. Gunderson, MDA 9/9/2022	P. 4, Executive Summary	The ACRE Plan proposes four strategies including: 1) collect information for decision making; 2) communicate and educate; 3) provide technical assistance; and 4) provide financial incentives. In general MDA agrees with these overall concepts and supports working with the local agricultural community to address water quality concerns and help provide funding where needed to implement BMPs and other recommended practices. MDA considers these strategies to be extremely important when working with farmers to reduce nitrate in groundwater. They are key strategies in the MDA's Nitrogen Fertilizer Management Plan and Groundwater Protection Rule.	Thank you.
L. Gunderson, MDA 9/9/2022	P. 31, Potential Future Strategies.	MDA notes that there is limited discussion on how agricultural practices might be evaluated. The MDA supports University of Minnesota recommended BMPs and other practices which have sufficient documentation to be proven to be economically viable, implementable and can improve water quality. MDA suggests that the plan emphasize that recommended or required practices will be economically viable or subsidized so they are profitable, with adequate consideration of some of the practical challenges for their implementation such as adverse weather.	Text edited on p. 31, Potential Future Strategies: "Evidence is growing that farms that adopt practices to improve water quality (such as participating in the Minnesota Agricultural Water Quality Certification program) are more profitable than farms that do not (Minnesota State, 2022). That said, any requirements imposed by the county would respect that farming requires economic sustainability to support and maintain environmental sustainability."
L. Gunderson, MDA 9/9/2022	P. 29 (30), Chapter 1, Potential Future Strategies	Text on page 29 of the plan states that Dakota County may explore regulatory options "If, after five years (five complete growing seasons), groundwater nitrate conditions show a stable or upward trend (by township or city), County staff may recommend to the County Board ordinance amendments that require agricultural	As MDA indicates, more than 5 years of data may be needed to determine the normal range of variation, especially due to weather conditions. Text amended to "If, after at least five years (five complete growing seasons, or sufficient time to identify statistically significant trends, whichever is longer),

Source	Page, Chapter & Section	Comment	County Response
		<p>practices to reduce nitrate contamination.”</p> <p>There is limited detail provided on how the water quality trends will be evaluated or if 5 years is an appropriate period of time to ensure that changes in nitrogen management at the land surface could improve water quality in the aquifer being monitored. Since private wells are included, it is unclear if the analysis might include wells which are constructed in different aquifers which may contain water which is potentially older than 5 years. There can be significant variability in water quality monitoring data from year to year especially when comparing wet years to dry years. The plan does not appear to consider that. In addition, it is unclear what the term “stable” means for the purposes of potential regulation. If stable means that there is not a significant downward trend in water quality, then it appears there could be a move towards regulation even if recommended practices are being implemented. These issues are complex but significant. MDA recommends that the plan consider these factors and that the plan should support and reward farmers who adopt recommended practices and not move to regulation unless other efforts are not successful.</p>	<p>groundwater nitrate conditions show a stable or upward trend (by township or city), County staff may recommend to the County Board ordinance amendments that require agricultural practices to reduce nitrate contamination. In this context, "stable" means that no statistically significant upward or downward change over time beyond the normal range of variation can be determined. Also, it should be understood that this refers to groundwater that is not improving toward the ACRE Plan's quantitative outcome measures (p. 7), not groundwater that already meets those criteria."</p> <p>The text indicates "... staff may recommend to the County Board ordinance amendments that require agriculture practices to reduce nitrate contamination." Text has been edited to reflect that the Plan does call for using both private and public drinking water and shallow groundwater monitoring well results. In addition, ACRE Tactic 1A calls for collecting and evaluating information on what agricultural practices are being implemented and maintained in the county. Staff will use the preponderance of the evidence before recommending any regulation. The ACRE Plan is designed to do as MDA recommends, to support and reward voluntary activities to improve groundwater quality and only adopt regulatory measures if groundwater fails to improve in a reasonable number of years.</p>
L. Gunderson, MDA 9/9/2022	P. 33 (35) Chapter 2, Planning Process (Table 9)	<p>Text on page 33 of the plan states that the outcome measures for the ACRE Plan are results-based since Dakota County is relying on contaminant reduction and the MDA's Groundwater Protection Rule is performance-based by evaluating BMP adoption. The Groundwater Protection Rule also includes results based elements by 1) moving a DWSMA from mitigation level 2 to a mitigation level 3 if the statistical analysis of the nitrate-nitrogen concentration is increasing for the public well or groundwater monitoring network; OR moving a mitigation level 2 DWSMA to mitigation level 1 if the statistical analysis of the nitrate-nitrogen concentration in the</p>	MDA comment has been added to the text.

Source	Page, Chapter & Section	Comment	County Response
		public well is not projected to exceed the health risk limit of 10 mg/L in ten years and the groundwater nitrate-nitrogen concentration has been below 8.0 mg/L for ten years. These two results based factors are evaluated separately from BMP adoption, although the two evaluations can occur in tandem.	
L. Gunderson, MDA 9/9/2022	P. 8, Chapter 1	Page 8 fifth paragraph – the last sentence includes an extra “a” and “rates” should be “rate”.	Text edited.
L. Gunderson, MDA 9/9/2022	P. 21	Page 21 under Summary – “alternate management tools” should be “alternative management tools”.	Text edited.



Physical Development Committee of the Whole

Request for Board Action

Item Number: DC-1347

Agenda #: 5.2

Meeting Date: 10/11/2022

DEPARTMENT: Transportation

FILE TYPE: Regular Information

TITLE

Update On 2022 Transportation Capital Improvement Construction Projects

PURPOSE/ACTION REQUESTED

Receive an update on the 2022 Capital Improvement Program (CIP) construction projects.

SUMMARY

To provide a safe and efficient transportation system, Dakota County annually invests in the County transportation system through various construction projects. The construction projects identified in the 2022-2026 Transportation CIP budget are well underway and looking towards the fall completion dates (Attachment: Project Location Map). Staff will provide the Board with an overview of these transportation construction projects.

RECOMMENDATION

Information only; no action required.

EXPLANATION OF FISCAL/FTE IMPACTS

The 2022 construction projects are funded through the approved Transportation CIP budget.

- | | | |
|--|--|---|
| <input type="checkbox"/> None | <input checked="" type="checkbox"/> Current budget | <input type="checkbox"/> Other |
| <input type="checkbox"/> Amendment Requested | | <input type="checkbox"/> New FTE(s) requested |

RESOLUTION

Information only; no action required.

PREVIOUS BOARD ACTION

None.

ATTACHMENTS

Attachment: Project Location Map

BOARD GOALS

- | | |
|---|---|
| <input checked="" type="checkbox"/> A Great Place to Live | <input type="checkbox"/> A Healthy Environment |
| <input type="checkbox"/> A Successful Place for Business and Jobs | <input type="checkbox"/> Excellence in Public Service |

PUBLIC ENGAGEMENT LEVEL

Item Number: DC-1347

Agenda #: 5.2

Meeting Date: 10/11/2022

☐ Inform and Listen

☐ Discuss

☐ Involve

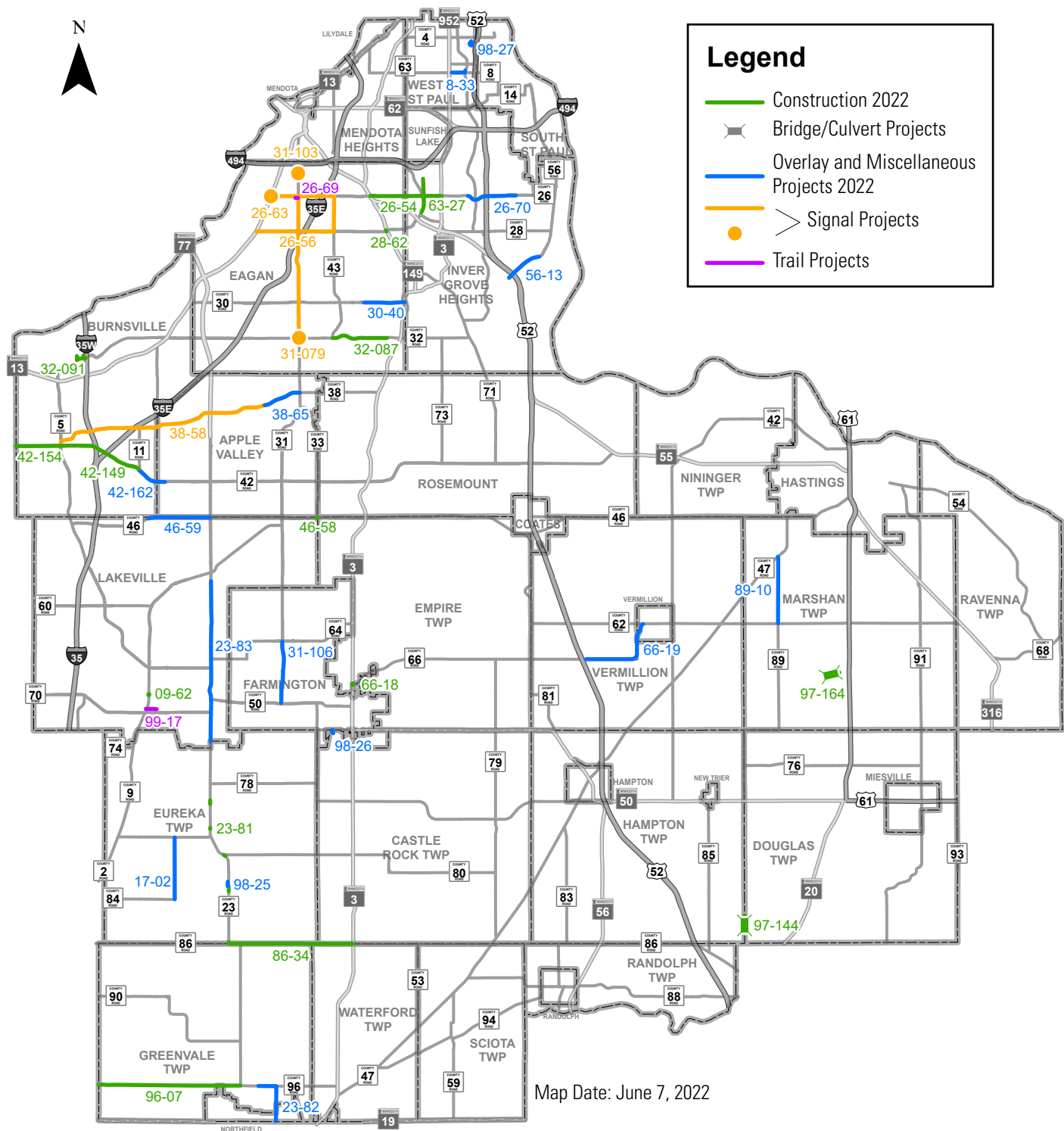
☒ N/A

CONTACT

Department Head: Erin Laberee

Author: Jeannine Briol

2022 Dakota County Construction Projects





Physical Development Committee of the Whole

Request for Board Action

Item Number: DC-1502

Agenda #: 5.3

Meeting Date: 10/11/2022

DEPARTMENT: Physical Development Administration

FILE TYPE: Regular Information

TITLE

Review Of 2023-2027 Parks And Greenways Capital Improvement Program Project Working Draft And Capital Improvement Program Funding Structure

PURPOSE/ACTION REQUESTED

Review the 2023-2027 Parks and Greenways Capital Improvement Program (CIP) Project Working Draft and CIP Funding Structure.

SUMMARY

As part of the annual budget process, the County prepares a five-year CIP. The CIP identifies capital projects to support existing and future needs. It provides a development program that is used to maximize outside revenue sources and effectively plan for the future growth and maintenance of the County's infrastructure.

The County's draft CIP contains seven sections: Buildings, Byllesby Dam, Data Networks, Transportation, Parks and Greenways, Regional Railroad Authority, and Environmental Resources.

Staff provided a preliminary overview at the August 16, 2022, Physical Development Committee (PDC) Meeting. This overview included discussion on Environmental Legacy (ELF) and Sales and Use Tax (SUT) Funds in the development of Natural Resources and Greenways. Staff proceeded with work on the following assumptions based on direction at the last meeting, including the following:

- Adjusts for a 1.9 percent maximum levy
- Allocates funding based on appropriate guidance (e.g., SUT, ELF, ARP)
- Continues to fund projects with cash (no debt)
- Does not include state/federal funding for greenways
- Does not change current advanced funding policy for Transportation projects
- Includes chargebacks to operations budgets for "soft costs"

In response to the August 23, 2022, Budget Workshop, staff removed one-third of levy funds from the Transportation CIP (\$905,552 in 2023 and \$4,527,760 over the five-year CIP) and one-third of County Program Aid (CPA) from the Parks CIP (\$505,739 in 2023 and \$2,528,695 over the five-year CIP). The funds removed from the CIP were moved to the Operations Budget. Removal of the levy and CPA assisted with lowering the maximum levy proposal of 2.9 percent to 1.9 percent.

Staff presented a working draft CIP to the County Board at the October 4, 2022, General Government and Policy Committee (GGP) Meeting and received guidance on the draft. In response, staff delayed

library design and renovation projects one year, reducing the 2023 Buildings CIP by \$648,909 and the five-year by \$7,529,382. The County Board directed staff to prepare alternatives to the Parks and Greenways portion of the Working Draft and provide a presentation to the Physical Development Committee of the Whole.

The County Attorney's Office recommends that the County hold a public hearing prior to the adoption of the CIP. The public hearing is scheduled for November 29, 2022.

RECOMMENDATION

Information only; no action requested.

EXPLANATION OF FISCAL/FTE IMPACTS

None.

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Current budget | <input type="checkbox"/> Other |
| <input type="checkbox"/> Amendment Requested | | <input type="checkbox"/> New FTE(s) requested |

RESOLUTION

Information only; no action requested.

PREVIOUS BOARD ACTION

21-515; 11/2/21

22-368; 9/6/22

ATTACHMENTS

None.

BOARD GOALS

- | | |
|--|---|
| <input type="checkbox"/> A Great Place to Live | <input type="checkbox"/> A Healthy Environment |
| <input checked="" type="checkbox"/> A Successful Place for Business and Jobs | <input type="checkbox"/> Excellence in Public Service |

PUBLIC ENGAGEMENT LEVEL

- | | | | |
|--|----------------------------------|----------------------------------|---|
| <input type="checkbox"/> Inform and Listen | <input type="checkbox"/> Discuss | <input type="checkbox"/> Involve | <input checked="" type="checkbox"/> N/A |
|--|----------------------------------|----------------------------------|---|

CONTACT

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Physical Development Committee of the Whole

Request for Board Action

Item Number: DC-1483

Agenda #: 7.1

Meeting Date: 10/11/2022

Adjournment