

VIRTUAL DAKOTA COUNTY PLANNING COMMISSION

Thursday, May 27, 2021

7:00 PM – 9:00 PM

If you wish to speak at or view the May 27, 2021, Planning Commission Meeting, please notify Liz Hansen via email at PlanningCommission@co.dakota.mn.us

Emails must be received by 6:00 pm Thursday, May 27, 2021.

Instructions on how to participate will be sent to anyone interested.

Agenda

- I. Call to Order and Roll Call**
- II. Pledge of Allegiance**
- III. Public Comments:**

Anyone wishing to address the Planning Commission on an item not on the agenda may send comments to PlanningCommission@co.dakota.mn.us
- IV. Approval of the Agenda**
- V. Approval of Previous Meeting Minutes**
- VI. Welcome New Planning Commissioner Dennis Peine**
- VII. Spring Lake Park Master Plan and Natural Resources Management Plan – Action**

(Lil Leatham – Planning, Joe Walton and Tom Lewanski – Parks)
- VIII. Agricultural Chemical Reduction Effort (ACRE) Program – Information**

(Valerie Grover – Environment and Natural Resources)
- IX. New Planning Commissioner Orientation – Information**

(Aaron Sather and Liz Hansen - Physical Development Administration)
- X. Planning Manager Update and County Board Actions**
 - Authorized submission of the Comprehensive Plan Amendment to the Metro Council
 - Received an update on the Veterans Memorial Greenway design and memorials
 - Authorized submission of amendments to the Regional Bicycle Transportation Network
 - Authorization for Joint Powers Agreement with South St. Paul for design and construction of Wakota Trailhead on the Mississippi River Greenway
 - Discussion about options for the Dakota County Greenway system
- XI. Upcoming Public Meetings – Community Outreach**

None at this time.
- XII. Topics for Next Meeting** – The next meeting may be in-person, following the County Board’s decision to meet in person beginning in June.
 - Natural Resources Management Plans for North Creek Greenway, Lake Marion Greenway, Vermillion River Greenway (Hastings segment)
- XIII. Planning Commissioner Announcements/Updates**
- XIV. Adjourn**

DAKOTA COUNTY PLANNING COMMISSION

5/27/21 AGENDA ITEM: Spring Lake Park Reserve – Recommendation to Adopt Master Plan and Natural Resources Management Plan and Authorization to Submit the Master Plan to the Metropolitan Council (*action*)

PURPOSE

1. Review the public comments received on the Draft Spring Lake Park Reserve Master Plan (MP) and Draft Spring Lake Park Reserve Natural Resources Management Plan (NRMP) and resulting plan changes
2. Consider recommending that the MP and NRMP be forwarded to the Physical Development Committee for adoption by the County Board

BACKGROUND

At the January 28, 2021 meeting, the Planning Commission reviewed the Draft Spring Lake Park Reserve Master Plan and the Draft Natural Resources Management Plan. On February 16, 2021, the Dakota County Board approved releasing the plans for public review. During the review period the public was able to provide feedback through on-line review and comment, a virtual open house, input at meetings with stakeholders, and GooseChase, a self-guided digital scavenger hunt. Stakeholders and members of the public were asked to share what they liked about the plans, what would make the plans better, and their top five priorities for near term implementation. Overall there was support for the plans and the draft priorities. Plan changes are highlighted in yellow in the plan documents and summarized in Attachment C.

ATTACHMENTS

- A. 5/20 Spring Lake Park Reserve Master Plan Executive Summary
- B. 5/20 Spring Lake Park Reserve Natural Resources Management Plan Executive Summary
- C. Public Review Summary and Public Review Comments and Plan Response

Links

Spring Lake Park Reserve Master Plan Link:

<https://www.co.dakota.mn.us/parks/About/ParkMasterPlans/Documents/SpringLakeParkMasterPlanDraft.pdf>

Spring Lake Park Reserve Appendices Link – Phase 3 Community Engagement Summary with Complete Comments and Meeting Summaries in Appendix B pages B-95 to B-146

<https://www.co.dakota.mn.us/parks/About/ParkMasterPlans/Documents/SpringLakeParkMasterPlanDraftAddendices.pdf>

5/20 Spring Lake Park Reserve Natural Resources Management Plan Link:

<https://www.co.dakota.mn.us/parks/About/ParkMasterPlans/Documents/SLRPNaturalResourcesDraftMay2021.pdf>

QUESTIONS

The following questions are intended to help assist in review of the packet materials.

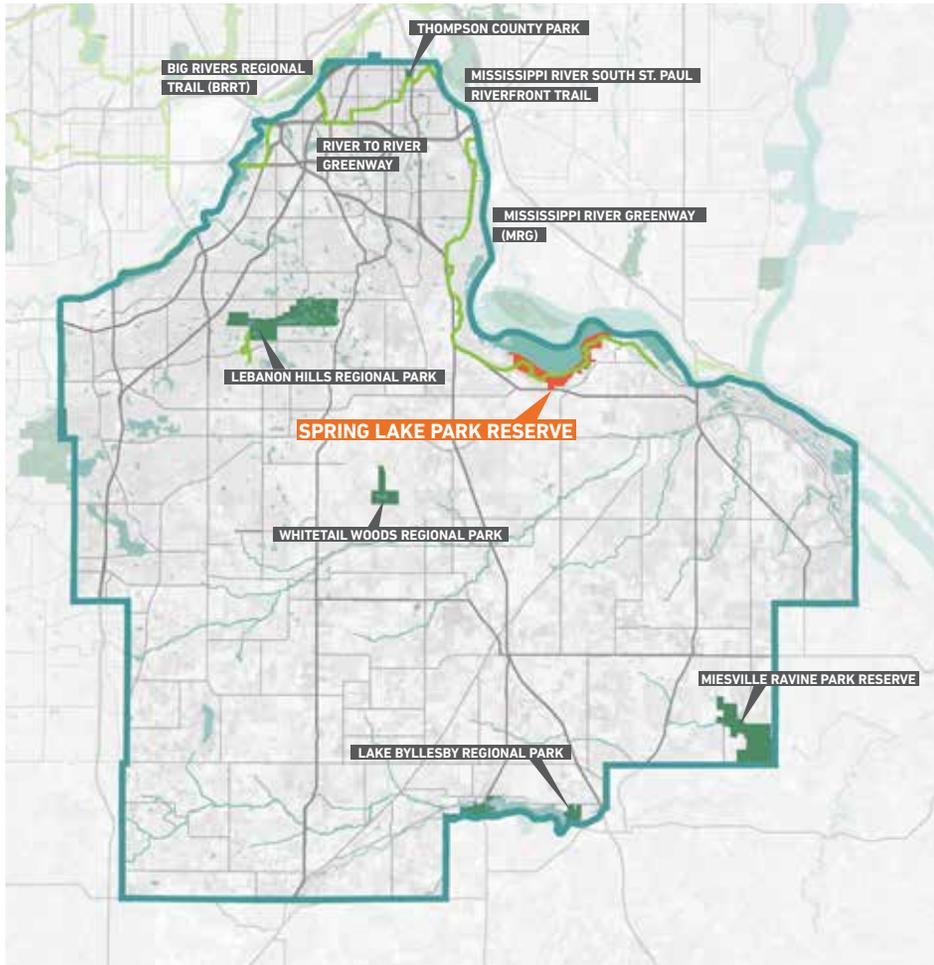
1. *Is the Spring Lake Park Reserve Master Plan and is the Spring Lake Park Reserve Natural Resources Management Plan Complete?*
2. *Does the Planning Commission agree with the proposed plan changes outlined?*
3. *Are there any other changes that should be made to the plans prior to adoption?*



EXECUTIVE SUMMARY: SPRING LAKE PARK RESERVE MASTER PLAN

5.20.21

OVERVIEW



Spring Lake Park Reserve's Location Within Dakota County

OVERVIEW

Spring Lake Park Reserve is singular among regional parks in the Twin Cities, located on a west-to-east flowing reach of the Mississippi River with north-facing bluffs and river terraces that support rare ecosystems and offer expansive river views. A rich legacy of archaeological discovery and history is testimony to the power of this place to draw people over millennia, spanning pre-history, recorded archaeological periods, Indigenous communities, Euro-American settlement, 20th century farming, and today's park visitors. It is a place to observe, reflect, dwell, gather, travel, and time-travel.

Recognizing the park's remarkable qualities, this master plan sets an attainable vision for the future, guides improvements, and carefully balances resource stewardship with public recreation. This plan builds from past plans, community feedback, regional recreation and education needs, and the park's natural and cultural landscape.

Goals of the Master Plan are to:

- Guide improvements and management of the park
- Preserve and enhance the park's natural areas
- Provide recreation amenities that meet park visitor needs
- Celebrate the park's rich cultural and natural heritage

EXISTING PARK CONDITIONS

Spring Lake Park Reserve is a 1,100 acre-park in eastern Dakota County on the Mississippi River in Rosemount and Nininger Township. The park's landscapes are associated with living Indigenous communities, early Euro-American settlement, the city of Nininger, and local agriculture.

Archaeological sites document Indigenous occupation from early pre-history to European contact. A high concentration of known sites and its location on a major river suggest greater archaeological significance, and potential for designation as a culturally significant landscape. Spring Lake is in the Upper Mississippi River Valley Regional Center, where ancestors of today's Indigenous communities lived, gathered for ceremonies, reinforced communal ties, forged alliances, and are buried.

The park's remarkable and diverse natural qualities - dramatic river views, terraces, bottomlands, north-facing limestone bluffs, ravines, and rare ecosystems - provide a strong foundation for public enrichment and respite, with opportunities to protect biodiversity, natural heritage, open space, and views.

The park's two program areas, Upper Spring Lake (Schaar's Bluff, east) and Lower Spring Lake (west), are connected by the Mississippi River Greenway (MRG). The upper park offers more visitor amenities, including the Schaar's Bluff Gathering Center, picnicking, playground, sand volleyball courts, community garden, the MRG trailhead, an overlook, and an interpretive cultural trail. The lower park includes the Camp Spring Lake Park Retreat Center, an archery trail, campground facilities, and a MRG trailhead.

The park has National and State significance as a destination within the Mississippi National River and Recreation Area (MNRRA), as a resource for the 10-state Great River Road scenic byway travelers, by including a segment of the National Mississippi River Trail, and as a stop on the as Mississippi River State

Water Trail. In addition Spring Lake Park Reserve is in the Mississippi Flyway, an waterfowl migratory corridor and is part of the Audubon Society's Mississippi River Twin Cities Important Birding Area.

VISION STATEMENT

Spring Lake Park Reserve showcases the ecological and cultural integrity of the land to provide a regional destination where visitors can experience the integral relationship between humans and the landscape

GUIDING PRINCIPLES

1. Protect, restore, enhance, and maintain natural resources.
2. Create an engaging gateway to the treasures of the Mississippi River Valley.
3. Become a regional, four-season destination.
4. Celebrate the area's rich cultural heritage.
5. Integrate ecological, cultural, educational, and recreational experience.
6. Provide inclusive, memorable, and relevant experiences for all



View of Mississippi River from Schaar's Bluff

THE MASTER PLAN

OVERVIEW

This plan focuses on improvements prioritized for the next five and 10 years within the framework of the long-term vision for the park. The long-term plan depicts the fully realized vision for the park and is important for understanding the five-year and 10-year phasing. All priorities are flexible enough to respond to change and unanticipated funding.

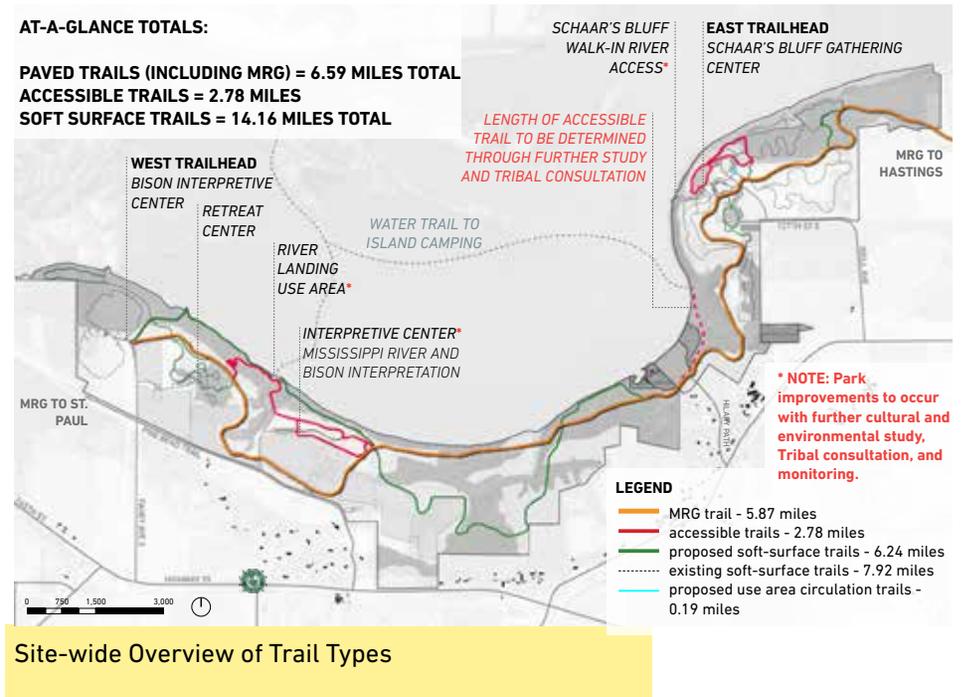
Improvements are organized into the Upper Park (Schaar's Bluff/east) and Lower Park (west). The Upper Park long-term plan enhances picnicking, play areas, the Gathering Center, community gardens, parking, water access, trails, and restoration areas. New features include the Farm and the Schaar's Bluff River Access and Use areas. The Lower Park long-term plan includes new hike-in campsites, river access points and overlooks, outdoor classrooms, pavilions, interactive interpretation, an interpretive center, trail extensions, and restoration areas.

The long-term plan integrates guidance from a Traditional Cultural Properties (TCP) Study that identifies "numerous highly sensitive TCPs of importance to the Dakota People and their ancestors for time immemorial."¹ Throughout this document, the master plan identifies the additional study, consultation, and monitoring by associated Indigenous communities that must occur to finalize design concepts.

SUSTAINABLE TRAIL DESIGN

This plan expands the park's soft-surface trail network. Although essential for recreation, trails can degrade natural areas by providing access for invasive species, fragmenting core habitat, altering hydrology, increasing erosion, and bringing visitors to sensitive areas. To protect the park's profound natural and cultural resources, trails should be "field fit" to on-site conditions and sustainably designed.

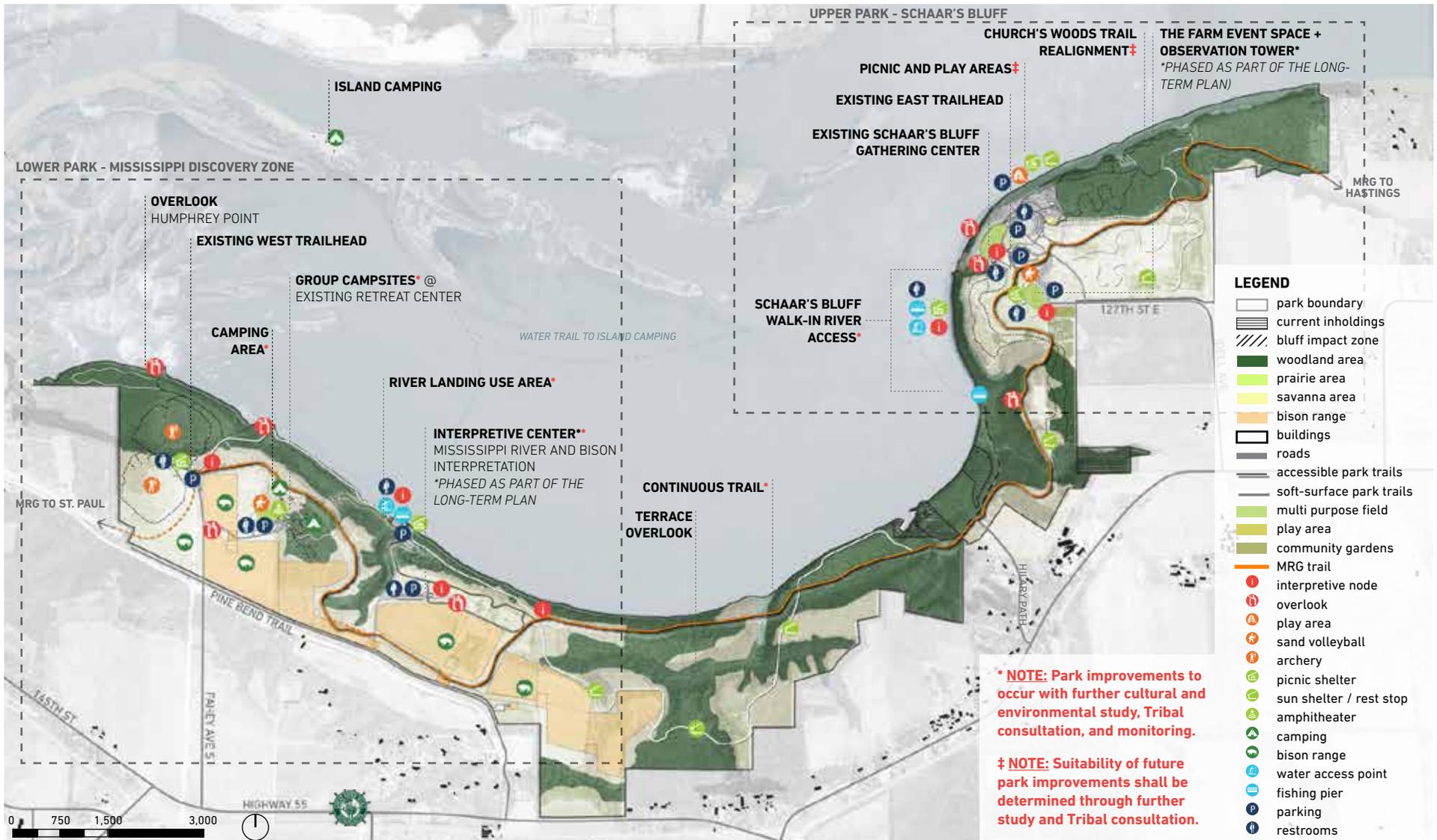
1 Upper Sioux Community Tribal Historic Preservation Office, "Spring Lake Park Reserve Traditional Cultural Properties Survey," on file at Dakota County, November 9, 2020.



WINTER USE

Winter activities include ski trails, snowshoeing loops, and maintenance of the MRG and accessible trails for winter walking. An improved Gathering Center will offer indoor warming space and equipment rentals. Parking lots and major access roads will be plowed.

LONG-TERM CONCEPT PLAN THE MASTER PLAN



Site-wide Concept Plan, Long-Term Development Plan

UPPER PARK - SCHAAR'S BLUFF

10-YEAR PLAN

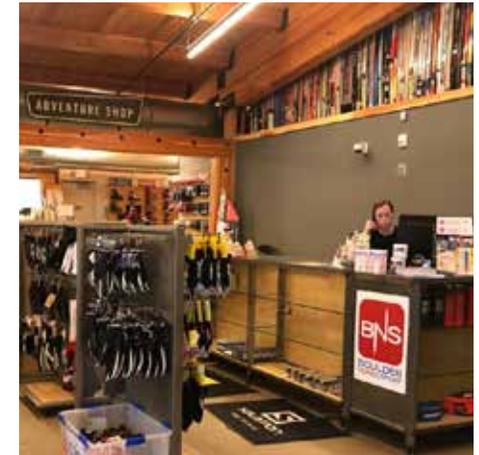
Schaar's Bluff is situated high above the Mississippi River and offers stunning views of the river channel, Spring Lake, and the island-rich landscape below. Its captivating views and abundant natural resources have drawn people to the area for thousands of years. The Upper Park includes a high concentration of sensitive Traditional Cultural Properties (TCPs) of importance to past, present, and future generations of Dakota People. Additional study and Tribal consultation is needed to more fully understand the scope and significance of the Upper Park's cultural landscape and appropriate public park uses. Proposed improvements represent desired recreation program based on existing recreation facilities and activities, recreation trends, demographic trends, and community input to date. Final recreation program and locations for associated facilities is dependent on the results of future study and Tribal consultation.

Desired recreation program during the 10-year phase include:

- Refined natural surface trails that reduce conflict with TCPs and new, nonstructural river overlooks (simple rest stops such as a trailside bench with a scenic view)
- Access to the River Use Area via a trail leading from the Mississippi River Greenway (MRG) and a potential connection between the upper bluffs and lower shoreline
- Infrastructure supporting river access (picnicking, fishing dock, and shore fishing)
- Transformation of the Gathering Center from a private rental space to a trailhead with a public warming area, improved office space, and rental equipment facilities
- Improved Picnic Grounds including non-reservable sun shelters, modern reservation picnic shelters, and restrooms
- Relocated and Enhanced Play Areas (nature-themed and nature-play)



UPDATED PICNIC FACILITIES
modern picnic shelters



GATHERING CENTER ENHANCEMENT
public trailhead use, expanded office space, and equipment rentals



ENHANCED PLAY AREA
nature-themed play



ENHANCED PLAY AREA
nature play

10-YEAR PLAN

LOWER PARK - MISSISSIPPI DISCOVERY ZONE

The focus of Lower park improvements is on reintroduction of bison and providing access to Spring Lake and the Mississippi River. Facilities support visitor services at the Bison Range and River Landing Use Area, expand camping, and add trails to new park areas:

- Reintroduction of bison to the prairie ecosystem
- A Bison Range-accessible viewing trail and viewing platforms, and an accessible outdoor classroom integrating interpretation of the role of large animals in ecological restoration
- A River Landing Use Area small watercraft boat launch, watercraft rental, a reconfigured access road, a picnic shelter, picnic grounds, and a fishing dock
- A Water/kayak trail and island camping
- Walk-in/bike-in camp sites with rustic amenities



1 RIVER LANDING USE AREA
outdoor classroom / riverside pavilion



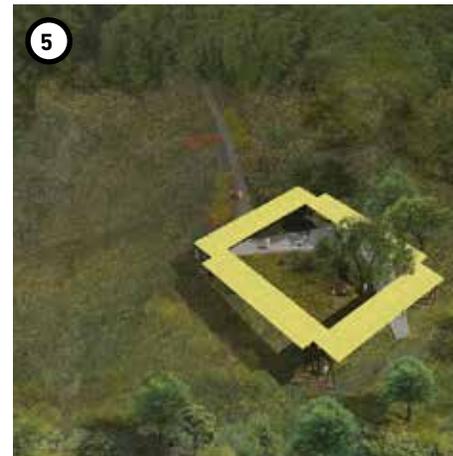
2 RIVER LANDING USE AREA
boat launch / watercraft rental kiosk



3 EXPANDED TRAIL NETWORK WITH
INTEGRATED INTERPRETATION



4 BISON RANGE VISITOR SERVICES
ENHANCEMENTS
accessible trail and viewing platform



5 PRAIRIE LAB
outdoor classroom



6 EXPANDED CAMPING OPPORTUNITIES
hike-in, river-oriented campsites

LOWER PARK - MISSISSIPPI DISCOVERY ZONE 10-YEAR PLAN



STEWARDSHIP

Spring Lake Park Reserve's landscape has been shaped by human and natural processes over time.

IN DEVELOPING A PARK VISION, NATURAL AND CULTURAL RESOURCES WERE CONSIDERED AS LINKED SYSTEMS THAT CANNOT BE SEPARATED FROM ONE ANOTHER.

A separate Natural Resources Management Plan (NRMP) was developed in tandem with this plan, with an inventory of existing conditions, desired improvements, and action items. This natural resources section seeks to provide an overview of the direction outlined in the NRMP

LONG-TERM NATURAL RESOURCES MANAGEMENT GOALS

- Facilitate a experience of the area's natural heritage and improve that experience
- Provide habitat for native plants, birds, insects, mammals, amphibians, and reptiles
- Demonstrate native plant community regeneration
- Foster and build a resilient, mature, and high-functioning ecosystem
- Work with adjacent landowners for the best joint management of connected natural resources
- Conserve wildlife species of Greatest Conservation Need
- Mitigate impacts of climate change
- Achieve regionally outstanding ecological quality

Specific Natural Resources Management Goals:

- Regenerate a mosaic of upland communities along a continuum from oak forest to oak savanna to prairie
- Increase native plant diversity
- Minimize invasive species

- Prevent new non-native species encroachment
- Reduce negative visitor impacts
- Reduce erosion and stabilize ravines
- Protect lake water and groundwater quality
- Adapt to climate change by introducing appropriate species native to northern Iowa, southwestern Wisconsin, and Southern Minnesota
- Reintroduce bison or other large grazing animals
- Use fire as a management tool especially in woodlands and savannas
- Monitor native plant communities and wildlife population for changes

CULTURAL LANDSCAPE STEWARDSHIP CONSIDERATIONS

This plan's stewardship approaches for the park as a potential cultural landscape are based on US Secretary of the Interior standards for treatment of historic properties. Strategies address a collaborative process to protect Dakota connections to this landscape, protocols for treatment of important places, and care of artifacts associated with Dakota ancestors.

1. Establish consultation protocols and collaborative relationship with Tribal Historical Preservation Officers (THPOs) and associated Indigenous communities to address decision making on condition, maintenance, use, access, site safety, and interpretation.
2. Work with associated Indigenous communities on appropriate interpretation.
3. As evaluation of a park bison range proceeds, engage a representative of Prairie Island Indian Community experienced with their bison herd.
4. Develop protocols for permits or priority seasonal use for native plant harvesting by members of associated Indigenous communities.

INTERPRETATION FRAMEWORK

INTERPRETIVE GUIDELINES

Interpretation connects park users to Spring Lake Park Reserve’s natural and cultural landscapes. The National Association of Interpretation (NAI) defines interpretation as “a mission-based communication process that forges emotional and intellectual connections between the interests of the audience and the meanings inherent in the resource.” Interpretive guidelines ensure a cohesive interpretive experience at Spring Lake Park Reserve and assist in the development of interpretation content and features. Critical to understanding Spring Lake Park Reserve is emphasizing the stories of those that lived in and shaped this place. The Dakota people inhabited this land for thousands of years, and the significance of this place lives on today. Below are the plan guidelines:

- 1. This is a Dakota place.** Acknowledge the relationship between the Mississippi River and Dakota people.
- 2. Ecological and human history are tied.** Emphasize how ecological diversity and human activities need to be understood together.
- 3. The park and its stories continually evolve.** Highlight the evolution of specific locations.
- 4. Sites and stories must be connected.**
- 5. This is a place for gathering.** Connect interpretation to park gathering opportunities.

INTERPRETATION GOALS

- Emphasize that this is a sacred place to the Dakota community
- Engage THPOs, Dakota community members, and stakeholders on interpretation of river stories and landscapes
- Move beyond signs and engage visitors with memorable interactive interpretive features
- Renew interest in the park as a regional destination through high-quality recreation with integrated interpretive content
- Enhance river access and sense of connection to the water
- Phase interpretive development as funding becomes available

INTERPRETATION THEMES

The interpretive theme for Spring Lake Park Reserve is:

SPRING LAKE PARK RESERVE CONNECTS YOU TO **THE CHANGING RIVER,** WHICH CONTINUALLY SHAPES AND UNITES THE MANY, EVER-EVOLVING STORIES EMBEDDED IN THIS PLACE.

Three subthemes bring more detailed interpretive content to life.

GIFTS OF THE LAND: We cannot separate ourselves or our activities from the living landscape all around us.

IMPORTANCE OF PLACE: Inextricably linked with Mississippi River, Spring Lake Park Reserve is a park unlike any other.

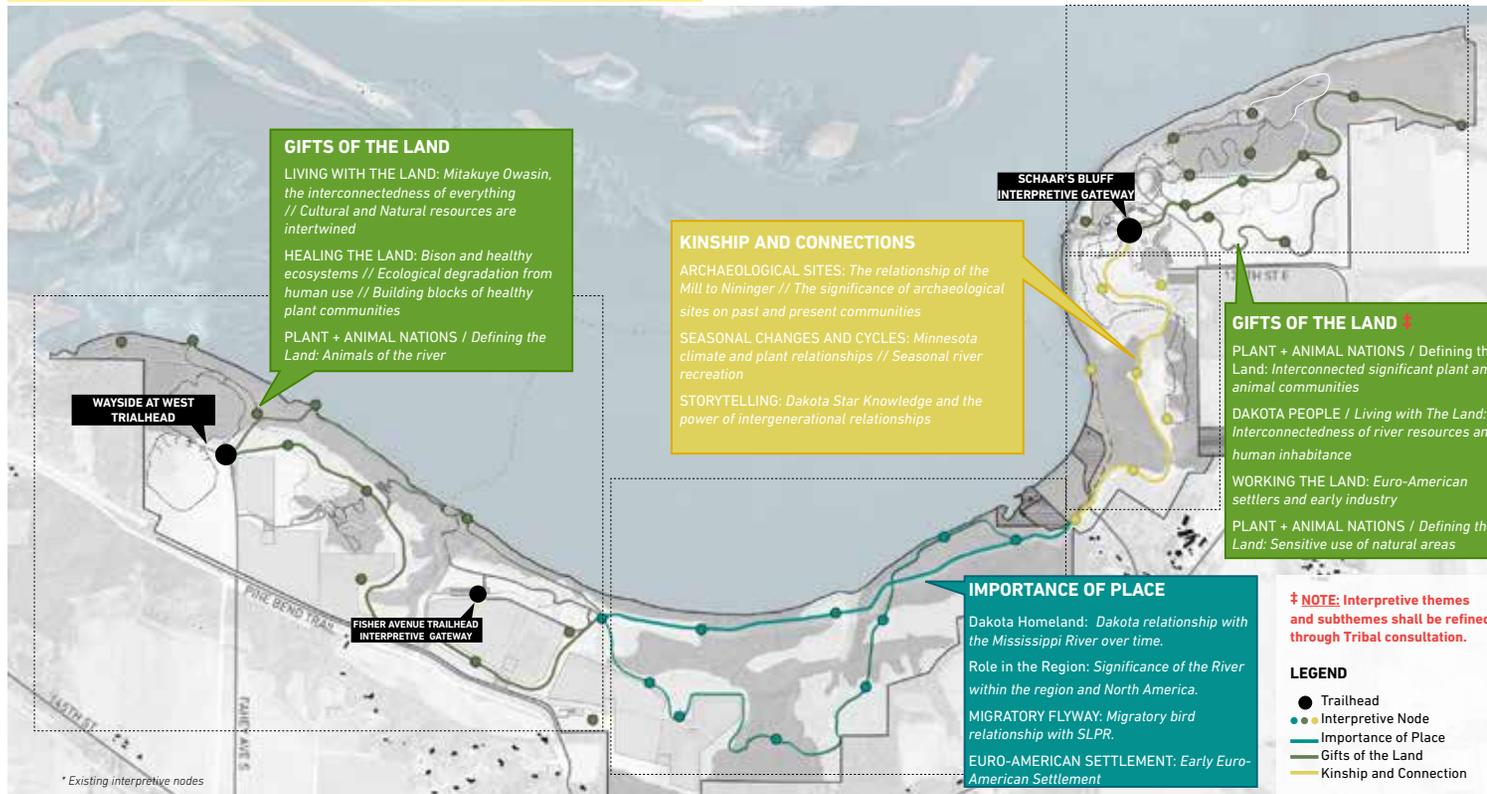
KINSHIP AND CONNECTION: Spring Lake Park Reserve is a regional center where people gather for ceremonies and events to reinforce communal ties and forge new relationships.

INTEGRATED INTERPRETATION: A CONTINUOUS STORY

IMPORTANCE OF PLACE + **GIFTS OF THE LAND** + **KINSHIP & CONNECTIONS**

A node-based trail interpretive experience tells the parks story across the three sub-themes . Nodes frame key views, demonstrate boundaries between ecologies, and expand site understanding.

INTERPRETATION FRAMEWORK



INDOOR EXPERIENCE: Spaces with tactile panels, hands-on interpretive activities, interpretive art, maps, and visitor information.



INTERACTIVE EXPERIENCE: Features that highlight views, focus on a specific topic, and create opportunities for information sharing interactive interpretive elements.



INTERPRETIVE PANEL: Tactile signs that enrich visitors' understanding of SLPR with hands-on elements or relevant facts.



WAYSIDE: Kiosk or rest area seating with immersive views, tactile elements, facts, and personal stories about SLPR often integrated into trailheads and other key destinations.



OVERLOOK: Moments for pause at key viewsheds throughout the park. May include interpretive art, hands-on elements, and/or personal stories of place.



REST STOP: Hands-on activities with interactive components. Engaging interpretive art, test stations, and activities.



OUTDOOR CLASSROOM: Gathering areas in key places with way-finding information, descriptive information about the adjacent area, interpretive art, and hands-on elements.

Interpretive Node Distribution Throughout Park Reserve

IMPLEMENTATION

CAPITAL PROJECTS COST ESTIMATE

Recreation and natural resource improvements are prioritized into five-year, 10-year, and long-term phases, based on connection to the vision and principles, community support, benefit-to-cost ratio, cost, and estimated operational costs. Estimates are planning level, prepared in 2020 dollars, and will be refined as projects advance to construction. Projects will require a predesign process evaluating natural, cultural, education, and equity considerations. Tribal consultation during design and engineering phases and Tribal monitoring during construction will also be needed.

PHASE	ESTIMATED COUNTY COST
5-YEAR PLAN	\$4,945,000
10-YEAR PLAN	\$6,278,000
RUNNING TOTAL OF 5 AND 10-YEAR PLANS	\$11,223,000
LONG-TERM PLAN	\$14,873,000

BOUNDARY

No changes are recommended to the park boundary. The current boundary encompasses 19 acres not owned by the County - three private properties and one public property.

STEWARDSHIP LANDS

The lands immediately south of the boundary have a significant impact on the natural resource quality within the park reserve, the views from the park reserve, and the “entrance experience”. The master plan recommends protection and management of these lands to enhance the park reserve. The 2020 Land

Conservation Plan for Dakota County Land” also identifies many of these same areas as being ecologically important. These properties are included within the preliminary Mississippi River – Spring Lake Park Unit Conservation Focus Areas (CFA). Landowners will be contacted to determine their interest in voluntary land protection and natural resource management opportunities through the County’s Land Conservation Program.

VISITOR SERVICES

This master plan includes facility recommendations that support visitor services at Spring Lake Park Reserve. Facility recommendations include outdoor spaces for guided outdoor education programs, self-guided interpretation, renovated reservation picnic shelters, non-reservation picnic shelters, equipment rental, and outdoor gathering spaces for occasional events. New and improved indoor spaces are also recommended. In the 10-Year Plan, the master plan recommends opening the Schaar’s Bluff Gathering Center as a public trailhead. The long-term vision for the park includes a new interpretive center in the lower portion of the park and a reservation four-season picnic pavilion at the Farm.

OPERATIONAL ANALYSIS

The Operations Analysis estimates the staffing requirements and annual operational costs needed to operate the park in the future as improvements are completed. The analysis estimates that when all of the improvements prioritized within the 10-Year Plan are complete and operational there will be a 50% increase in the operating expenses needed to operate the park over 2020 levels. The increase includes the cost for additional 2.76-5.18 FTE staff. This increase is due to the need to maintain new recreation facilities and natural resource restorations as well as to support picnic shelter reservations, camping reservations, recreation equipment rentals, facilitating park events, guided outdoor education programs, and opening the Gathering Center as a public trailhead.

Spring Lake Park Reserve

Natural Resources Management Plan

Prepared for
Dakota County Parks

May 20, 2021 Final Draft



Executive Summary

Spring Lake Park Reserve is a 1,097-acre reserve located in Nininger Township, just west of the City of Hastings. A park reserve has a higher degree of protection for natural resources than does a Regional Park, thus natural resources are a very important component of this site. Now inundated by the waters of the Mississippi River, due to the Lock and Dam No. 2 that was constructed in the 1930s, historically, "Spring Lake" was once a diverse mix of river floodplain, marsh, slough, and scattered oak savanna. The resulting shallow lake, which is actually outside the boundaries of the park reserve, is the most prominent natural feature of the area. Interestingly, very few water resources or wetlands occur on the park proper, with the exception of a black ash seepage swamp located at the lower end of a large ravine in the middle east section of the park.

Other prominent features include river terraces and steep, north- as well as west-facing limestone and sandstone bluffs and ravines that support natural communities that are rare in the region. For instance, Canada yew occurs as a disjunct population (otherwise found in northern Minnesota) and grows commonly on the steeper north-facing slopes. Other shady slopes contain a diverse array of spring ephemeral wildflowers beneath their forest canopies. Remnant bedrock bluff prairies occur sporadically across the bluff, especially in the middle and eastern sections. The tops of the bluffs were historically dominated by prairie but, in the latter part of the 19th and early part of the 20th centuries, were converted to agricultural fields. The area between the bluff tops and the steep bluff slopes is occupied by moderate slopes and relatively flat terraces dominated by oak forest (towards the shadier end of the moisture gradient) and oak woodland and oak savanna (at the drier end of the moisture gradient). The flatter parts of the site, toward the tops of the bluffs, are degraded due to past agricultural practices. Moderately steep slopes adjacent to the upper ag fields were often grazed by domestic livestock and thus became somewhat degraded and less diverse. The steeper areas were mostly spared from overgrazing and cropping; therefore, today these areas are in the best condition, ecologically. Much of the central and eastern portions of the park were ranked as having "high biodiversity significance" by the Minnesota Biological Survey in the 1990s, and a large area in the western portion of the park was ranked as "moderate" biodiversity.

Archaeological discoveries made by the Science Museum of Minnesota during the 1950s demonstrated that indigenous societies have used the area for some 8,000 years. Several mounds (Bremer Mound) and some small caves (Lee Mill Cave) near the old mill site were identified, and artifacts were described and removed. Also habitation and/or hunting sites were identified, for example the Ranelius site and Bremer Village site in the middle of the park and the Sorg Site at the east end of the park near Schaar's Bluff. In updating the park's Master Plan in 2020, the Upper Sioux Community Tribal Historic Preservation Office conducted a Traditional Cultural Properties (TCP) Survey in the Park Reserve, the purpose of which was to provide needed information that will assist in planning, park management, and consultation. It also provides preliminary recommendations to the County on best practices for preservation and protection of cultural resources. In addition to the already known Cultural Areas, the Survey found that the park is rich in cultural resources, including TCPs and Culturally Sensitive Areas. Eight focus areas that intersect

proposed development areas in the Master Plan were identified and described: New Cabin Area at existing Retreat Center, Camping Area, Interpretive Center Area, River Landing Use Area, Natural Surface Train in center of park, Mill Site and trail along shoreline, Trail/Stair Connection between Schaar's Bluff and Mill Site, and Picnic-Play Area improvements/New Parking Area. Significant cultural features such as these, in addition to significant natural resource features, will help inform and guide the future development of the park.

Wildlife of the park is varied and rich, including large mammals such as whitetail deer, fisher, and badger; small mammals such as shrews and mice; several species of bats in the caves that occur throughout the bluffs; and reptiles and amphibians such as red-bellied snakes and tree frogs. Being located along the Mississippi River, an international migration corridor, the park provides critical habitat for untold numbers of migrating birds. The County is currently scheduled to reintroduce bison to the prairies located in the western-central section of the park in 2022. Bison, a keystone prairie species, would be a huge benefit to the site's grassland ecosystems, as well as a boon for park visitorship.

Recently, a regional trail was built through the middle of the park, providing great access and viewing spots for visitors; but it came at a cost to the site's natural resources by disturbing and bisecting habitat, opening up forests, and placing barriers for animal movement. The trail also can act as a conduit for invasive species. It will be an ongoing challenge and goal to manage the park so that these disruptions are minimized and lessened over time.

Select areas of the park have undergone ecological restoration; primarily old agricultural fields that have been taken out of production have been restored to upland prairie. The oldest prairie restoration in Dakota County parks, 11 acres done in 1995, is located next to the Youth Lodge in the western portion of the park. Since 2014, there have been three more large restoration projects added to the park (Mississippi Flyway, Plateau Prairie, and Archery Range Prairie). During the last two years, areas along most of the length of the Mississippi Greenway have been planted to prairie in lieu of eventually returning to woodland and savanna. All told, there have been approximately 300 acres restored in the park.

Because of the dramatic bluffs, the lush vegetation, and the adjacent lake and river, SLPR provides some of the most scenic views of any of the County parks and offers some of the most interesting places to visit, too.

Natural Resource Management Plan

Although there have been Natural Resource Management and Stewardship Plans for Spring Lake Park Reserve in the past, they have always been embedded within the park's Master Plans. This will be the first time that it will be a plan that stands on its own, which has certain advantages, including being able to provide a better blueprint for natural resources managers and staff and to provide more in-depth information and detail concerning natural resources of the park and the region. That said, this Natural Resource Management Plan (NRMP) was not developed in a vacuum, so to speak, but rather was developed in conjunction with the Master Plan update during 2019–2020; as such, the two plans informed and

helped guide one another. This NRMP will lay the foundation for managing the natural resources of the Park Reserve both short-term (for the next five years) and long-term (for the next 20 years).

Purpose and Vision

The purpose of protecting and restoring natural resources at Spring Lake Park Reserve is multifaceted and includes the following:

- Allow people to experience the natural heritage of the area and improve their experience in the park
- Provide habitat for native plants, birds, insects, mammals, amphibians, and reptiles
- Demonstrate the native ecosystem regeneration process
- Foster and build a resilient, mature, and high-functioning ecosystem
- Collaborate and partner with adjacent landowners to achieve the best joint management of natural resources for the area
- Conserve wildlife species of Conservation Need (MN DNR designation)
- Mitigate impacts of climate change
- Achieve regionally outstanding ecological quality

History and Background

Pre-Settlement Ecology

At the time of pre-European-American settlement, the site consisted of a mosaic of prairie, oak savanna, oak woodland, and hardwood forests on the north-facing bluff slopes and in the ravines (Figure ES-1). Soils of the site consist primarily of sandy loams, on which these plant communities thrive. Natural disturbance regimes, especially fire and grazing, were also very important in maintaining these communities. It is well known that oak savanna and prairie was perpetuated by Native Americans who deliberately set fires to provide productive hunting-and-gathering food sources.

Given the diversity of habitat types at this site, it would have provided for a large diversity of wildlife, too. Prairie species such as bison, bull snakes, badger, ground squirrels, grassland birds, and many more would have been prevalent. Woodland and forest species such as elk, bear, mountain lion, and interior forest birds would also have been present. Today, some of those species have vanished from the site, while a few have managed to remain, including badger, which has been recently recorded on trail cameras in the park.

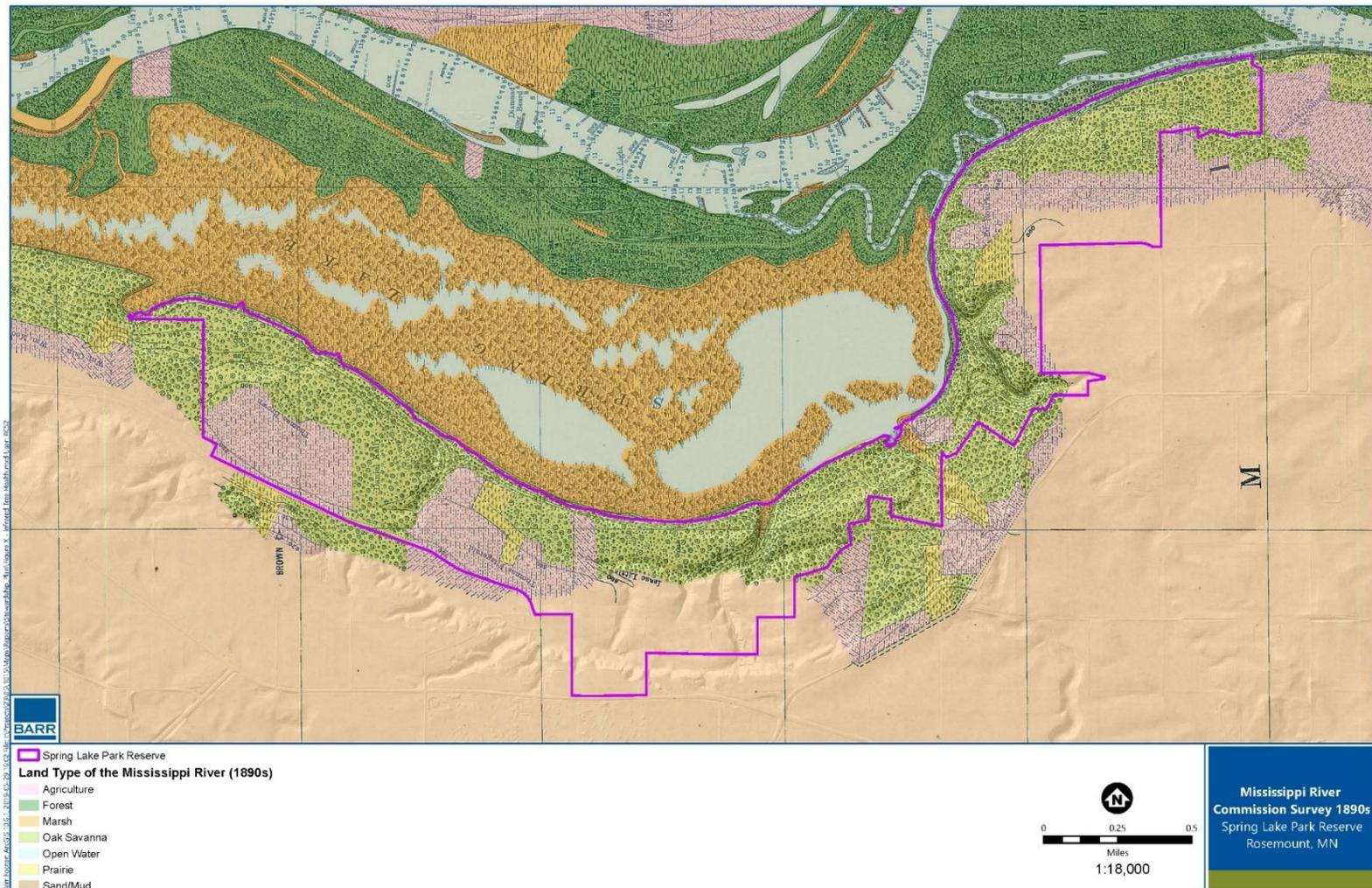


Figure ES-1 Presettlement map of the Spring Lake Park Reserve Area, from Mississippi River Commission Survey of the 1890s.

The flooding of the Mississippi River in the 1930s, including that of Spring Lake from Lock and Dam #2 at Hastings, radically changed the condition of the Spring Lake area, which used to contain a large freshwater, spring-fed lake and a variety of terrestrial communities including floodplain forest, wetlands, and oak savanna. Today, it is a large, slack-water pool that fills with sediment and needs continual dredging to maintain an open navigation channel.

Other impacts since Euro-American settlement include land use changes such as farming and agriculture, which dramatically affected the natural communities by suppressing fire regimes, shifting grazing patterns from bison to domestic cattle, changing nutrient cycling such as nitrogen cycling, opening up vast areas of soil to erosion, and causing habitat loss and fragmentation. Another significant ecological disruption was the introduction of exotic species, many of which became invasive, including buckthorn and Tatarian honeysuckle in the savannas and woodlands and smooth brome grass, Canada thistle, and other upland herbaceous weeds in the prairies and savannas. Notably, some other historical industries that occurred at the site were quarrying along the limestone bluffs and tourism, including a resort on the south end of Spring Lake, which also negatively impacted the natural communities and ecosystem processes.

Current Conditions

The legacy of past impacts have left its mark on the park area. These have resulted in loss of key ecological processes such as lack of fire and grazing, diminished biodiversity, and degradation by invasive species. But more recently, regional and even global activities and processes, such as climate change, erosion/sedimentation from adjacent farm fields, and habitat fragmentation from regional trail projects, continue to impact the natural resources of the park. On the other hand, there have been significant efforts to protect and restore natural features and processes in the park over the last 25 years, such as the discontinuation of farming and agriculture, the restoration of prairie and savanna plant communities, the control of invasive species, the reintroduction of fire and grazing/mowing, and the monitoring of wildlife populations.

Goals of this Natural Resource Management Plan

There are several goals that have been formulated in this NRMP. If attained, these goals will help protect, conserve, and restore the native resources, ecological processes, and ecosystem services of the site in the face of historical, present, and predicted future disruptions and impacts. The goals include the following:

- Regenerate a landscape that contains a mosaic of upland plant communities across a continuum from oak forest to oak savanna to prairie
- Increase native plant diversity and reintroduce extirpated animal species
- Minimize the invasive species cover

- Prevent new non-native species encroachment
- Reduce the impact of people, for example, by maintaining and establishing new sustainable trails that allow them to explore the park without adverse impacts
- Reduce erosion and stabilize ravines
- Protect lake water and groundwater quality
- Adapt to climate change by facilitating the introduction of appropriate species native to northern Iowa, southwestern Wisconsin, and Southern Minnesota

Natural Resources Protection and Regeneration Strategies

Native Plant Community Restoration

The restoration of native plant communities within Spring Lake Park Reserve will begin within four nodes of highest ecological potential. Here an intense focus on invasive species removal will begin, with an aim of eliminating competition and protecting native plants and creating conditions for species diversity enhancement. The strategy is to first protect the highest ecological quality areas (areas of greatest native plant diversity) through invasive species eradication and then to move restoration efforts out to lower diversity areas. Eventually the entire park may be restored and transition to the management phase where burning, supplemental planting, and other management activities will encourage native plant proliferation and discourage invasive plant establishment. A system of Target Plant Communities and Work Units were developed for each area of the park that will guide the restoration efforts (Figure ES-2).

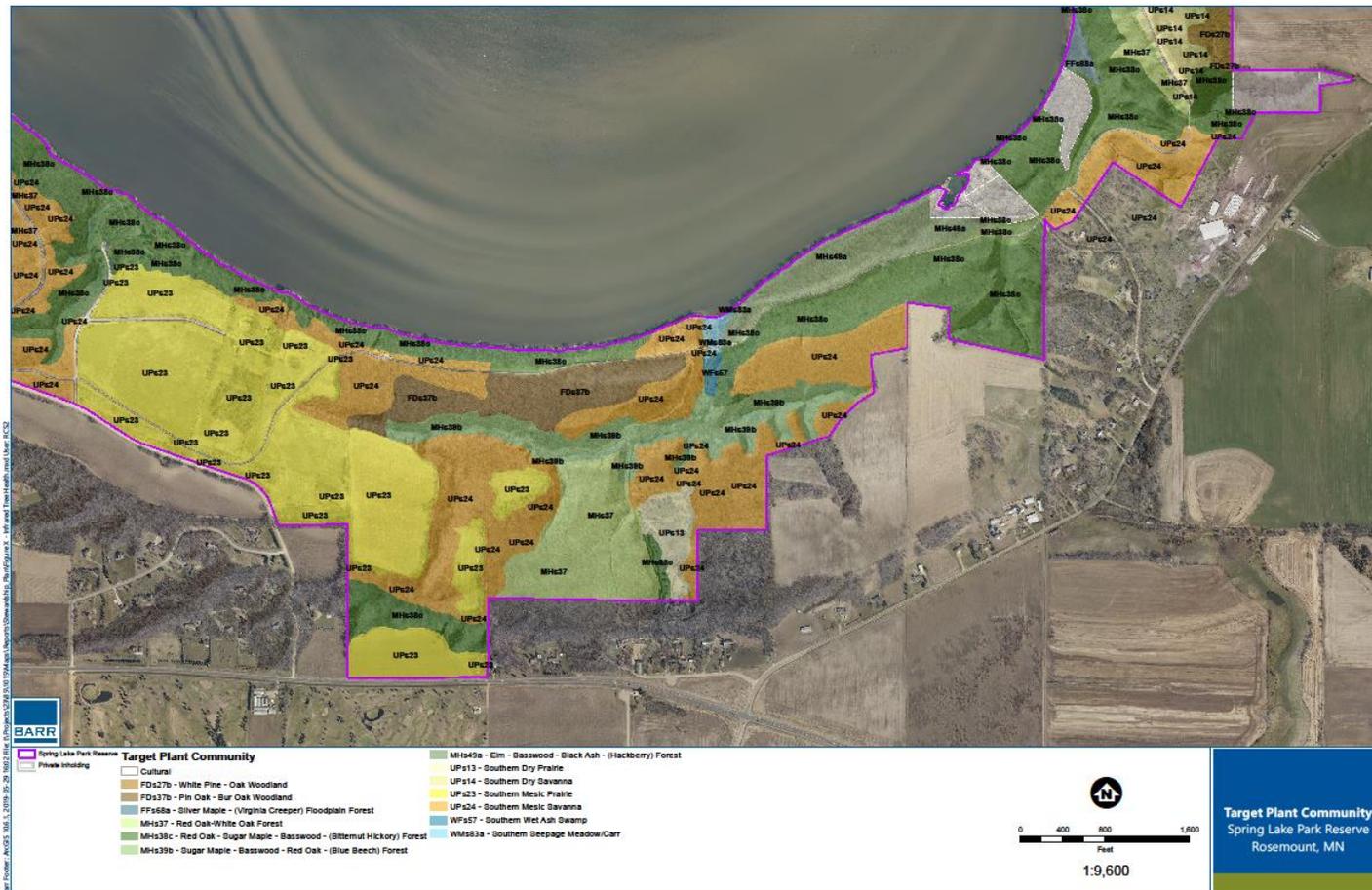


Figure ES-2 Target plant community classes for the center portion of the Park Reserve.

Restoration can be phased, depending on priorities and available resources. The speed at which restoration is to be implemented will also depend upon funding (external and internal) and Dakota County staff capacity to oversee the process. Figure ES-3 shows the recommended phasing of restoration at the Park Reserve.



Figure ES-3 Recommended phasing of restoration in the Park Reserve.

Wildlife Management

The primary goal for SLPR wildlife management is to enhance habitat so that a diversity of wildlife species thrive. This is a “build it and they will come” approach. Restoring a diversity of habitat types and a diversity of native plant species provides wildlife the food, shelter, and space to reproduce and thrive in the park.

Species of Greatest Conservation Need (see Table 3-2) are priority species for habitat management in the Park Reserve. Restoring lost or uncommon plant communities such as prairie and savanna will help to establish habitat that is vital to most of the species of greatest conservation concern, since the primary reason for their need is habitat loss and habitat fragmentation. Park managers will consider reintroducing extirpated animals as opportunities arise. Bison, after careful consideration, are scheduled to be reintroduced in 2022. Other species may include a variety of herptiles such as bull snake and rat snake and insects such as regal fritillary, but many other species may be considered.

Deer management is a key to ecosystem restoration and management since deer have become far too overabundant and effect changes across the landscape, including over-browsing and grazing of certain plant species which leads to significant changes in plant community structure and an inability to successfully restore certain aspects of the system. Other species that have deleterious effects are earthworms, which are exotic and occur throughout the park and lead to degraded soil conditions that impact flora and fauna.

Soil and Stormwater Management

When undertaking construction projects within the park, it is important that sufficient budget and planning occur to protect soil structure and to implement soil regeneration within the construction disturbance zone. This may include importing topsoil or the incorporation of soil amendments and/or breaking up compacted soil to restore porosity. It will also involve the implementation and management of appropriate native plant communities. Therefore, the design of native plant communities around designed facilities will improve overall ecological quality.

Park managers should continue to work with neighboring property owners to manage stormwater running into the park from their properties. Options include seeking agricultural and natural area easements, offering to provide technical assistance or cost-share to manage the natural communities on their properties, and collaborating on projects that benefit the natural resources of the park reserve and possibly of the private properties too. For example, decreasing the volume and rate of stormwater runoff from surrounding properties will go a long way to stabilizing the ravines of the park. There are state and federal grant opportunities available to help fund these types of water quality projects.

Monitoring Recommendations

The monitoring of native plant communities and wildlife in Spring Lake Park Reserve can provide park managers with an understanding of populations and their condition. This information allows for informed management decisions. Furthermore, Adaptive Management, which includes monitoring as a key component, should be used for all restoration projects in the park reserve.

Native Plant Community Restoration and Maintenance Costs

The tables below present projected costs for the restoration and management of native plant communities within Spring Lake Park Reserve. The costs reflect the phasing that was presented in the previous section and are broken out into three phases: Phase 1 (years 1–5), Phase 2 (years 6–10), and Phase 3 (years 11–20). They were developed from costs incurred from similar projects in the region, including County projects, for the years 2017–2019. External funding will be aggressively sought and in line with NRMSP goals of 80 percent of total project costs.

Table ES-1 Native Plant Community Restoration Cost

Cost to Restore per Phase		
Restoration Phase	Total Acres to Restore	Cost Estimate
1. Years 1–5	294	\$1,024,000
2. Years 6–10	310	\$1,389,000
3. Years 11–20	208	\$716,000
Total	811	\$3,129,000

Table ES-2 Native Plant Community Maintenance Cost

Cost to Maintain per Phase		
Restoration Phase	Existing and Newly Restored Acres to Maintain	Cost Estimate
1. Years 1–5	462	\$1,005,000
2. Years 6–10	819	\$1,571,000
3. Years 11–20	1037	\$1,659,000
Total		\$4,235,000

Table ES-3 Native Plant Community Maintenance and Restoration Combined Costs

Restoration Phase	Total Acres to Restore and Maintain	Cost Estimate
1. Years 1–5	462	\$2,029,000
2. Years 6–10	819	\$2,960,000
3. Years 11–20	1037	\$2,375,000
Total		\$7,364,000

Wildlife Resources Projects and Cost Estimates

Each species has different habitat requirements, and these should be given consideration during vegetation management. Managing for the community, i.e., managing for a general plant community type, is what is typically done and what is recommended here; but staff must also be mindful of the specific conservation requirements of rare and declining species, so that species diversity is maximized. To date, the biggest potential wildlife project that is being planned for the Park Reserve is the re-introduction of bison. This project has advanced to the point of producing a draft proposal for Board review. The cost estimate for that project is approximately \$1.2 million, of which approximately \$160,000 will be needed for match, provided by the County.

The NRMSP allocated approximately \$300,000 the first five years for wildlife management for each County park, including SLPR. The costs for specific projects will be determined when they are identified and implemented. Some grant money can be used to enhance the vegetation for specific wildlife habitat improvement needs.

Water Resources Projects and Cost Estimates

The recommended water resources projects and associated cost estimates are the following:

Table ES-4 Water Resources Projects and Associated Estimated Costs

Project Name	Timing and Years	Cost Estimate	External Funding Estimate	County Funding Estimate
Ravine 1 and 2 Stabilization Design	2020–2021	\$20,000–\$30,000	None	\$20,000– \$30,000
Ravine 1 and 2 Stabilization Implementation	2021–2024	Approximately \$600,000–\$800,000	Approximately \$450,000–\$600,000	Approximately \$150,000– \$200,000
Trail Erosion Stabilization Design	Completed	Completed	Completed	Completed
Trail Erosion Stabilization Implementation for four sites	2021–2022	Approximately \$150,000	None	Approximately \$150,000
Habitat Islands in Spring Lake (potential partner with USACE)	TBD	TBD	USACE Habitat Restoration Grants provide 65% cost share (up to \$10M) for approved projects	35% cost share to be provided by the sponsor
Enhancement of the Black Ash Seepage Swamp	2022–2025	\$50,000	\$40,000	\$10,000

Funding

There are a variety of funding sources available for ecological restoration activities, which provide grants that require match, including Minnesota DNR, US Fish and Wildlife Service, US Army Corps of Engineers, Metropolitan Council, Minnesota Board of Water and Soil Resources, and Minnesota Pollution Control Agency. These are listed in the plan in Section 6.7.

PHASE 3 COMMUNITY ENGAGEMENT

SUMMARY

Community engagement events to review the Draft Master Plan and Draft Natural Resources Management Plan occurred February 17, 2021 to April 19, 2021. All events occurred on digital platforms due to the COVID-19 pandemic. The engagement strategies were intended to continue to engage a cross section of Dakota County residents, park users, and stakeholders to review the draft plans. Particular attention was made to notify those who had participated in the Spring Lake Park Reserve planning process in 2019 and 2020.

Engagement methods utilized between February 17 and April 19, 2021 include: Email outreach and stakeholders and past participants in the planning process

- POLCO Questionnaire
- Online Open House
- Social Media
- Dakota County Staff and Stakeholder Meetings and presentations (including YMCA, DNR, Wilderness In the City, Legacy of Nature Alliance, Hastings Environmental Protectors, Public Art Citizen Advisory Committee, Tribal Historic Preservation Officers, Minnesota Indian Affairs Council, Minnesota State Office of Archeology, Hastings City Council, Rosemount Parks and Recreation Commission, Hastings Rotary Club)

KEY THEMES

Feedback on the Draft Master Plan and Natural Resources Management plan shows that the majority of respondents are supportive of the plans.

- There is broad support for natural resource restoration, bison reintroduction, river access, wildlife viewing, and minimal impact natural surface walking trails.
- There is also support for more specialized activities that such as nature themed play/nature play, camping, paved biking trails, picnicking, cross-country skiing, and snowshoeing.
- Participants continue to place high priority on maps and park information, ADA accessibility, restrooms, and equipment rentals.
- Several participants expressed appreciation for Tribal Historic Preservation Officer involvement and consultation.
- Many participants continued to voice concerns about over-development and expressed interest in further environmental review as part of the design and

HIGHLIGHTS

Over 350 individuals provided feedback on the plan or attended and engagement event between February 17 and April 19, 2021. Engagement opportunities took the form of stakeholder meetings, open house, and online feedback, social media, presentations, and a self-guided digital scavenger hunt in the park.*

Amount of feedback

- 214 Online Questionnaire Responses
- 31 Open House Participants
- 35 GooseChase Digital Scavenger Hunt Teams
- 11 Stakeholder Meetings/Presentations
- 22,000 People Reached on Facebook

*Stakeholder meetings, Open House #2, and Staff meetings were moved online to digital platforms due to the COVID-19 Pandemic to comply with stay-at-home orders and social distancing best practices

- construction for specific projects.
- Many urged that sustainable design principals be utilized to minimize the ecological impact of park development.

POLCO PRIORITIES

- Narrow, natural walking surface trails to explore remote areas of the park
- Natural resource restoration
- Bison reintroduction
- Wildlife viewing
- Accessible walking trail loops near trailheads
- Showshoe and cross country ski trails
- Walk-in, bike-in, boat-in tent camping

GOOSECHASE DIGITAL SCAVENGER HUNT PRIORITIES

- Overlooks
- Picnic areas and opportunities for informal picnicking
- Equipment rentals
- Public restrooms
- Maps and park information

PHASE 3 COMMUNITY ENGAGEMENT

- A mix of paved and natural surface trails
- Interpretive information: history, wildlife, park activities

STAKEHOLDER OUTCOMES AND PRIORITIES

- YMCA has long-term interest in operating Day Camp Spring Lake
- Friends of the Mississippi River, Wilderness in the City, Legacy of Nature Alliance—Support for natural resource restoration and management, stewardship of the cultural landscape, collaboration with Tribal Historic Preservation Officers, nature-based recreation, and bison reintroduction. Concern about park over development and interest in continued environmental evaluation and community engagement as projects move forward.
- Tribal Historic Preservation Officers – Interest in continued consultation and collaboration in areas of condition, maintenance, use, safety and interpretation.

DATE	MEETING / EVENT	EST. NUMBER
January 12, 2021	Listening Session with Upper Sioux, Minnesota Indian Affairs Council, Minnesota State Office of Archeology	17
February 19, 2021	Site Walk with Upper Sioux THPO and Office of Archeology Staff	6
March 1, 2021	Hastings City Council	-
March 2, 2021	YMCA	5
March 5, 2021	Wilderness in the City and Legacy of Nature Alliance	7
March 9, 2021	Dakota County Public Art Committee	-
March 11, 2021	Hastings Environmental Protectors	-
March 16, 2021	Nininger Town Board	-
March 19, 2021	MnDNR, Critical Area	3
March 22, 2021	Dakota County Historical Society	3
March 23	Online Open House	31
March 12 - April 11, 2021	GooseChase Scavenger Hunt	35 Teams
February -April 16, 2021	POLCO Questionnaire - online input	214
	Email/letter feedback: Wilderness in the City , Friends of the Mississippi River, Legacy of Nature Alliance, MnDNR, Great River Road, City of Cottage Grove, General Public	12
March 26, 2021	Rosemount Parks and Recreation Commission	-
March 29, 2021	Hastings Rotary Club Breakfast	-
April 11, 2021	Tribal Historic Preservation Officer Caucus	8

Summary: Public Review Period Comments and Draft Plan Changes

The Public Review Period for the Spring Lake Park Reserve Master Plan and Natural Resources Management Plan was held from February 17 to April 19, 2021 through on-line review and comment, a virtual open house, stakeholder meetings, email and letter comments, and a digital scavenger hunt. Stakeholders and members of the public were asked to share what they liked about the plans, what would make the plans better, and their top priorities for near term implementation. For the most part, the plans were met with community support. Natural resource restoration, protection and management, bison reintroduction, river access, and trail-based recreation received the most enthusiasm. While many expressed enthusiasm for new park activities, a significant number of commenters expressed concern about park overdevelopment and impact to the environment. Concerns were voiced around trails, new buildings and parking, and introducing camping. Below is a summary of predominate themes from the comments and plan changes.

Comment	Plan Changes
POLCO Questionnaire Comments (220 participants, comments summarized)	
Support for the Master Plan (64% strongly supportive, 16% somewhat supportive) and Natural Resources Management Plan (63% strongly supportive and 16% somewhat supportive). High support for natural resource restoration, protection, and management, integration of natural resources and restoration, bison reintroduction, river access, trail-based recreation, restrooms, equipment rental, outdoor education, and Indigenous culture.	<i>No change.</i>
<p>Priorities (<i>participants could make more than one selection</i>):</p> <ul style="list-style-type: none"> • Narrow natural surface walking trails to explore remote areas of park with minimal impact - 60% • Bison reintroduction – 59% • Natural resource restoration – 52% • Wildlife viewing – 53% • Accessible walking loops near trailheads – 37% • Snowshoe and cross-country ski trails – 36% • Walk-in, bike-in, boat-in tent camping – 31% <p>* River access was not included in the question but received many supportive write-in comments.</p>	<i>No change.</i> These items are already included in the plan.
Some commenters mentioned activities not included in the plan but would like to see in the park, for example, horseback riding, mountain biking, RV camping, off-leash dog area, disc golf, sledding	<i>No change.</i> These activities are not included due to location in other nearby parks and impact to SLPR’s natural and cultural landscape.
Many comments expressed concern about overdevelopment of the park	<i>Changes – See Letters section on Page 4 of this document.</i>

<p>Several comments requested more area for specific activities. For example: more restrooms, more trails, more overlooks, for both boat launches to be retained, more parking, more fishing piers, more range for bison, more areas without people)</p>	<p>No change. Master Plan and Natural Resources management plan seek to integrate natural resources with nature-based recreation. Plan balances these competing priorities.</p>
<p>When asked “what do you like about the Master Plan?” trails, bison, river access, and natural resources management and restoration received the most mentions. Several comments mentioned appreciation for engaging with Tribal interests</p>	<p>No change. These items are already included in the plan.</p>
<p>While many are enthusiastic about trails, some are concerned about too many trails/environmental impact of trails</p>	<p>Page 132 Capital Improvement Project Evaluation added.</p>
<ul style="list-style-type: none"> Clarify that shelters and buildings can be rented as wedding venue 	<p>Page 81 and page 82 Clarification made.</p>
<ul style="list-style-type: none"> More emphasis on habitat for birds 	<p>Page 3, ES3 Discussion of SLPR as Important Birding Area (IBA) added. Page 20 Birding added to list of desired activities. Page 54 Added language regarding Mississippi Flyway and IBA. All relevant MP graphics updated Camping relocated south of MRG to retain larger shoreline habitat patch size.</p>
<ul style="list-style-type: none"> Concern that Bud’s Landing will no longer be available for waterfowl hunting 	<p>Page 85 Clarification that there will still be MnDNR WMA access for waterfowl hunting.</p>
<ul style="list-style-type: none"> A few commenters have concerns about bison, particularly animal health and safety risks 	<p>Page 140 Language added to reference the 2019 Bison Feasibility Study, which addresses these topics in detail.</p>
<p>Interest in sustainable/green architecture and site design/construction</p>	<p>Page 101 Section on sustainable site and building design added to provide general guidance intent. The specific design considerations will be addressed on a project level basis at time of implementation.</p>

<p>Accessibility</p> <ul style="list-style-type: none"> • Would like outdoor classrooms will be ADA accessible • Some walk-in camp site locations will be accessible via Mississippi River Greenway • Signage should be ADA accessible and multilingual 	<p>Page E7, 93 Clarified that outdoor classrooms will be accessible.</p> <p>Page 93 and all relevant graphics Camping location relocated to improve accessibility.</p> <p>Page 93 and 97 Accessible signage mentioned.</p>
<p>GooseChase Digital Scavenger Hunt (35 Teams)</p>	
<ul style="list-style-type: none"> • Enthusiasm for overlooks • Mixed support for staffed visitor center, with most important features being restrooms, map followed by equipment rentals and guided programs • Support for both paved and unpaved trails in the park • Interested in more signs to learn about history and connecting to more detail on phones or with technology. History, Indigenous connection to the land, restoration and wildlife • Interest in both informal (lawn, overlook) and formal (picnic table) picnicking locations 	<p>No change. Already incorporated into the Master Plan.</p>
<p>Features desired in a playground, accessibility, better zipline, climbing wall for adults, nature play, adult workout, swings, closer restrooms, big slide and monkey bars</p>	<p>Page 81 Features added to the narrative.</p>
<p>Lessons and equipment rental are desired to support archery range use</p>	<p>Page 143 Lessons and equipment rental added to the Visitor Services discussion. Note these may be led by County Staff or in partnership with other organizations.</p>

<ul style="list-style-type: none"> • Recommend providing education and interpretation at Schaar’s Bluff Gathering Center instead of building a new interpretive center (WITC, LONA) • Eliminate the proposed new campgrounds in forested corridors next to the river. Should campsites remain in the plan, they should be reduced in number and concentrated in one area away from the bluffs (FMR) • Removing bunk houses for less development (FMR) 	<p>No Change</p> <ul style="list-style-type: none"> • Interpretive Center focus is Prairie Ecosystem and Mississippi River, supports environmental education and is in proximity to these features and bison range. The bison range and river access are 5 miles from Schaar’s Bluff. • The interpretive center will provide amenities needed to support park use such as permanent restrooms, opportunities to connect with staff and ask questions. <p>All relevant MP graphics updated Campsites relocated south of MRG to maintain core bird habitat, reduce trail impacts, and improve accessibility.</p> <p>No change</p> <ul style="list-style-type: none"> • Bunk houses support Camp Spring Lake Retreat Center and located in existing group camping area. • This amenity provides increased support for those who may not feel comfortable sleeping outdoors. They also eliminate or significantly reduce the need for equipment such as tents, which can be barrier to use.
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<ul style="list-style-type: none"> Do not support trail connection between Schaar’s Bluff and the River because of cultural and environmental impact (FMR, WITC, LONA) Request for more information about location and design of additional overlooks (FMR) 	<p>No change Page 132</p> <ul style="list-style-type: none"> Capital Improvement Project Evaluation added to assess impact pre-design . All Upper Park Projects, including this connection, require further study for cultural impact subject to additional evaluation/re-evaluation based on planning studies recommended in the Five-year plan. <p>ES 6 Clarification Ten year priority is for simple non structural overlooks such as a trailside bench with a view. Pg 85 of the incorporates this specification.</p> <p>Structural overlooks are recommended in the long-term phase. Location and design will be finalized at time of implementation.</p>
<p>Interest in sustainable site and building practices</p> <ul style="list-style-type: none"> Eliminate night lighting; this is a critical flyway for migratory birds and as noted in the draft Natural Resource plan, the park is important habitat to mammals some of which are nocturnal. Do not use salt and other chemicals for snow and ice removal. Construct any new or hard surface trails with porous materials. Require any new buildings meet LEED certification standards and maintain a small footprint. Porus surfaces. Limiting turfgrass. (FMR, WITC, LONA) 	<p>Page 101 Visitor Facility Design Section added describing intent for sustainable site and building design.</p> <p>The specific design considerations will be addressed on a project level basis at time of implementation.</p>
<p>Concern about lack of connectivity in the Winter trails (FMR)</p>	<p>Page 92, Figure 5.10 Winter ski trail loops connected.</p>

Dakota County Public Art Citizens Advisory Committee	
<ul style="list-style-type: none"> • Supportive of plan, especially bison re-introduction and landing. • Committee members are interested in continued partnership around arts in the parks and had suggestions about integrating performing and visual arts into the park 	<p><i>No change.</i> Dakota County Parks will continue to collaborate with the Public Art Committee to expand art in Spring Lake Park Reserve.</p>
YMCA	
<ul style="list-style-type: none"> • Generally supportive of the plan, excited about the outdoor education opportunities for Camp Spring Lake • Appreciate accessible trail connection to The Landing • Request for clear signage be installed to keep bison viewers about of the camp area • Mowed prairie trail that YMCA and other Retreat Center Groups will be eliminated with bison reintroduction. Requested a new area be identified for a mowed prairie trail 	<p><i>Page 85</i> Need for mowed prairie trail relocation noted.</p>
Hastings Environmental Protectors and Rosemount Parks and Recreation Committee.	
<ul style="list-style-type: none"> • Request for new buildings to use renewable energy (HEP, Rosemount P&R) • Idea to mill trees removed from the park and incorporate into park structures (Rosemount P&R) 	<p><i>Page 101</i> Section on sustainable site and building design added to provide general guidance intent.</p> <p>The specific design considerations will be addressed on a project level basis at time of implementation.</p>
Tribal Historic Preservation Officers (THPOs)	
<ul style="list-style-type: none"> • Clarify partnership – consultation protocols and collaborative relationship • Communicate quarterly and meet biannually • Apply Dakota names to Dakota Sites • Make efforts to include Indigenous community members on advisory committees, county staff, project team, and project advisory groups 	<p><i>Page ES-9, ES-12, 109-111</i> Edits made to Cultural Landscape Stewardship Considerations section.</p>

Minnesota Department of Transportation, Great River Road	
Include the 10-state Great River Road (GRR) scenic byway as part of the plan's context	<p>Page 3, ES3 Great River Road added to State connections discussion.</p> <p>All relevant maps GRG logo added to CR 42.</p> <p>Page 61 Addition of GRR to table.</p> <p>Page 70 Added the Mississippi River Parkway Commission of Minnesota as a potential partner.</p>
Dakota County Staff	
Boundary Revisions to clarify recommended strategy for land protection	Pages 137 and 139 Revisions made.
Add mention of the County's Land Conservation Program's role in preserving the park's natural edge	Page 95 Revisions made.
Addition of Phase 3 Community Engagement Summary	Page 25, Appendix B Pages B95-B146
Spelling, grammar, and wording changes	Both the NRMP and the MP documents will be edited for typos and style prior to submitting to the PDC.

Natural Resources Management Plan Comments	Plan Changes
Overall support for the plan	<i>No change</i>
<p>Friends of the Mississippi River requested the following:</p> <ul style="list-style-type: none"> • Strengthen the level of urgency regarding wildlife population declines and the need for habitat protection and restoration. • Place greater emphasis on research as part of the land restoration process. • Recommend the avoidance of creating new turfgrass lawn areas and impermeable paved surfaces. • Emphasize the linear shape of the park site and describe the inherent problems because of it. 	<p><i>Changed language on the following pages:</i></p> <ul style="list-style-type: none"> • Pages 57 and 60. Added language • Page 76. Added language • Page 76. Added language • Page 47. Added language
<p>Individual Comment</p> <ul style="list-style-type: none"> • Recommended adding some sort of biological assessment for all proposed Visitor Services improvements 	<p><i>Staff is working on developing a protocol for assessing impacts of proposed recreation elements, including accumulated effects, using the DNR's model.</i></p>
<p>Wilderness in the City</p> <ul style="list-style-type: none"> • Requested that the section on Habitat Fragmentation Section 4.3 be revised to reflect the extensive construction and impacts to the ecology of the park from the trail construction. 	<p><i>Paragraph was revised.</i></p> <p>Page 69. Language was changed to reflect nature of disturbance of trail construction.</p>
<p>Legacy of Nature Alliance</p> <ul style="list-style-type: none"> • Support and strongly urge the approval of the NRMP to guide future management of this valuable park reserve and important habitat. 	<p><i>No change.</i></p>
<p>Vermillion JPO</p> <ul style="list-style-type: none"> • Changes with regards to water resources sections 	<p><i>Changed language in Water Resources sections.</i></p>
<p>Department of Natural Resources</p> <ul style="list-style-type: none"> • Robert Fashingbauer, Wildlife Manager of Dakota County's WMAs and AMAs • Likes the plan overall. Had concern about the River Use Area in the vicinity of old Bud's Landing in that he hoped "that it will be larger enough to accommodate the 	<p><i>Language added.</i></p> <p>Page 107. Added language.</p>

waterfowl hunters in the fall”, as well as any other users that the County plans to draw.	
Dakota County Staff	
Add VJPO as a potential funding source	Page 120. Added to table
Spelling, grammar, and wording changes	Both the NRMP and the MP documents will be edited for typos and style prior to submitting to the PDC.
Add more information on plant community succession	Page 21. Added language
Describe better how we will allow animals to move through bison fencing while still enclosing bison and excluding people.	Page 61. Added language.
Add more bullets to goal statements	Pages 69, 73, 76, 78, 82, 84, 87
Better describe the factors that cause woodland and forest plant communities to degrade.	Page 74. Added language

DAKOTA COUNTY PLANNING COMMISSION

May 27, 2021 AGENDA ITEM: Dakota County Agricultural Chemical Reduction Effort (ACRE) (*information*)

PURPOSE

Provide Planning Commission an introduction to the Agricultural Chemical Reduction Effort (ACRE). Introduction has two purposes:

1. Provide an overview of the ACRE planning process.
2. Receive Commissioners' initial thoughts on the draft concepts and public engagement process.

BACKGROUND

The 2020-2030 Dakota County Groundwater Plan (Groundwater Plan) identified reduction of agricultural chemical contamination as a high priority strategy (strategy 1B1). Tactic 1B1B states the County will "develop, adopt, and implement a Dakota County Groundwater Agricultural Chemical Reduction Effort (ACRE)."

ACRE is intended to reduce agricultural chemical contamination in groundwater to levels that no longer pose threats to human health or ecological systems. This will be completed by partnering with farmers, the Dakota County Soil and Water Conservation District (SWCD), state, regional, and local agencies, and other local non-governmental organizations to develop prioritized, targeted, and measurable strategies that are more protective than the objectives set in the Minnesota Department of Agriculture (MDA) Nitrogen Fertilization Management Plan and Groundwater Protection Rule. A more complete description of the ACRE Plan concept is included in Attachment A.

In developing ACRE, staff has contracted with a public engagement consultant (Environmental Initiative) to facilitate a robust, inclusive, and responsive stakeholder engagement process. This will include working with an Agricultural Advisory Group of farmers and other agriculture professionals to help inform development of ACRE goals and strategies. The Draft ACRE Public Engagement Plan is included in Attachment B; the Final Public Engagement Plan will be completed in collaboration with the hired consultant.

County staff will also conduct technical research and collect baseline data to support the ACRE Plan. These tasks will include reviewing current data, policies, and regulations, developing and installing a long-term monitoring well network, and conducting nitrate modeling to set specific nitrate load reduction goals at the local level (e.g., township) in order to achieve desired outcomes.

ATTACHMENTS

- A. Draft ACRE Plan Concept – Summary of problem statement, goals, objectives, and measures
- B. Draft ACRE Public Engagement Plan – Summary of objectives, approaches, groups, methods, and actions

QUESTIONS

The following questions are intended to help assist in review of the packet materials.

- 1) Does the Planning Commission have any recommendations for the draft plan concepts?
- 2) Based on Attachment B, does the Planning Commission have any suggestions for the Draft Public Engagement Plan? How would the Planning Commission like to be involved in the stakeholder/public engagement process?

Concept Plan for Dakota County Agricultural Chemical Reduction Effort (ACRE)

Introduction

In the Dakota County ACRE Plan, “goals” refer to the County’s aspirations for its desired future condition as expressed in the 2020 Dakota County Groundwater Plan (Groundwater Plan). “Outcome measures” are measurable benchmarks toward achieving the goals. “Strategies” are an organized framework of activities to achieve those benchmarks. “Tactics” are the intended activities to implement the strategies.

1. Goal

The Water Quality Goal of the Groundwater Plan is “groundwater and drinking water that are free from unhealthy levels of contaminants.”

2. Agricultural Chemical Issues in Dakota County Groundwater

Strategy 1B1 of the Groundwater Plan is “Reduce agricultural chemical contamination.”

a. Nitrate

Nitrate contamination is a well-documented and recalcitrant problem in Dakota County drinking water. Although low levels of nitrate (zero to 3 mg/L) may occur naturally in water, high levels of nitrate in groundwater usually come from human activities, including septic systems and feedlots. In the Upper Midwest, the major source is nitrogen fertilizer used on agricultural crops.

Although a necessary nutrient for plants, high nitrate levels in people can harm the respiratory and reproductive system, kidney, spleen, and thyroid in children and adults. In particular, consumption of drinking water exceeding 10 mg/L nitrate (the Environmental Protection Agency and Minnesota Department of Health, MDH, standard) can lead to a health problem called methemoglobinemia or “blue baby syndrome” in infants younger than 6 months. The condition is characterized by a reduced ability of the infant’s blood to deliver oxygen and can lead to death if untreated. Numerous studies suggest that the guideline of 10 mg/L may not be protective of health for people of all ages and it fails to address the chronic, low level exposure of nitrate’s effect on health (Ward et al, 2018).

Elevated nitrate is the most common contaminant to exceed health guidelines in Dakota County drinking water. The City of Hastings has had to take multiple actions to maintain safe nitrate levels in their water supply, including a \$3 million nitrate removal system. In January 2020, the Minnesota Department of Agriculture (MDA) designated the Hastings Drinking Water Supply Management Area (DWSMA) as a Level 2 mitigation area (most serious priority) and the Rosemount DWSMA as a Level 1 mitigation area (second most serious priority). Between 20% and 30% of the households in Dakota County that rely on private drinking water wells have well water that exceeds the nitrate health guidelines. For them, an effective drinking water treatment system may cost \$800 to \$1,000 to install, plus ongoing maintenance costs.

b. **Cyanazine and other pesticides**

The herbicide Cyanazine was widely used (as Bladex, Fortrol, or other products) on corn crops until 2002, after which it was discontinued. Although cyanazine has been out of use for nearly 20 years, Dakota County's groundwater monitoring finds its breakdown products in private drinking water wells in rural areas, in some cases at levels above safe drinking water guidelines. Since 2019, MDA has found elevated cyanazine degradates in other parts of Minnesota in addition to Dakota County. County staff are currently participating in an MDA/MDH workgroup to develop strategies to address elevated cyanazine degradates throughout the state.

Other crop herbicides and their breakdown products are widely detected in the groundwater in rural parts of the County. Both the number of pesticide breakdown products detected and their concentrations are highly correlated to nitrate concentrations in private wells. Although they are usually at levels far below their respective drinking water guidelines, the presence of such a large number of different chemicals is concerning, especially since the health effects of chemical mixtures are not well understood.

c. **Chloride**

Chloride levels in groundwater in the county are increasing (as they are in most metropolitan areas) (Ambient Study Report 2020). Potassium chloride (potash) fertilizer is a major source of chloride in Minnesota waters (23%, according to Overby et al, 2019). However, the major sources of chloride in groundwater are salt from road and other winter pavement maintenance and from water softeners (by way of septic systems or municipal wastewater treatment plants). In addition, although chloride levels are increasing throughout Dakota County, they are higher in developed areas of the county, especially near major highways and concentrations of roadways, than they are in rural parts of the County. As a result, the County will encourage farmers to follow best management practices for potassium fertilizer use, but chloride reduction will be a secondary concern in the ACRE Plan.

3. ACRE Plan to focus on nitrate reduction in groundwater, but address other contaminants where practical.

- a. Nitrate is the focus of the MDA's Groundwater Protection Rule (GPR) and Nitrogen Fertilizer Management Plan (NMFP), so ACRE will build on the activities of MDA and MDH to address nitrate in groundwater.
- b. Many practices that will reduce nitrate contamination of groundwater will also reduce other agricultural contaminants. In Dakota County, the presence and concentrations of pesticides in groundwater are highly correlated to the presence and concentrations of nitrate in groundwater, leading to the conclusion that some practices can reduce both. Although the expected benefits may be difficult to quantify in advance, practices that can be expected to reduce multiple contaminants include: preserving or restoring wetlands; installing saturated buffers or other controlled drainage; transitioning from annual to perennial crops; installing water and sediment control basins; installing conservation buffers in excess of those required by State law; establishing cover crops; installing grassed waterways, filter strips, or harvestable filter strips; installing bioreactors; increasing

continuous cover; sealing unused, unsealed wells; upgrading failing septic systems; and retiring crop land (including conservation easements).

- c. The County currently has the authority to regulate nitrogen fertilizer practices, but is precluded from regulating phosphorus fertilizer or pesticides.
- d. Nitrate water testing (monitoring) is inexpensive and uncomplicated to conduct compared to pesticide monitoring.

4. Draft outcome measures

To achieve the Groundwater Plan goal of “groundwater and drinking water that are free from unhealthy levels of contaminant,” the draft agricultural chemical reduction objectives are:

- a. In every Dakota County city and township, the percentage of households with private drinking water wells that exceed the drinking water guideline for nitrate (10 mg/L) will decrease to 5% or fewer (of households that use private wells). (A community with fewer than 5% of its private drinking water wells exceeding the drinking water guideline is considered in “Prevention” status in the MDA NFMP. See Appendix A.)
- b. No public water supply well exceeds the nitrate drinking water guideline (10 mg/L) and no public water supply well is projected to exceed the nitrate drinking water guideline in the next 10 years.
- c. In every Public Land Survey System (PLSS) quarter section in Dakota County (or smallest practical geographic area), the median nitrate levels in shallow groundwater (less than 20 feet below the static water level) will be lower than be 10 mg/L.
- d. The number of households with private drinking water wells in which pesticide (or pesticide degradate) concentrations exceed 50% of applicable drinking water guidelines will decrease to zero.
- e. Contributions of chloride to groundwater from crop fertilizer will decrease.

5. Non-agricultural sources of rural groundwater contamination

Non-agricultural sources of potential groundwater pollution that are common in rural Dakota County (for example, septic systems, land-spreading of wastewater biosolids, unsealed wells, or aggregate mining) are addressed in the 2020 Dakota County Groundwater Plan.

Nitrate Reduction

The ACRE Plan will be based on pertinent elements of MDA 2015 Nitrogen Fertilizer Management Plan (NFMP) and 2019 Groundwater Protection Rule, such as using results from Township Testing style private well testing plus public water supplier well testing results to establish nitrate mitigation levels at the township/city level; promoting Best Management Practices (BMPs) and Alternative Management Practices (AMTs); and using environmental well networks and private well results to monitor water quality over time, etc. However, the outcome measures for the ACRE Plan will be results-based (contaminant reduction) rather than performance-based (BMP adoption, the standard for the MDA Groundwater Protection Rule).

1. Issues with Groundwater Protection Rule

The Groundwater Protection Rule has gaps that make it likely it will be insufficient to achieve Dakota County’s nitrate goals. Specifically, the issues with the MDA Groundwater Protection Rule are:

- Nitrate levels are not required to improve, just not to get worse.
- MDA enforcement of the fall nitrogen fertilizer restrictions would only be done on a complaint basis.
- High nitrate areas outside of Mitigation Level DWSMAs (i.e., the Hastings DWSMA) will not have MDA groundwater monitoring.
- High nitrate areas outside of Mitigation Level DWSMAs (notably, those served only by private wells) will not have their BMP adoption evaluated.
- The criteria by which MDA will evaluate BMP adoption are not identified and may be insufficiently rigorous.
- There are no negative consequences for lack of groundwater improvement in high-nitrate areas that are not a Mitigation Level DWSMA.

2. Sources of Nitrogen in Minnesota Water Resources

As part of Minnesota’s Nutrient Reduction Strategy, the Minnesota Pollution Control Agency and University of Minnesota have calculated the relative contributions of various sources of nitrogen to surface waters in the state. This incorporates the sources to groundwater (which ultimately discharges to surface water).

Sources of Nitrogen in the Mississippi River basin (including the Minnesota River), Minnesota (MPCA, Nutrient Reduction Strategy, 2014)	
Nutrient Source	Average Contribution to Surface Waters*
Agricultural tile drainage	43%
Cropland leaching into groundwater	31%
NPDES permitted wastewater discharges (WWTP)	9%
Atmospheric deposition	6%
Cropland surface runoff	5%
Forest runoff	4%
Individual sewage treatment (septic) systems	2%
Urban runoff and leaching	1%
*Total is greater than 100% due to rounding.	

3. Establish baseline conditions and set nitrogen reduction targets

Estimate baseline (current or recent-year) shallow groundwater nitrate conditions.

- a. In 2013-24, Dakota County cooperated with MDA in MDA’s pilot “Township Testing” program for nitrate. The uncensored results are shown below.

MDA/Dakota County Township Testing, 2013-14
Nitrate Results – Initial Well Dataset (uncensored results)¹

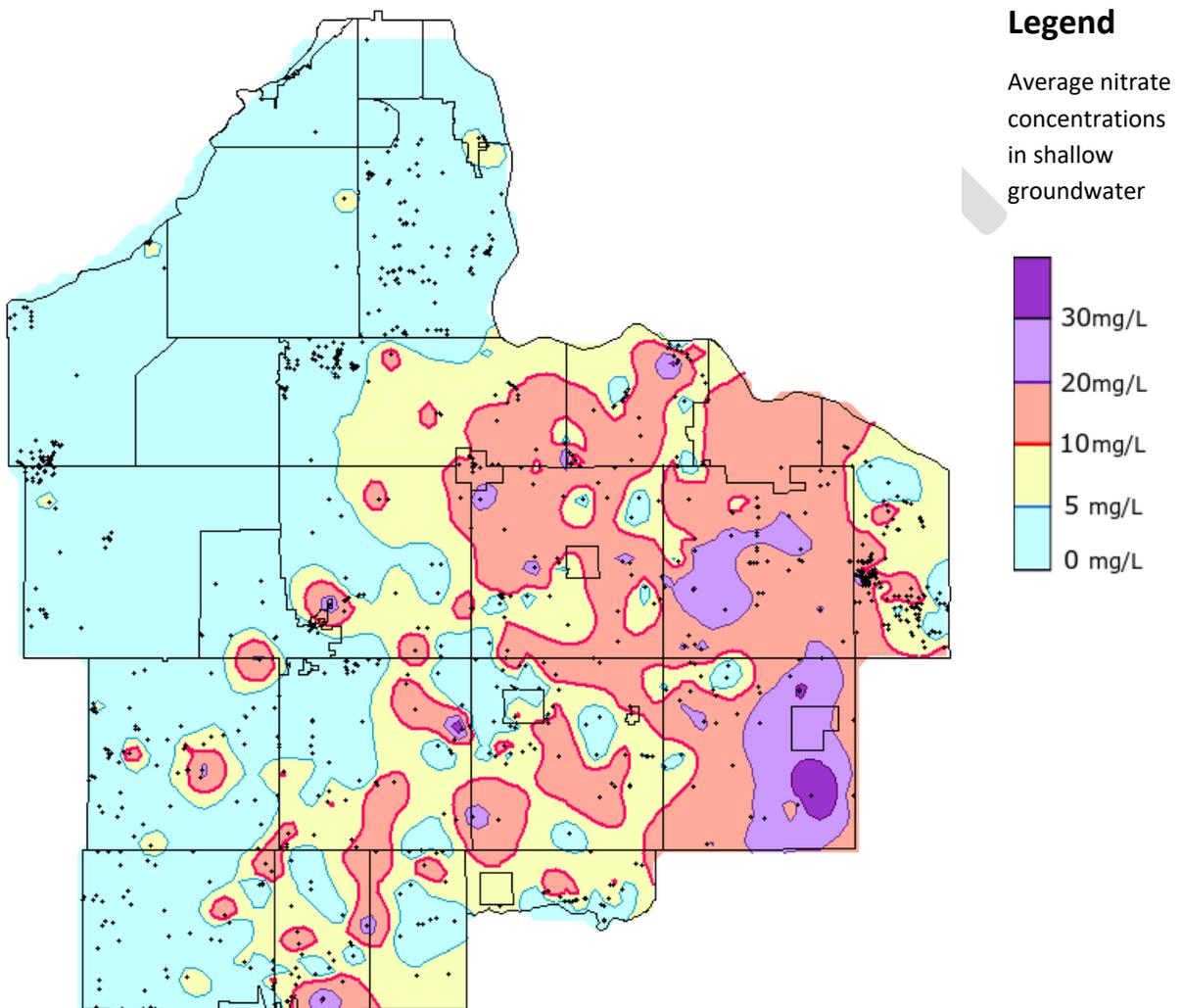
Municipality	# of Households (at the time)	# of Samples	Samples w/ Detections	Samples above Drinking Water Guideline (10 mg/L)	Mean (Average) (mg/L)	Median (mg/L)	Maximum (mg/L)
Castle Rock Township	473	101	49 (49%)	15 (15%)	4.06	0.00	59.80
Coates	55	11	11 (100%)	6 (55%)	11.67	10.50	15.90
Douglas Township	250	68	41 (60%)	23 (34%)	8.25	3.09	68.6
Empire Township	220	58	35 (60%)	19 (31%)	5.79	1.72	30.2
Eureka Township	525	123	49 (40%)	8 (6%)	2.56	0.00	27.40
Farmington	80	18	4 (22%)	None	0.85	0.00	9.12
Greenvale Township	283	58	8 (14%)	2 (3%)	0.99	0.00	20.90
Hampton Township & City	326	80	50 (63%)	23 (29%)	5.90	2.28	28.90
Hastings	40	2 ²	2 (100%)	1 (50%) ²	11.64	11.64	18.3
Marshan Township	401	115	89 (77%)	60 (52%)	10.33	11.10	32.70
Nininger Township	301	88	60 (68%)	31 (35%)	7.47	4.79	29.80
Randolph Township	231	55	23 (42%)	6 (11%)	3.30	0.00	18.70
Ravenna Township	804	297	241 (81%)	113 (38%)	7.27	7.07	22.80
Rosemount	528	165	109 (66%)	10 (6%)	2.88	1.21	21.90
Sciota Township	121	29	12 (41%)	4 (14%)	3.13	0.00	21.20
Vermillion Township	417	82	60 (73%)	37 (45%)	8.12	8.94	27.10
Waterford Township	202	41	22 (54%)	11 (27%)	5.55	0.25	33.20
Total	5257	1389	865	369 (27%)	5.69	2.26	68.60

¹There may be discrepancies in the reported numbers; these do not change the overall conclusions.

²Too few samples to draw meaningful conclusions.

- b. For assessment and monitoring purposes, “shallow groundwater” is defined as 20 feet deeper than the water table or less. The focus on “shallow groundwater” is because that is the groundwater where changes in practices on the land surface will become evident in the shortest amount of time, if the changes are effective.

To establish baseline (2019) shallow groundwater nitrate conditions, County staff used nitrate testing results from 2013 through 2019 (897 samples). Staff interpolated the nitrate results to estimate average (mean) nitrate concentrations spatially distributed around the County and to identify geographic gaps in the data (map below). County staff are having discussions with MDA about the potential helpfulness of different nitrogen-loss modeling approaches.



Priority agricultural chemical reduction areas based on 2013-2019 nitrate observations at 0-20 ft below the water table (897 samples).

- c. Using the interpolated shallow groundwater nitrate levels described above, County staff will estimate the number of acres per township (or city) that overlay areas of “10-20 mg/L average nitrate,” “20-30 mg/L average nitrate,” and “more than 30 mg/L average nitrate.” Based on the acreages per township, the “excess (greater than 10 mg/L) nitrate level” will also be calculated as “pounds of nitrogen lost to groundwater per acre of cropland.” (This assumes nitrogen losses to be in a steady state over time.) Current nitrogen fertilizer prices will be used to convert these estimates to “dollar value of nitrogen lost to groundwater per acre.”
- d. Using the baseline data described above, the County will calculate how much the pounds of nitrogen lost per acre of cropland will have to be reduced for each geographic area to meet the desired outcome.

4. Install Dakota County/MDA monitoring well network.

- a. The County will partner with MDA to install and sample an environmental well network within the Hastings DWSMA. The County will install and sample 30-40 shallow (water table) groundwater monitoring wells in a randomized grid pattern in the high-nitrate areas of eastern Dakota County not in the Hastings DWSMA, on public land or rights-of-way, adjacent to row crop agriculture. (MDA is installing a similar monitoring well network within the Hastings DWSMA.)
- b. The purpose of the monitoring well network is to quantify the baseline nitrate conditions at the water table in the vulnerable areas of the County, interpret the results in terms of nitrogen losses per acre, then monitor changes in those conditions over time. Changes in farming practices and water quality trends should be detectable in the shallow groundwater first.
- c. The wells will be sampled at least three times per year (spring, summer, and fall) for nitrate, chloride, and possibly other parameters; static water levels will be measured. Digital nitrate sensors may be used in some or all of the wells if funding is available. Precipitation data for eastern Dakota County will be measured at the Dakota Soil and Water Conservation District weather station.
- d. Data from the monitoring well network will be used to model nitrate losses from farm fields, estimate how much the nitrate losses need to be improved for the groundwater nitrate levels to be below 10 mg/L, and evaluate nitrate trends over time. Data collection methods, results, and modeling will be coordinated and shared with MDA and other agencies.

5. Use baseline data to prioritize locations and practices.

County and SWCD staff will use County, SWCD, and state agency knowledge; GIS; farmer participation; the baseline nitrate estimates shown above; and University of Minnesota and Minnesota Pollution Control Agency nutrient reduction models to identify and prioritize practices and locations for improving groundwater quality.

6. Inform property owners and farm operators of baseline data and fertilizer waste estimates.

The County will inform property owners within geographic areas where the median shallow groundwater nitrate levels exceed 10 mg/L of that area's estimated groundwater nitrate levels and the loss reductions needed to bring the nitrate level down to the target.

7. Implement Plan

- a. The County will partner with state funding agencies, such as MDA or BWSR, and with SWCD and watershed organizations to promote and fund BMPs and AMTs, based on the priorities established above. The County will work with SWCD, MDA, and UMN staff to identify appropriate and cost-effective BMPs and AMTs for local conditions. Preliminary examples of practices and tools include those below. N loss reduction estimates from the Minnesota Pollution Control Agency are for surface water (MPCA, 2013); practices will be updated as new information is available, and practices will be prioritized according to their estimate benefit to groundwater.
 - i. following recommended fertilizer practices (source, rate, timing, credits, placement, etc.) (~15% N loss reduction);
 - ii. using nitrogen fertilizer inhibitors (~9% N loss reduction);
 - iii. preserving or restoring wetlands in agricultural areas (~50% N loss reduction);
 - iv. installing saturated buffers or other controlled drainage (~91% N loss reduction);
 - v. transitioning from annual to perennial crops (food, forage, biomass)(~72%-95% N loss reduction);
 - vi. installing water and sediment control basins (not known);
 - vii. installing conservation buffers in excess of those required by State law(~95% N loss reduction);
 - viii. establishing cover crops (~50% N loss reduction);
 - ix. installing grassed waterways, filter strips, or harvestable filter strips (not known);
 - x. installing bioreactors (~13% N loss reduction);
 - xi. utilizing new technologies (including precision irrigation);
 - xii. improving genetic diversity of crops;
 - xiii. increasing continuous cover (including crop rotation, perennial crops, and cover crops);
 - xiv. sealing unused, unsealed wells;
 - xv. upgrading failing septic systems;
 - xvi. retiring crop land (including conservation easements) (~95% N loss reduction); and
 - xvii. other practices that are demonstrated to reduce leaching of agricultural chemicals to the groundwater.
- b. The County will provide cost-share funding for nitrogen fertilizer demonstration projects.
- c. In addition to the BMPs and AMTs identified by MDA, the County and SWCD will advocate and facilitate farmers' testing irrigation well water samples for nitrate and taking appropriate nitrogen credits; maintaining records of nitrogen use, including rates, credits, sources, timing, and placement; implementing irrigation and nutrient management plans; and attending annual continuing education programs. The County will subsidize nitrate testing of irrigation well water by farmers.

8. Monitor environmental well and drinking water well nitrate levels over time. Assist private well owners.

As mentioned above, MDA and the County will install and sample environmental wells in high nitrate areas. In addition, the County will monitor drinking water well quality and provide free nitrate testing to private well owners.

- a. In accordance with the 2020 Groundwater Plan, on a 5-year rotation, the County will offer every household with a private drinking water well the opportunity to have their well tested, at no cost to the household, for contaminants such as nitrate, arsenic, manganese, lead, and chloride. (Details of the sampling program will be subject to annual review and modification.) The County will use the results from private well testing and environmental wells to evaluate the average nitrate results for each targeted geographic area.
- b. Staff will communicate water test results to private well owners, city and township leaders, and other interested parties, and educate private well owners regarding appropriate water treatment so their drinking water meets health guidelines.
- c. The County will pursue opportunities to subsidize the installation of appropriate, effective drinking water treatment systems for low-income households that use a private well and have contaminated groundwater.
- d. To the extent appropriate and possible, the County will collect demographic data to evaluate if water quality problems disproportionately impact specific populations and to address those inequities.
- e. The County will complete and update its Community Drinking Water Profiles to ensure private well sampling results are representative of each community's drinking water.

9. Modify efforts and explore regulatory options if nitrate trends are unacceptable.

If, after five years (five complete growing seasons), "shallow groundwater" nitrate monitoring shows a stable or upward trend (by township or city), Staff may recommend to the County Board ordinance amendments that require agricultural practices to reduce nitrate contamination. Examples of such practices are described below.

- i. testing irrigation well water samples for nitrate and taking appropriate nitrogen credits;
- ii. soil nitrate tests;
- iii. maintaining records of nitrogen use, including rates, credits, sources, timing, and placement;
- iv. developing and implementing irrigation and nutrient management plans;
- v. attending annual continuing education programs;
- vi. other requirements as specified.

10. Monitor, respond, and adjust.

MDA and the County will continue to measure changes in water quality. Proposed ordinance language implementing the potential restrictions described above would also include the steps for lifting the restrictions if, after at least five consecutive years, the geographic area's median shallow groundwater nitrate levels are below 10 mg/L; or the 90th percentile of the monitored wells show a downward trend for five consecutive annual sampling events; or sustained, representative, nitrate monitoring results are below 5% of private drinking water wells exceeding the nitrate guideline for five consecutive years.

Pesticide Reduction

Environmental Resources staff from the Groundwater Protection unit have been working with the MDA and MDH to address the problem of cyanazine breakdown products in drinking water. The State considers these chemicals “contaminants of emerging concern” (CECs). MDA, MDH and Dakota County staff are working together to develop and implement a plan to investigate and mitigate cyanazine where it is found in drinking water. The County will assist MDA and MDH in future sampling to understand better the complete extent of cyanazine contamination in private and public drinking water suppliers in the county.

If feasible, the County’s rotating private well sampling program will be expanded to include cyanazine degradates and other frequently detected pesticides and pesticide breakdown products.

Chloride Reduction

Potassium chloride (potash) fertilizer is a major source of chloride in Minnesota waters (23%), but at this time practical alternatives are not available. County staff do expect that a number of practices adopted by farmers to reduce nitrate contamination will also reduce other groundwater and surface water contaminants, including chloride. Also, when alternatives are available, the County will work with the SWCD, watershed organizations, MDA, and UM Extension to promote the use of those alternatives to farmers.

Source	Chloride mass (tons)	Percent of total
Road salt (winter paved surface maintenance)	403,600	42%
Fertilizer (potassium chloride)	221,300	23%
WWTPs	209,900	22%
Livestock waste	62,600	6%
Residential septic systems	33,100	3%
Permitted industries	14,200	1%
Atmospheric deposition	14,200	1%
Dust suppressant use	9,400	1%
<i>Total</i>	<i>968,300</i>	<i>100%</i>

Appendix A. Acronyms and Abbreviations

AAG	Agricultural Advisory Group
ACRE	Agricultural Chemical Reduction Effort
AMT	Alternative Management Tool
BMP	Best Management Practice
BWSR	Minnesota Board of Water and Soil Resources
DWSMA	Drinking Water Supply Management Area
µg/L	Micrograms per liter, equivalent to parts per billion
mg/L	Milligrams per liter, equivalent to parts per million
MDA	Minnesota Department of Agriculture
MDH	Minnesota Department of Health
MPCA	Minnesota Pollution Control Agency
N	Nitrogen (or pounds of active nitrogen available in fertilizer)
NFMP	Nitrogen Fertilizer Management Plan
NPDES	National Pollution Discharge Elimination System
PLSS	Public Land Survey System (township, range, section)
PMP	Pesticide Management Plan
SWCD	Dakota County Soil and Water Conservation District
TAG	Technical Advisory Group
UMN	University of Minnesota
USEPA	United States Environmental Protection Agency
WHPP	Wellhead Protection Plan
WMO	Watershed management organization
WSP	Water Supply Plan
WWTP	Wastewater treatment plant

Appendix B. MDA Nitrogen Fertilizer Management Plan Mitigation Process Overview

MDA Mitigation Levels and Regulatory Status

(p. 73, MDA Nitrogen Fertilizer Management Plan, 2015)

Revised NFMP: Clear Definition of Prevention & Mitigation Levels for Localized Responses

	Prevention	Level One	Level Two	Level Three	Level Four
Nitrate Levels	Increasing 				
BMP Adoption	Acceptable or Undetermined			Not Acceptable 	
Regulatory Status	Voluntary			Regulatory 	

MDA Mitigation Process for Private Wells

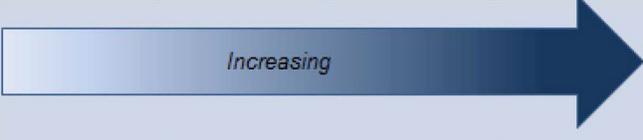
(p. 73, MDA Nitrogen Fertilizer Management Plan, 2015)

Criteria within the "Mitigation" Process for Private Wells (Township Scale)

	Level One	Level Two	Level Three	Level Four
Nitrate Levels	Increasing 			
% Number of Private Wells	5% or More Above 10 mg/L NO ₃ -N <u>OR</u> 10% or More Above 7 mg/L NO ₃ -N	10% or More Above 10 mg/L NO ₃ -N		15% or More Above 10 mg/L NO ₃ -N

MDA Mitigation Process for Public Wells
 (p. 74, MDA Nitrogen Fertilizer Management Plan, 2015)

**Criteria within the "Mitigation"
 Process for Public Water Supplies**

	Level One	Level Two	Level Three	Level Four
Nitrate Levels				
Nitrate Conc. mg/L	5.4 mg/L NO ₃ -N	Nitrate Levels Expected to Exceed 10 mg/L NO ₃ -N in 10 Years or Less		9.0 mg/L NO ₃ -N

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Appendix C. References

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Public Engagement Plan

Dakota County

Agricultural Chemical Reduction Effort (ACRE)

DRAFT

**Dakota County Environmental Resources
Dakota County Office of Planning
February 4, 2021**

1. Introduction

Public engagement is a critical aspect in ensuring that all Dakota County government services are performed efficiently, effectively, and in a responsive manner. Dakota County strives to ensure that the proper level of public engagement is realized in all projects. To identify this proper level of engagement, the County utilizes a public engagement process tool that is standardized across the organization and results in consistent approaches and outcomes. If a project scores a 1-3, a public engagement plan must be created. The levels of engagement with descriptions and specific examples can be seen in the table below.

Level	Description	Examples
Level 1 – Inform and Listen	<ul style="list-style-type: none"> • Explain, educate or gather information. • Use when priorities and decisions are still being shaped. • Can explain the issue, while gathering information to understand and perspectives and ideas of citizens. 	<ul style="list-style-type: none"> • Public meeting with information presentation and collection of comments. • Open houses. • A webpage with information about a project but also provides an email address for people to submit questions or comments.
Level 2 – Discuss	<ul style="list-style-type: none"> • Generally involves two-way information exchange in which the public discusses a policy, issue, or research priority. • Discussion among and with different stakeholders is encouraged. • Can deepen knowledge by exploring and responding to ide-as and concerns described by individual participants. 	<ul style="list-style-type: none"> • Public meeting with information presentation and collection of comments. • Open houses. • A webpage with information about a project but also provides an email address for people to submit questions or comments
Level 3 – Involve	<ul style="list-style-type: none"> • Different perspectives are shared and parties can influence each other and develop consensus. • Allows the organization and participants to explore and work through issues together, understand each other’s perspectives and values, and consistently address concerns. 	<ul style="list-style-type: none"> • Public meeting with information presentation and collection of comments. • Open houses. • A webpage with information about a project but also provides an email address for people to submit questions or comments.

Project Description:

The 2020 Dakota County Groundwater Plan identified agricultural chemicals, especially nitrate, crop herbicides, and chloride, as significant drinking water issues for much of rural Dakota County. The Dakota County Agricultural Chemical Reduction Effort (ACRE) is intended to reduce those chemicals in groundwater to levels that no longer pose threats to human health or ecological systems.

Nitrate contamination is a well-documented and recalcitrant problem in Dakota County drinking water. Although low levels of nitrate (zero to 3 mg/L) may occur naturally in water, high levels of nitrate in groundwater usually come from human activities, including septic systems and feedlots. In the Upper Midwest, the major source is nitrogen fertilizer used on agricultural crops.

Elevated nitrate is the most common contaminant to exceed health guidelines in Dakota County drinking water. The City of Hastings has had to take multiple actions to maintain safe nitrate levels in their water supply, including a \$3 million nitrate removal system. In January 2020, the Minnesota Department of Agriculture (MDA)

designated the Hastings Drinking Water Supply Management Area (DWSMA) as a Level 2 mitigation area (most serious priority) and the Rosemount DWSMA as a Level 1 mitigation area (second most serious priority). Between 20% and 30% of the households in Dakota County that rely on private drinking water wells have well water that exceeds the nitrate health guidelines. For them, an effective drinking water treatment system may cost \$800 to \$1,000 to install, plus ongoing maintenance costs.

Crop herbicides and their breakdown products are widely detected in the groundwater in rural parts of the County. Both the number of pesticide breakdown products detected and their concentrations are highly correlated to nitrate concentrations in private wells. Although they are usually at levels far below their respective drinking water guidelines, the presence of such a large number of different chemicals is concerning, especially since the health effects of chemical mixtures are not well understood.

Chloride levels in groundwater in the county are increasing (as they are in most metropolitan areas) (Ambient Study Report 2020). Potassium chloride (potash) fertilizer is a major source of chloride in Minnesota waters (23%, according to Overby et al, 2019). As a result, the County will encourage farmers to follow best management practices for potassium fertilizer use, but chloride reduction will be a secondary concern in the ACRE Plan.

To achieve the Groundwater Plan goal of “groundwater and drinking water that are free from unhealthy levels of contaminant,” the draft agricultural chemical reduction objectives are:

- a. In every Dakota County city and township, the percentage of households with private drinking water wells that exceed the drinking water guideline for nitrate (10 mg/L) will decrease to 5% or fewer (of households that use private wells).
- b. No public water supply well exceeds the nitrate drinking water guideline (10 mg/L) and no public water supply well is projected to exceed the nitrate drinking water guideline in the next 10 years.
- c. In every Public Land Survey System (PLSS) quarter section in Dakota County (or smallest practical geographic area), the median nitrate levels in shallow groundwater (less than 20 feet below the static water level) will be lower than be 10 mg/L.
- d. The number of households with private drinking water wells in which pesticide (or pesticide degradate) concentrations exceed 50% of applicable drinking water guidelines will decrease to zero.
- e. Contributions of chloride to groundwater from crop fertilizer will decrease.

Engagement Level:

1 – Inform and Listen

Although the general level of engagement identified for the project as a whole is “inform and listen,” there will be specific stakeholder groups where the County will need a higher level of engagement in order to develop an effective plan. Most importantly, the opinions and experiences of agricultural operators (farmers) and other agricultural professional will be needed in order to develop a plan that is well-considered and reasonable. In addition, Minnesota Department of Agriculture staff, other water-related state agencies, watershed organizations, and local water suppliers will also have helpful insights. Based on the above engagement level score, this plan will utilize a variety of methods and tools to reach different stakeholders based on the table from the previous page.

The Dakota County Soil and Water Conservation District (SWCD) is considered an internal planning and implementation partner with Dakota County Environmental Resources. For that reason, they are not discussed here as an external stakeholder.

2. Public Engagement Objective and Approaches

The purpose of this Public Engagement Plan is to serve as a means of process planning and engagement designing in order to achieve a desired level of public engagement. An important aspect in achieving this is identifying the key objectives and potential outcomes and then deciding which approaches are best suited to achieving those outcomes. The following lists the key objectives and approaches for this Public Engagement Plan.

Key Public Engagement Objectives:

1. Agricultural agencies and operators are engaged in developing a plan that is effective, fair, and implementable.
2. A Technical Advisory Group of MDA, other state agencies, and technical experts ensures that the plan is effective and science-based.
3. Agricultural operators are convened in advisory meetings, and town halls to ensure that the plan reflects their needs and interests, is realistic, and has support from the people who will ultimately implement the measures.
4. The general public is informed and engaged about the project, have opportunities to weigh in at key project milestones and ultimately support the final product.
5. Elected officials are aware of the effort and engaged.
6. The project team conducts effective outreach to typically under-represented populations to enrich and inform the project from diverse perspectives based on race, ethnicity, age, ability, and gender.

Public Engagement Approaches:

Convening a Technical Advisory Group: MDA, state agency, and technical experts will be engaged throughout the process with meetings to identify needs, priorities, and effective strategies. Meetings will use electronic methods as warranted by the ongoing COVID-19 pandemic

Organize an Agricultural Advisory Group to focus on the concerns and insights of farm operators and other agricultural professionals.

Conversations/interviews with agricultural operators through advisory group, workshops, and town hall meetings. Meetings will use electronic methods as warranted by the pandemic.

Virtual focus groups: in-person sessions will only be considered when public safety can be assured.

Project Public Website with regularly updated information on the project and opportunities for the public to share comments and reactions to interim products. ADA-accessible formats are included in outgoing information and opportunities for comment.

3. Major Groups to Engage and Methods

A holistic public engagement process requires a diverse group represented by various populations that are involved from start to finish. A process that involves diverse stakeholders assists in achieving a project that is reflective of the County’s diverse interests and ever-changing population. However, in order to effectively reach and involve various stakeholders, different types of specific engagement methods need to be used as their effectiveness can vary from one group to another. Major groups to engage and methods of engagement most likely to be successful are listed in the following table.

Methods identified in the matrix below will be adapted to virtual formats, as required under the ongoing COVID-19 pandemic. Additional methods may be explored using County-acquired formats such as social media, Qualtrics, and Polco. Recent scientific survey data from other projects will be used and informal surveys may be conducted.

Groups to Engage	Possible Engagement Methods					
	Online Survey or Interactive Website	Workshops	Technical Advisory Group	Agricultural Advisory Group	Other Meetings	Interviews/ One-on-One
State agricultural and water agencies (MDA, MDH, BWSR)			X			
Local agricultural and water agencies (VRWJPO, NCRWMO)		X	X		X	
Agricultural operators (Farmers)		X		X	X	X
Agricultural organizations		X	X	X		
Cities			X		X	
Townships					X	
Small public water Suppliers (e.g., Hampton, Randolph, and Vermillion)		X			X	X
Under-Represented Populations					X	X
General Public, including rural residents	X				X	

4. Key Questions to Ask

Once the methods of engagement have been identified, the key questions need to be created. Questions that are asked in the public engagement process must address the major concerns and issues of the proposed

project. Questions that do not necessarily lead discussions towards the end goals of learning about the major issues can result in a more disjointed discussion that lacks effectiveness which is why it is important that questions are well thought out and refined. Questions needs to be asked in such ways where they encourage participation and dialogue amongst those people asked to respond. They should also be asked in a way to solicit responses from a variety of groups rather than only a limited amount. Similar to the methods of engagement, some questions can be more effective than others in garnering a response from certain groups of individuals.

Project Issues to Address with Questions:

How to reduce the agricultural chemicals of concern to acceptable levels in groundwater
Roles for different stakeholders
Availability of technical and outreach assistance, cost-share funding
Effective strategies that have been implemented elsewhere
Effective incentives or penalties to motivate agricultural operators to shift practices? Economic trade-offs and impacts?

Questions for Agricultural Operators and other Ag Professionals

The agricultural chemicals that are problems in Dakota County when they leach into groundwater are nitrate from nitrogen fertilizer and, to a lesser extent, crop herbicides and their breakdown products and chloride from potassium chloride fertilizer.

The Dakota County objectives for nitrate in groundwater are 1) for nitrate in shallow groundwater (less than 20 feet below the water table) to be below the drinking water standard (10 mg/L) and 2) for the percentage of household drinking water wells that exceed the drinking water standard to be below 5% in every township and city.

Questions for Agricultural Operators and other Ag Professionals
1) Nitrate and General Soil Health
<p>What practices are most Dakota County farmers currently using? (See list below)</p> <ul style="list-style-type: none"> ✓ Following recommended fertilizer practices (source, rate, timing, credits, placement, etc.) ✓ Using nitrogen fertilizer inhibitors or stabilizers ✓ Soil tests ✓ Nitrate tests ✓ Tissue tests ✓ Variable rate fertilizer applications ✓ Preserving or restoring wetlands in agricultural areas ✓ Transitioning from annual to perennial crops (food, forage, biomass) ✓ Establishing cover crops such as rye, oats, or radish ✓ Improving genetic diversity of crops ✓ Increasing continuous cover (including crop rotation, perennial crops, and cover crops) ✓ Retiring crop land (including conservation easements) <p>Other practices that are demonstrated to reduce leaching of agricultural chemicals to the groundwater (Please specify).</p>
What practices do you think most farmers <u>should</u> adopt? (Same list as above.)
What practices do you think farmers would adopt if cost-share funds and technical assistance were available?
Are you currently working with the Dakota SWCD on any projects, or have you worked with them recently?

Questions for Agricultural Operators and other Ag Professionals
2) Incentives and Regulation
Dakota County is considering both incentives and regulation (carrots and sticks). Regulation would only go into effect if nitrate levels in shallow groundwater did not have a downward trend in a reasonable amount of time (for example, 5 years).
What do you think of the requirements listed below?
<ul style="list-style-type: none"> ✓ Testing irrigation well water samples for nitrate ✓ Soil nitrate tests ✓ Maintaining records of nitrogen use, including rates, credits, sources, timing, and placement ✓ Developing and implementing irrigation and nutrient management plans ✓ Attending annual continuing education programs ✓ Other requirements to be developed
3) Crop Herbicides
Do you follow best management practices for crop herbicides?
Do you use Integrated Pest Management?
Do you update your weed management programs regularly?
4) Chloride (from potassium chloride – potash – fertilizer)
Do you test your soil before applying potassium fertilizer?
What source of potassium fertilizer do you use? (In other words, potassium chloride – potash – or potassium sulfate, or another form?)
What could be done to make you choose a potassium source other than potassium chloride (potash)?
5) Organic Farming
Are you interested in adopting organic farming, if you're not already?
What are the barriers to adopting organic farming?
6) Irrigation Management
What practices/tools/resources do you or others in Dakota County currently use for Irrigation Water Management (IWM)?
What would make it easier for Dakota County irrigators to do IWM?

Questions for Other Key Audiences

Audience	Key Questions
Rural residents who are not farmers	How important is the issue of agricultural chemicals in your drinking water to you? Have you had your drinking water well tested? Do you use a treatment system for your drinking water? Do you think farmers should be required to change their practices, or should changes be voluntary?
State Agencies Local agencies (WMOs, others) Public water suppliers Township Boards	What is your agency's role in protecting drinking water from agricultural chemicals? What programs/resources does your agency have to assist with the issues? What recommendations do you have for actions Dakota County could take? What timeframe do you think is practical to see improvements in groundwater?

DRAFT

5. Action Plan by Project Phases

ACRE PLAN PROJECT PLAN PHASES	TIMEFRAMES (BY)
Start-Up: organize scope, needs, process, team, roles, sequence, products	Q1 2021
1. Identify stakeholders, organize engagement approach	
2. Develop Draft Public Engagement Plan	
3. Post Request for Proposals (RFP) for public engagement consultant; and select and contract preferred consultant to support public engagement	Q2-Q3, 2021
Research: conduct technical research on problem, develop stakeholder engagement materials and conduct research on stakeholder perceptions of problem and thoughts on potential opportunities and solutions	
1. Meet with consultant - finalize the Public Engagement Plan and the implementation structure/schedule; develop engagement meeting materials.	
2. Update Planning Commission on ACRE plan and the public engagement process	
3. Conduct stakeholder engagement sessions to answer key questions described in Section 4, above	
4. Conduct two to four meetings each with the Technical Advisory Group and Agriculture Advisory Group throughout the stakeholder engagement process.	Q4, 2021
5. Analyze and summarize technical research findings and stakeholder engagement sessions to inform the development of the draft ACRE Plan goals and strategies.	
Draft Goals and Strategies: from engagement efforts and technical research, assemble most effective and feasible strategies into a comprehensive package, including alternatives. Engage stakeholders on draft package	
1. Review technical research and stakeholder engagement findings with the Planning Commission and County Board of Commissioners.	Q1-Q2, 2022
2. Develop draft goals and strategies based on stakeholder, Planning Commission, and County Board of Commissioners feedback.	
3. Conduct up to two meetings with the Technical Advisory Group and Agriculture Advisory Group on draft goal and strategy development; reengage with the other stakeholder groups identified in Section 3 if determined necessary.	
Draft Plan Review and Adoption: Develop Plan document with clear problem statements, proposed solutions (goals and strategies), and implementation path	
1. Present draft plan to Planning Commission and the County Board of Commissioners, seek recommendation on plan release for public review and comment (60-day period).	
2. Conduct 60-day review with notification to all stakeholders	
3. Compile and summarize comments. Identify any needed changes to the document	
4. Present comment summary and final plan to the Planning Commission and the County Board of Commissioners and seek recommendation on ACRE plan adoption.	

6. Available Resources and Budget

ERD plans to use approximately \$20,000 to \$25,000 in the 2021 Groundwater Protection Unit budget for consulting services. Planning staff has experience with stakeholder engagement in previous county plans. ERD staff created this proposed public engagement plan and will contract with a consultant who specializes in stakeholder engagement to enhance and implement this plan. The ERD project team and consultant will be primarily responsible for the stakeholder engagement process. The Dakota County Planning Commission, Dakota County Board of Commissioners, Senior Management, Communications Department, and County Manager will also be informed of the engagement process.

DRAFT

DAKOTA COUNTY PLANNING COMMISSION

5/27/21 AGENDA ITEM: New Commissioner Orientation Materials and Procedures

PURPOSE

Provide Planning Commission:

1. With an overview of New Planning Commissioner orientation materials.
2. With an overview of New Planning Commissioner orientation procedures.

BACKGROUND

In the winter of 2019, staff began developing a New Planning Commissioner Guidebook in order to assist with the onboarding of newly appointed Planning Commissioners. The guidebook includes information that is intended to be helpful to newly appointed commissioners. These materials range from a summary of the Planning Commission's purpose, an overview of the Physical Development Division, information about the Open Meeting Law, the County's Planning Commission Ordinance and By-Laws, and much more.

At the request of the Planning Commission, staff is reviewing these materials more closely along with the roles of staff and Planning Commissioners in welcoming and orienting new Commissioners.

Staff request feedback on the materials included in the New Commissioner Guidebook and procedures for orienting new Commissioners.

ATTACHMENTS

1. Newly Appointed Planning Commissioner Guidebook
2. PowerPoint Presentation Slides

QUESTIONS

The following questions are intended to help assist in review of the packet materials.

1. Are the materials provided in the guidebook sufficient? Is there any information that you feel is missing? Is there any information that you think is not necessary? Does it answer all of the questions you may have had when you were newly appointed to the Commission?
2. Do you think that the County Staff portion of orientation procedures is sufficient?
3. What role should current Planning Commissioners, specifically the Vice-Chair, play in orienting newly appointed members?

XXXXX XX, 2021

Greetings Commissioner XXXXX:

Welcome to the Dakota County Planning Commission and congratulations on your appointment! As a Planning Commissioner you will have the opportunity to advise the County Board on plans and policies related to Parks, Greenways, Natural Resources, Transportation, and other topics to serve Dakota County residents.

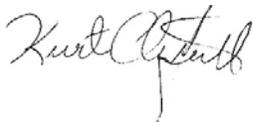
To help you begin County Staff have prepared this handbook that describes the role and function of the Planning Commission, administrative procedures, and the structure of the County's Physical Development Division where most plans are implemented.

If you have any questions you can contact myself or Administrative Services Coordinator Liz Hansen. You can do this by emailing PlanningCommission@co.dakota.mn.us. If you would like to contact me directly my number is 952-891-7022 or via email at Kurt.Chatfield@co.dakota.mn.us

I look forward to working with you and thank you for serving on the Dakota County Planning Commission.

Sincerely,

Kurt

A handwritten signature in cursive script that reads "Kurt Chatfield".

Kurt Chatfield
Planning Manager

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The Planning Commission's Role

The Dakota County Planning Commission is an advisory committee that serves the Dakota County Board. The Planning Commission provides comments and recommendations on Dakota County plans and policies that relate to the natural and physical Infrastructure of the County. The plans range from large all-encompassing plans such as Dakota County's Comprehensive Plan, which is updated according to State law every 10 years, to individual plans for parks, the environment, transportation, and natural resources.

The Planning Commission and Planning Commissioners are subject to County Ordinance #118, as adopted by the Dakota County Board of Commissioners. This ordinance is "required reading" for new Planning Commissioners as it describes the powers and duties of the Planning Commission, the role of Planning Commission officers and expectations for individual members. The Planning Commission has also adopted its own by-laws that guide how the Planning Commission conducts its work. Ordinance #118 is included in this packet and available on the County Website.

The Commission's Structure

The Planning Commission has 14 members, with 2 members from each of the 7 County Districts serving on the Commission. As a 14-member committee, a quorum of 8 members is necessary in order to hold an official meeting and make advisory recommendations. At the first meeting of each year, the Planning Commission elects three officers. Each officer serves a one (1) year term and cannot serve more than two (2) consecutive terms in any one officer position. The officers and their duties are as follows:

- Chair: The Chair presides at all meetings and performs other duties as the Planning Commission directs.
- Vice-Chair: The Vice-Chair serves as Chair should the elected Chair be absent, and in the case the Chair's position becomes vacant they serve as Chair until a successor is elected or until the end of the term.
- Secretary: The Secretary is responsible for signing all official records of the Planning Commission and reviews all meeting minutes that are prepared by County staff.

Annual Work Plan

Every year the County Board of Commissioners adopts an Annual Work Plan for the Planning Commission. The Annual Work Plan is the County Board's direction to the Planning Commission as it identifies the plans, studies, and policies through which the County Board seeks advice and recommendations. The Planning Manager presents the Annual Work Plan at the first meeting of the year in January. During some years the County Board may make a mid-year addition to the Annual Work Plan to address an emerging issue of which it seeks the Planning Commission's assistance. The Planning Manager will alert the Planning Commission to any changes or additions to its Annual Work Plan.

Meetings

The Planning Commission meets once per month, typically on the fourth Thursday of the month at 7pm. The official meeting dates and times are set by the Planning Commission at their first meeting of the year in January. Planning Commission meetings are led by the Planning Commission Chair and usually consist of two or three topics presented by County staff. The Planning Manager is the main point of contact between the Planning Commission and other County staff. One week before each meeting Planning Commission members receive an agenda and materials to review. The Planning Commission uses Roberts Rules of Order so that meetings are fair, efficient, and orderly.

Normally Planning Commission meetings are held at the Dakota County Western Service Center in Apple Valley. Meetings during COVID have been conducted on Zoom. Several days before the meeting Liz Hansen will send a Zoom link that Planning Commissioners will use to attend the meeting. Liz will also ask for an RSVP from each Planning Commissioner. It is important to respond to this RSVP because it alerts staff and the Planning Commission Chair whether there will be enough members present to hold a quorum. If there are not enough Planning Commissioners to reach a quorum the Planning Commission meeting may be canceled as the group is not able to make advisory recommendations without achieving quorum.

A typical meeting will start with a roll call and the Pledge of Allegiance. There will be a public comment period, approval of the agenda, and review of the previous meetings' minutes. Next, the Planning Commission will review the plans or policies on its agenda, making comments and recommendations as necessary. This is the bulk of the meeting. At the conclusion of the meeting the Planning Manager will provide an overview of recent actions taken by the County Board, upcoming public meetings and open houses, and items for next month's agenda. Planning Commissioners will have the opportunity to make announcements about topics of interest or meetings that they plan to attend. The meeting will close with a motion to adjourn.

Open Meeting Law

As an appointed body of a local government the Dakota County Planning Commission is subject to Minnesota's Open Meeting Law. In short, this law exists to provide the public with access to government meetings and to provide transparency in government. In practice this means that meetings need to be advertised in advance and open to the public. It also means that Planning Commissioners need to conduct their business in public and at no time should 8 or more members gather to conduct business outside of this forum. While smaller groups of Planning Commissioners are permitted to have discussions outside of public meetings, it is important for Planning Commission members to be aware that email communication that is shared between members in a chain like manner may be considered a violation of open meeting law and should be avoided. As such, Planning Commissioners are encouraged to communicate directly with the Planning Manager who will use the Planning Commission's monthly meeting agenda to create a forum. More information about the Open Meeting Law from the Research Department of the MN House of Representatives is included in this resource packet.

What are some of the plans that the Planning Commission reviews?

Here is a list of plans that have recently been before the Planning Commission:

- Dakota County Comprehensive Plan
- Groundwater Plan
- Solid Waste Master Plan
- Parks Visitor Services Plan
- Parks County-wide Natural Resources Management Plan
- River to River Greenway Natural Resources Management Plan
- Lake Byllesby County Park Plan
- Thompson County Park Plan
- East West Transit Study
- CSAH 42 Corridor Study
- School Zone Safety Study (Transportation)

The following link will take you to agendas and materials from previous Planning Commission meetings to give you a sense of the Planning Commission's recent work:

<https://www.co.dakota.mn.us/Government/CAC/Planning/Pages/planning-commissioner-meeting-schedule.aspx>

What happens after the Planning Commission recommends that a plan be adopted?

After a plan has been recommended for adoption by the Planning Commission it moves to a County Board Committee of the whole, the Physical Development Committee, consisting of all seven Commissioners. If the Physical Development Committee approves the plan it is likely that the plan will be officially adopted by the County Board at the following meeting. Often plans that are adopted by the County Board are then submitted for approval by regional or federal agencies such as the Metropolitan Council, MPCA, BWSR, or FEMA. Once plans are approved by those agencies, the County Board may schedule improvements identified in plans using the County's 5-year Capital Improvement Program, commonly known as the CIP.

What is the Dakota County Physical Development Division?

The majority of plans and policies that are reviewed by the Planning Commission originate from within the Physical Development Division. There are four main departments in the Physical Development Division: Transportation, Administration, Parks Facilities and Fleet (PFF), and Environmental Resources. The Physical Development Division provides 49 separate programs and services to both internal and external customers.

The Division's current year Budget and CIP Information are available here:

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

Transportation

The Transportation Department is managed by the Director of Transportation who serves as the County Engineer (Mark Krebsbach). The Transportation Department is made up of the following groups:

- Program, Planning, Traffic, Design and Right of Way.
- Operations: Construction and Maintenance
- Survey
- Regional and Multimodal Office

The Transportation Department plans, manages, constructs and maintains the County's Physical transportation infrastructure, such as roads, trails, and bridges. The Department works with other agencies to plan transit options including bus services to County residents and business. The Department provides surveying services to other County departments as well as the general public.

Administration

The Administration Department is managed by the Administration Director (Erin Stwora) who serves as the Division's Deputy Director. Physical Development Administration is made up of the following groups:

- Office of Planning
- Contract Services
- Administrative Coordinating Services (ACS)
- Budget and Financial Oversight

The Administration Department provides general and specialized support and oversight for the entire Division. The Department provides direct service to the Division by processing all contracts. ACS staff provide direct program support across numerous programs and staff the front desk of multiple offices and facilities for the division. The Admin Department helps each Department manage its budget process. Finally, the Office of Planning provides planning services for plans across the entire division. Many of these plans are brought before the Planning Commission. Due to the close relationship between the Office of Planning and the Planning Commission, the Planning Manager (Kurt Chatfield) serves as the Staff Liaison to the Planning Commission. Liz Hansen who serves as the Clerk to the Planning Commission is also Clerk to the Physical Development Committee of the County Board.

Parks, Facilities and Fleet

The Parks, Facilities and Fleet (PFF) Department is managed by the Parks, Facilities and Fleet Director (Taud Hoopingarner). The PFF Department is made up of the following groups:

- Facilities
- Capital Project Management
- Fleet
- Parks, including Visitor Services and Natural Resources

Essentially, PFF provides general operations for Countywide services, as well as operating County Parks. Facilities provides maintenance and other services to County buildings. The Capital Projects Group

provides facility planning along with project management for County Buildings. Fleet provides vehicle and equipment management, maintenance, and purchasing for all County vehicles such as Sheriff Office patrol vehicles and the Transportation Department's tandem snowplows and other major pieces of equipment other Departments or Divisions may have. The Parks Department is led by the Parks Director (Steve Sullivan), who manages Parks Visitor Services and the County's Parks and Greenway system.

Environmental Resources

The Environmental Resources Department is managed by the Environmental Resources Director (Georg Fischer). The Environmental Resource Department is made up of the following groups:

- Waste Regulation
- Water Resources
- Environmental Initiatives
- Land Conservation
- Groundwater Protection
- Vermillion River Watershed Joint Powers Organization

The Environmental Resources Department provides environmental protection services to protect the environment within the County for the benefit of all. Waste Regulation performs regulatory functions for Solid and Hazardous Waste within the County. Environmental Initiatives provides education and outreach to reduce waste generation and increase recycling in homes, businesses, and schools. Land Conservation assists with Land Acquisition for County Parks, as well as establishing conservation easement on private lands. Water Resources provides protection of surface water, as well as managing the Bylesby Dam in Randolph Township. Groundwater Protection provides protection of ground drinking water. Finally, the Vermillion River Watershed JPO implements the Watershed's management plan and supports the Joint Powers Board.

What Else Should I Know?

All official communications about the Planning Commission will come from the PlanningCommission@co.dakota.mn.us email address. You can always email this inbox with any questions or concerns you have, as well as contacting the Planning Manager or Clerk directly.

Commissioners receive a \$35 Per Diem for attendance at regular and special meetings of the Planning Commission. To receive the per diem, each Commissioner must certify their attendance at a meeting by signing in on an attendance sheet.

There are periodically off-site meetings for tours at other County facilities or parks. You will be informed of any meetings that do not occur at Western Service Center well in advance of the meeting, and the County will typically provide transportation from the Western Service Center to the alternative site and then back to the Western Service Center.

In the event of an Emergency Order, such as in response to COVID, Planning Commission meetings may take place remotely using electronic or other means. In this event, Staff will provide details in advance

of the meeting. The County currently utilizes Zoom to conduct its virtual meetings. More information about how to take part in these virtual meetings is included later in this packet and is provided prior to each meeting. Commissioners are still eligible for Per Diem if attending meetings remotely.

Paperwork

Planning Commissioners have some paperwork that is needed. These documents are listed below:

Annual Paperwork:

Each year, Planning Commissioners complete a Statement of Representation form to determine eligibility for Per Diem and to identify any Conflicts of Interest. There is also a Consent to Release Private Data which is required for staff to compile a Contact List to distribute to the Planning Commissioners.

One-time Form:

Substitute Form W9, this form is required to receive your Per Diem and to establish you in the County's Person/Entity Identification Database.

Virtual Meetings during Emergency Orders

In the event of an emergency, such as the Public Health Emergency around as we are experiencing with the COVID-19 Pandemic, Planning Commission meetings are held remotely using electronic or other means. Dakota County is currently conducting its Virtual Public Meetings utilizing Zoom.

If you have questions about if the technology you have is sufficient to take part in Zoom Meetings, please refer to this system requirements page: <https://support.zoom.us/hc/en-us/articles/201362023-System-requirements-for-Windows-macOS-and-Linux>

The week of the meeting, staff will send an email with information similar to what is provided in this packet that includes information about how to join the meeting, when to join, and how the meeting will take place.

Typically, this email will include the Zoom Meeting Link, a password, as well as information about how to join the meeting by phone if you encounter technical issues.

As these are legally open public meetings, the general public is welcome to attend the meeting virtually as well. If you know of residents that would like to participate or view the meeting, they can join the meeting by emailing PlanningCommission@co.dakota.mn.us prior to 6:00pm on the day of the meeting. Staff will respond to their email and provide the information that they need to join the meeting. Please do not directly share the meeting link with others as we are trying to maintain security and prevent interruptions by non-meeting participants, a security limitation of the Zoom meeting platform.

For virtual meetings we ask that you please sign on to the Zoom Meeting by **6:45 pm** so that we can ensure everyone's audio is functioning correctly (meeting begins at 7:00 pm).

When joining the meeting, you will be prompted to show a display name for the meeting. Please enter "Commissioner" followed by "Your Last Name" so that members of the public observing the meeting know that you are a member of the Planning Commission.

Zoom meetings can have a lot of unintended background noise. Please mute your microphones when not talking.

As with in-person meetings Robert's Rules of Order will be followed but adapted for the remote meeting format:

- If you wish to comment, you can virtually "raise your hand" using the built-in Zoom Feature
- Please identify yourself at the beginning of your statement to identify yourself for viewers of the meeting
- Indicate when you are done with your comment and re-mute your microphone

Voting on items in virtual meetings looks different from what is typically done at in person meetings. When a motion or vote is needed, the Chair will state that they are looking for a motion. At this time, all members of the Commission are free to unmute themselves if they intend to make a motion.

- If you desire to make a motion, state “Motioned by Commissioner ____” or “Commissioner ____ moves”
- The Chair will then recognize the motion, repeat it, and look for a second.
- If you wish to second, follow the same process as above by stating “Seconded by Commissioner ____” or “Commissioner ____ seconds”
- The Chair will recognize the second and repeat it.
- Once a motion is seconded, as usual, the Chair will look for further discussion. If you have a comment at this time, once again, ask the Chair for permission to speak.
- Once there is no additional discussion, the Chair will call for a vote.

All votes taken during the Virtual Planning Commission Meetings will be Roll Call Votes. This will take some time, but we have received direction from our County Attorney’s Office that we are legally required to use this method.

- The Chair will call for a vote by asking the Clerk to call the roll
- When your name is called, please respond with Aye/Yes, or Nay/No, or Abstain

Planning Commission Work Plan

Board Goal	Committee's Goal for 2021	Project/Activity	Outcome Measure	Timeline
A Healthy Environment with Quality Natural Areas	Spring Lake Park Reserve Master Plan	Update Spring Lake Park Reserve Master Plan	Recommendation to PDC	Q1
	Spring Lake Park Reserve Natural Resource Management Plan	Prepare assessment and plan to restore and manage natural resources in Spring Lake Park Reserve	Recommendations to PDC	Q1
	Park Ordinance (Phase II)	Update park ordinance	Recommendation to PDC	Q1-Q3
	Miesville Ravine Park Reserve Natural Resource Management Plan	Prepare assessment and plan to restore and manage natural resources at Miesville	Recommendation to PDC	Q3-Q4*
	North Creek Greenway Natural Resource Management Plan	Prepare assessment and plan to restore and manage natural resources.	Recommendation to PDC	Q1-Q4
	Lake Marion Greenway Natural Resources Management Plan	Prepare assessment and plan to restore and manage natural resources.	Recommendation to PDC	Q1-Q4
	Vermillion River Greenway Natural Resources Management Plan (Hastings)	Prepare assessment and plan to restore and manage natural resources.	Recommendation to PDC	Q1-Q4
	Park System Plan Update	Review research findings in preparation for plan amendment	Review and comment to PDC	Q4*
	Veterans Memorial Greenway	Review alignment amendment	Recommendation to PDC	Q2-Q4
	Land Conservation Plan - Criteria	Review evaluation criteria and scoring	Review and comment	Q1-Q2
	Groundwater Protection Plan – Program Development	Establish Agricultural Chemical Reduction Effort (ACRE)	Recommendation to PDC	Q2-Q4
Great Place to Live	Comprehensive Plan Transportation Chapter	Update Comprehensive Plan – Transportation Chapter	Recommendation to PDC	Q1
	School Zone Safety Study	Evaluate County transportation facilities near schools	Review and comment to PDC	Q1-Q2
	Regional Roadway Visioning Study Update	Update Regional Roadway Visioning Study in northeast Eagan and northwest Inver Grove Heights	Review and comment to PDC	Q3-Q4
	County Road 42 Visioning Study	Evaluate and plan for highway and multi-modal improvements to CSAH 42.	Review and comment to PDC	Q1-Q4
Excellence in Public Service	All-Hazard Mitigation Plan	Update All-Hazard Mitigation Plan	Recommendations to PDC	Q2-Q4*

* Indicates that project will extend into 2022 work plan.

Relevant Plans to Planning Commissioners



Plan Name	URL to Access Plan PDF on County Website
Transportation	
Regional Roadway System Visioning Study	https://www.co.dakota.mn.us/Transportation/TransportationStudies/Documents/RegionalRoadwaySystemVisioningStudy.pdf
Pine Bend Arterial Connector Study	https://www.co.dakota.mn.us/Transportation/TransportationStudies/Past/Documents/PineBendArterialConnectorStudyReportFinal.pdf
Rosemount/Empire/Umore Area Transportation System Study	https://www.co.dakota.mn.us/Transportation/TransportationStudies/Documents/RosemountFinalReport.pdf
Dakota County Principal Arterial Study	https://www.co.dakota.mn.us/Transportation/TransportationStudies/Past/Documents/PrincipalArterialStudyFinalReport.pdf
Diffley Road School Area Improvements	https://www.co.dakota.mn.us/Transportation/PlannedConstruction/CR30Braddock/Documents/DiffleyRoadSchoolAreaImprovementsFinalStudyReport.pdf
East-West Transit Study	https://www.co.dakota.mn.us/Transportation/Transit/East-West/Documents/EastWestTransitFinalReport.pdf
2040 Transportation Plan and 2040 Comprehensive Plan Transportation Chapter Update	https://www.co.dakota.mn.us/Transportation/PlanningPrograms/2040TransportationPlan/Documents/DraftTransportationPlan.pdf
Environmental Resources	
Groundwater Protection Plan	https://www.co.dakota.mn.us/Environment/WaterResources/WellsDrinkingWater/Documents/DraftGroundwaterPlan.pdf
Land Conservation Plan	https://www.co.dakota.mn.us/Environment/LandConservation/Plan/Documents/LandConservationPlanDraft.pdf
Solid Waste Master Plan	https://www.co.dakota.mn.us/Environment/ReportsStudies/solid-waste-master-plan/Documents/SolidWasteMasterPlan.pdf
Vermillion River Watershed Management Plan	http://www.vermillionriverwatershed.org/wp-content/uploads/2020/03/FINAL-VRW-Watershed-Management-Plan_updated-Standards_19-9-25-web.pdf
Aquatic Invasive Species Plan	https://www.co.dakota.mn.us/Environment/WaterResources/AIS/Documents/AquaticInvasiveSpeciesDraftPlan.pdf
Parks	
Visitor Services Plan	https://www.co.dakota.mn.us/parks/About/VisitorServices/Documents/ParksVisitorServicesPlan.pdf
Natural Resource Management System Plan	https://www.co.dakota.mn.us/parks/About/ResourcePlans/Documents/NaturalResourcesManagementReport.pdf

Other Plans	URL to Access Plan Pages on County Website
Transportation	
Cliff Road Study – Lexington to TH 3	https://www.co.dakota.mn.us/Transportation/TransportationStudies/Current/Pages/cliff-road-corridor.aspx
County Road 33 Roundabout Feasibility Study	https://www.co.dakota.mn.us/Transportation/TransportationStudies/Current/Pages/cr-33-roundabout-feasibility-study.aspx
School Safety Assessment	https://www.co.dakota.mn.us/Transportation/TransportationStudies/Current/Pages/school-safety-assessment.aspx
County Road 42 Visioning Study	https://www.co.dakota.mn.us/Transportation/TransportationStudies/Current/Pages/county-highway-42-visioning-study.aspx
Current Road Studies	https://www.co.dakota.mn.us/Transportation/TransportationStudies/Current/Pages/default.aspx
Past Road Studies	https://www.co.dakota.mn.us/Transportation/TransportationStudies/Past/Pages/default.aspx
Parks	
Spring Lake Park Reserve Master Plan	https://www.co.dakota.mn.us/parks/About/ParkMasterPlans/Pages/spring-lake-park-master-plan.aspx
Spring Lake Park Reserve Natural Resource Management Plan	https://www.co.dakota.mn.us/parks/About/ParkMasterPlans/Pages/spring-lake-park-master-plan.aspx
Spring Lake Park Reserve Traditional Cultural Lands Study	https://www.co.dakota.mn.us/parks/About/ParkMasterPlans/Pages/spring-lake-park-master-plan.aspx
Greenway Plans	https://www.co.dakota.mn.us/parks/About/TrailPlanning/Pages/default.aspx
Park Master Plans	https://www.co.dakota.mn.us/parks/About/ParkMasterPlans/Pages/default.aspx
Natural Resource Management Plans	https://www.co.dakota.mn.us/parks/About/ResourcePlans/Pages/default.aspx

ORDINANCE NO. 118

DAKOTA COUNTY PLANNING COMMISSION

The County Board of Dakota County Ordains:

ARTICLE 1. Authority.

This ordinance is adopted pursuant to Minn. Stat. § 394.30 and Laws of Minnesota 1974, chapter 296, section 1.

ARTICLE 2. Composition.

2.1 Membership.

The Planning Commission shall consist of two (2) members from each County Commissioner district appointed by the County Board. The members shall be residents of the County Commissioner district from which they are appointed. No more than one (1) member shall be an officer or employee of Dakota County.

2.2 Term.

The members of the Planning Commission, except as otherwise provided in this paragraph, shall be appointed for one-year terms, which shall begin on the first Tuesday following the first Monday in January of each year. A member shall also serve after the expiration of a term until a successor is appointed and qualified. The terms of office of persons who are members of the Planning Commission on December 11, 2012, shall end on the first Tuesday following the first Monday in January 2013.

2.3 Residency Requirement.

The members of the Planning Commission shall remain residents of the districts from which they were appointed.

2.4 Conflict of Interest.

No member of the Planning Commission shall have received, during the two (2) years prior to appointment, any substantial portion of income from business operations involving the development of land within Dakota County for urban or urban related purposes. No member of the Planning Commission may participate in any proceeding in which the member has a direct interest in its outcome.

2.5 Removal.

The County Board, by resolution, may remove any Planning Commission member for the nonperformance of duty, misconduct in office, for engaging in conduct detrimental to the accomplishment of the Planning Commission's mission or for engaging in conduct which is contrary to the County Board statement of expectations set forth in Dakota County Policy #1015. The County Board will conduct a hearing prior to any vote to remove a member pursuant to this section if the member requests a hearing.

2.6 Vacation of Office.

Any member missing three (3) consecutive regular or special meetings or 50% of the meetings during any consecutive twelve (12) month period shall have automatically vacated the office of Planning Commission member. Any member voluntarily resigning shall have automatically vacated the office of Planning Commission member. Any member who fails to maintain a principal residence within the County Commissioner district from which the member was appointed shall have automatically vacated the office of Planning Commission member.

2.7 Vacancies.

The Planning Manager or designee shall notify the Chair of the County Board of any vacancy on the Planning Commission. The County Board may fill such vacancy by appointment for the unexpired portion of the term. The appointee must be a resident of the County Commissioner district in which the vacancy occurred.

2.8 Oath of Office.

Every member of the Planning Commission, before entering upon the discharge of duties, shall take an oath that the member will faithfully discharge the duties of the office.

2.9 Compensation.

Members of the Planning Commission shall be compensated pursuant to Dakota County Policy #1015.

ARTICLE 3. Organization and Meetings.

3.1 Officers.

At its first meeting of the year the Planning Commission shall elect a chair, a vice-chair and a secretary from among its members. Officers shall take office immediately following election and shall serve for a term of one (1) year and until their successors are elected. Officers may serve for no more than two (2) consecutive one-year terms in any one Officer position. The chair shall preside at all meetings and perform such other duties as the Planning Commission may direct. The vice-chair shall act in the capacity of the chair in the absence of the chair. If the office of chair becomes vacant, the vice-chair shall proceed to this office for the unexpired term and a successor to the office of vice-chair shall be elected for the unexpired term.

3.2 Meetings.

The Planning Commission shall adopt a regular meeting schedule, based upon the recommendation of the Planning Manager. Special meetings may be held on reasonable notice by the chair or by a majority of the Planning Commission upon terms and conditions as the Planning Commission may determine. The Planning Commission shall adopt rules for the transaction of business and shall keep a record of its transactions and findings. A quorum of the Planning Commission shall consist of at least eight (8) members. The Planning Commission shall be subject to the requirements of the Open Meeting Law, Minn. Stat. ch. 13D.

ARTICLE 4. Committees.

The Planning Commission may create committees to study and report on projects, plans and programs under consideration by the Planning Commission. Committee members are not entitled to compensation pursuant to Paragraph 2.9 of this Ordinance for attending committee meetings.

ARTICLE 5. Powers and Duties.

5.1 Comprehensive Plan.

As directed by the County Board, the Planning Commission shall prepare and make recommendations to the County Board for adoption: (a) comprehensive plans, including any amendments thereto; (b) any subsidiary plans relating to the natural and physical infrastructure of Dakota County, including any amendments thereto; and (c) official controls and other measures to implement the comprehensive plan and subsidiary plans.

Subsidiary plans relating to the natural and physical infrastructure of Dakota County include, but are not limited to: transportation; transit; regional and county parks; trails and greenways; open space (natural areas and farmland); water resources; and environmental management.

5.2 Policy Oversight.

Consistent with the direction provided by the County Board, the Planning Commission shall review and make recommendations to the County Board regarding the adoption of or the amendment of policies related to managing and improving the natural and physical infrastructure of Dakota County.

5.3 Capital Projects and Programs.

As directed by the County Board, the Planning Commission shall review capital project and/or program proposals. In conducting any requested reviews, the Planning Commission shall act as an oversight committee, providing recommendations that align with County goals and serve the long-term interests of maintaining and improving the natural and physical infrastructure of Dakota County.

5.4 New Initiatives.

As directed by the County Board, the Planning Commission shall review emerging issues and provide recommendations to address those issues.

5.5 Conditional Use Permits.

The Planning Commission shall review all applications for conditional use permits under the Dakota County Shoreland and Floodplain Management Ordinance and report thereon to the County Board.

5.6 Requests to Change Name of County Road.

The Planning Commission shall review and hold a public hearing on all requests to change the name of a county road submitted to Dakota County pursuant to the Dakota County Uniform Street Naming and Addressing System (USNAS) Procedural Manual; and provide its recommendations to the County Board.

5.7 Other.

The Planning Commission shall review any other matters referred to it by the County Board and report thereon as directed. When requested by the County Board, the Planning Commission shall consult with the County Board or a designated County Board committee regarding the matters that the County Board directed the Planning Commission to examine and report on.

ARTICLE 6. Amendments to Planning Commission Ordinance.

Amendments to the Planning Commission Ordinance shall be made in accordance with Minn. Stat. § 375.51 and Dakota County Policy #1017.

ARTICLE 7. Severability.

Should any section of this Ordinance be held unconstitutional or void, the remaining provisions shall nevertheless remain in full force and effect.

ARTICLE 8. Ordinance Repealed.

Ordinance No. 118 Establishment of the Dakota County Planning Commission is hereby repealed and the above is substituted in its place.

ARTICLE 9. Effective Date.

This ordinance becomes effective from and after its passage and publication in accordance with Minn. Stat. § 375.51.

Passed by the Board of County Commissioners of Dakota County this 21st day of June 2005.

Amended by the Board of County Commissioners of Dakota County this 23rd day of October 2012, with said amendments being effective January 1, 2013.

Amended by the Board of County Commissioners of Dakota County this 11th day of December 2012, with said amendments being effective January 1, 2013.

ATTEST:
COUNTY OF DAKOTA, STATE OF MINNESOTA

Kelly D. Olson
Senior Admin. Coordinator to the Board
Date: _____

Nancy Schouweiler, Chair
Dakota County Board of Commissioners
Date: _____

Approved as to Form/Date
Assistant County Attorney

Approved as to Execution/Date
Assistant County Attorney

DAKOTA COUNTY PLANNING COMMISSION BY-LAWS (June 27, 2019)

County Board Actions:

WHEREAS, on June 21, 2005, the Dakota County Board of Commissioners (the "Board") continued the establishment of the Dakota County Planning Commission (the "Commission") by adoption of Ordinance No. 118, pursuant to Minnesota Statutes Section 394.30.

WHEREAS, the Dakota County Board of Commissioners amended Ordinance 118, pursuant to Minnesota Statutes Section 394.30, on October 23, 2012 and on December 11, 2012.

Planning Commission Actions:

WHEREAS, the Planning Commission adopted By-Laws on August 23, 1978; and

WHEREAS, the Planning Commission amended its By-Laws on April 18, 1979; and

WHEREAS, the Planning Commission amended its By-Laws on May 25, 2006; and

WHEREAS, the Planning Commission believes it is appropriate to restate its By-Laws to conform them with various changes in laws and ordinances adopted by the Board since December 11, 2012;

NOW THEREFORE, BE IT RESOLVED by the Planning Commission that its By-Laws are restated as follows:

Article 1: AUTHORITY

- 1.1 Article 3.2 of Ordinance 118 and County Policy 1015 authorizes the Planning Commission to adopt rules for the transaction of its business.
- 1.2 If there is a conflict between any provision of any Minnesota statute, County ordinance, County Board of Commissioners' directive or County policy (collectively the "Governing Provisions") and any provision of these By-Laws, the Governing Provisions shall take precedence. To the extent reasonably possible, the By-Laws will be construed and constructed to supplement, rather than conflict with the Governing Provisions.

Article 2: COMPOSITION

The composition of the Commission is determined by the Ordinance 118, as follows:

2.1 Membership

The Planning Commission shall consist of two (2) members from each County Commissioner district appointed by the County Board. The members shall be residents of the County Commissioner district from which they are appointed. No more than one (1) member shall be an officer or employee of Dakota County.

2.2 Term

The members of the Planning Commission, except as otherwise provided in this paragraph, shall be appointed for one-year terms, which shall begin on the first Tuesday following the first Monday in January of each year. A member shall also serve after the expiration of a term until the successor is appointed and qualified.

2.3 Residency Requirement

The Members of the Planning Commissioner shall remain residents of the districts from which they were appointed.

2.4 Conflict of Interest

No member of the Commission shall have received, during the two years prior to appointment to the Commission, any substantial portion of income from business operations involving the

development of land within the County for urban or urban related purposes. No member of the Commission may participate in any proceeding in which the member has a direct interest in its outcome.

If a member has a conflict of interest, the member shall state that the member is abstaining from voting due to a conflict of interest. A member with a conflict of interest is not entitled to vote or participate in the Planning Commission proceeding. The member's presence at the meeting cannot be counted for quorum purposes for the matter under consideration.

2.5

Removal

The County Board, by resolution, may remove any Planning Commission member for the nonperformance of duty, misconduct in office, for engaging in conduct detrimental to the accomplishment of the Planning Commission's mission or for engaging in conduct which is contrary to the County Board statement of expectations set forth in Dakota County Policy #1015. The County Board will conduct a hearing prior to any vote to remove a member pursuant this section if the member requests a hearing.

2.6

Vacation of Office

Any member missing three (3) consecutive regular or special meetings or 50% of the Commission meetings in any twelve (12) months shall have automatically vacated the office of Commission member. Any member voluntarily resigning shall have automatically vacated the office of Planning Commission member. Any member who fails to maintain a principal residence within the County Commissioner district from which the member was appointed shall have automatically vacated the office of Planning Commission member.

2.7

Vacancies

The Planning Manager for the County or designee shall notify the Chair of the Board of any vacancies occurring in membership in the Commission. The County Board may fill such vacancies by appointment for the unexpired portion of the term.

2.8

Oath of Office

Every member of the Planning Commission, before entering upon the discharge of duties, shall take an oath that the member will faithfully discharge the duties of the office.

2.9

Compensation

Members of the Commission shall be compensated pursuant to the County's Policy #1015.

Article 3:

ORGANIZATION AND MEETINGS

3.1

Officers

At the first meeting of the year, the Planning Commission shall elect a chair, a vice-chair, and a secretary from among its members. Any member desiring to be nominated as an officer shall indicate such interest to the Planning Manager prior to the first meeting of the year. The Planning Manager will provide a means for indicating interest prior to the meeting. At the first meeting of the year, the list of members interested in serving as officers shall be read. The Planning Manager will ask the Commission if other members would like to be considered for an office. The floor shall then be open for nominations from the list and from additional members who express interest in holding an office. A nomination does not require a second by another member. If only one member is nominated for a certain office, the election shall proceed by voice vote. If more than one member is nominated for a certain office, the election shall proceed by ballot. The ballot shall state the voting member's name with a blank to write in the name of the person the member seeks to elect. The members shall continue to vote until one person receives a majority vote for the vacant office prior to moving to the election for the next vacant office. The Planning Manager shall conduct the first meeting of the year until the chair is elected, upon such election, the elected chair shall conduct the remainder of the first meeting.

Officers shall take office immediately following election and shall serve for a term of one (1) year and until their successors are elected. Officers may serve for no more than two (2) consecutive one-year terms in any one Officer position. The chair shall preside at all meetings and perform

such other duties as the Planning Commission may direct. The vice-chair shall act in the capacity of the chair in the absence of the chair. If the office of the chair becomes vacant, the vice-chair shall proceed to this office for the unexpired term and a successor to the office of vice-chair shall be elected for the unexpired term. The secretary of the Planning Commission shall be responsible for signing all official records of the Planning Commission and shall review all Planning Commission meeting minutes prepared by County staff.

3.2

Meetings

The Planning Commission shall adopt a regular meeting schedule, based upon the recommendation of the Planning Manager for the County. In the event of a conflict such as holidays, or when the business before the Planning Commission dictates, the chair of the Planning Commission may change the meeting date. Special meetings may be held on reasonable notice by the chair or by a majority of the Planning Commission upon terms and conditions as the Planning Commission may determine. The Planning Commission shall adopt rules for the transaction of business and shall keep a record of its transactions and findings. County staff shall be responsible for mailing by regular mail or email to each member of the Planning Commission or posting at the County's web site a notice and agenda for the meeting one week in advance of the scheduled meeting date. A quorum of the Planning Commission shall consist of at least eight (8) members. Voting shall occur by voice vote unless a member of the Planning Commission requests a roll call. A record of the roll call vote shall be kept as part of the minutes. Special meetings may be called by the chair and attendance at such meetings will be compensated, if any, pursuant to County Policy #1015. The Planning Commission shall be subject to the requirements of the Open Meeting Law, Minn. Stat. ch 13D. In the absence of the chair, the vice-chair shall conduct the meeting. In absence of both the chair and the vice-chair, the secretary shall conduct the meeting. If all three officers of the Planning Commission are absent from a meeting of the Planning Commission, the remaining members of the Planning Commission shall elect a chair to serve for the meeting. Meetings shall be conducted in accordance with Roberts Rule of Order. In the event of a conflict between Roberts Rules of Order and the By-Laws, the By-Laws shall prevail. Planning Commission meetings are generally held on the fourth Thursday of the month, from 7 to 9 PM.

The minutes of the Commission shall record the time, date and place of the meeting, the attendance of members and guests, the topics of the meeting, action taken or findings made, results of roll call votes, and a narrative of pertinent discussion, including summaries of comments made by the public at the meeting. A copy of the minutes for each meeting shall be sent by regular mail or by email to members of the Commission or posted at the County's web site and sent to the Clerk of the Board for distribution to the Board. An official transcript shall be taken of any public hearing conducted by the Commission.

A County employee shall keep records in the minutes of attendance at Commission meetings and of resolutions, transactions, findings, and determinations showing the vote of each member present on each question requiring a vote by roll call, and what members, if any abstain from voting. All records of the Commission shall be available for public inspection.

Planning Commission members desire to be and shall be available to meet with the County Board of Commissioners to receive direction from the Board regarding the Board's policies, goals and vision for the County, if requested by the Board. The Planning Commission as a whole may attend or it may establish a sub-committee to attend the meeting and report back to the Planning Commission.

3.3

Order of Business

The preferred order of business for Planning Commission meetings includes:

1. Call to Order
2. Pledge of Allegiance
3. Public Comments for Items Not on the Agenda
4. Approval of the Agenda
5. Approval of Previous Meeting Minutes
6. Business Items (information and action)
7. Update on County Board Actions for Items on the Planning Commission Work Plan

8. Upcoming Public Meetings and Community Outreach
9. Topics for the Next Meeting
10. Planning Commissioner Announcements and Updates
11. Adjournment

3.4 **Public Comments for Items Not on the Agenda**

The Chair shall have the right to limit the amount of time each member of the public has to address the Planning Commission.

3.5 **Public Comments for Items on the Agenda**

The Chair shall have the right to limit the amount of time each member of the public has to address the Planning Commission. The preferred order is as follows: 1) Staff presentation, 2) Planning Commission discussion, 3) Public comment, 4) Planning Commission recommendation.

Article 4: COMMITTEES

The Planning Commission may create committees to study and report on projects, plans and programs under consideration by the Planning Commission. Such committees or sub-committees shall operate under the By-Laws and rules of the full Commission. The chair of the Commission shall appoint the chair and membership of all sub-committees for one-year, renewable terms. Committee members are not entitled to compensation pursuant to Ordinance 118, Article 4.

Article 5: POWERS AND DUTIES

The powers and duties of the Commission are determined by the Ordinance 118, as follows:

5.1 **Comprehensive Plan**

As directed by the County Board, the Planning Commission shall prepare and make recommendations to the County Board for adoption: (a) comprehensive plans, including any amendments thereto; (b) any subsidiary plans relating to the natural and physical infrastructure of Dakota County, including any amendments thereto; and (c) official controls and other measures to implement the comprehensive plan and subsidiary plans.

Subsidiary plans relating to the natural and physical infrastructure of Dakota County include, but are not limited to: transportation; transit; regional and county parks; trails and greenways; open space (natural areas and farmland); water resources; and environmental management.

5.2 **Policy Oversight**

Consistent with the direction provided by the County Board, the Planning Commission shall review and make recommendations to the County Board regarding the adoption of or the amendment of policies related to managing and improving the natural and physical infrastructure of Dakota County.

5.3 **Capital Projects and Programs**

As directed by the County Board, the Planning Commission shall review capital project and/or program proposals. In conducting any requested reviews, the Planning Commission shall act as an oversight committee, providing recommendations that align with County goals and serve the long-term interests of maintaining and improving the natural and physical infrastructure of Dakota County.

5.4 **New Initiatives**

As directed by the County Board, the Planning Commission shall review emerging issues and provide recommendations to address those issues.

5.5 **Conditional Use Permits**

The Planning Commission shall review all applications for conditional use permits under the Dakota County Shoreland and Floodplain Management Ordinance and report thereon to the County Board.

5.6 **Requests to Change Name of County Road**

The Planning Commission shall review and hold a public hearing on all requests to change the name of a county road submitted to Dakota County pursuant to the Dakota County Uniform Street Naming and Addressing System (USNAS) Procedural Manual; and provide its recommendations to the County Board.

5.7

Other

The Planning Commission shall review any other matters referred to it by the County Board and report thereon as directed. When requested by the County Board, the Planning Commission shall consult with the County Board or a designated County Board committee regarding the matters that the County Board directed the Planning Commission to examine and report on.

Article 6:

AMENDMENTS TO PLANNING COMMISSION BY-LAWS

Amendments to the By-Laws may be proposed by any member of the Commission. All proposed amendments must be read before the Commission at a regularly scheduled meeting. Amendments to the By-Laws shall require a majority vote of those present at the meeting.

Article 7:

SEVERABILITY

If any section of these By-Laws is held by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions shall nevertheless remain in full force and effect.

Article 8:

EFFECTIVE DATE

These restated By-Laws shall take effect immediately on approval by the Commission.

ADOPTED: August 23, 1978

REVISED: April 18, 1979

REVISED: May 25, 2006

REVISED: June 27, 2019

ADOPTED: June 27, 2019

Minnesota Open Meeting Law

The Minnesota Open Meeting Law requires that meetings of governmental bodies generally be open to the public. This information brief discusses the groups and types of meetings covered by the open meeting law, and then reviews the requirements of and exceptions to the law and the penalties for its violation.

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Executive Summary

The Minnesota Open Meeting Law was originally enacted in [Laws 1957, chapter 773](#), section 1. It is now codified in [Minnesota Statutes, chapter 13D](#). The Minnesota Supreme Court has articulated three purposes of the open meeting law:

- To prohibit actions being taken at a secret meeting where it is impossible for the interested public to become fully informed about a public board’s decisions or to detect improper influences
- To assure the public’s right to be informed
- To afford the public an opportunity to present its views to the public body¹

“These purposes are deeply rooted in the fundamental proposition that a well-informed populace is essential to the vitality of our democratic form of government.”² Courts interpret the law liberally and in favor of openness.

Entities covered by the law. The law applies to state and local multimember governmental bodies, including committees and subcommittees, and nonprofits created by political subdivisions. A separate law applies to the legislature.

Situations where the law applies. A meeting is a “meeting” for purposes of the law when a quorum or more of the governmental body is gathered—in person or by electronic means, whether or not action is taken or contemplated. The open meeting law does not address whether the governmental body must keep or publish meeting minutes, hold a meeting for a particular purpose, or allow members of the public to address the body. For any particular governmental body, there may be other laws or charter provisions that address those topics.

What constitutes an open meeting. A meeting is open when proper notice was given in advance of the meeting, the public may attend and observe, and relevant materials are available to the public.

Exceptions to the law. A meeting may be closed based on a limited attorney-client privilege, and for the purposes of labor negotiations, employee evaluations, and discussion of security issues and property transactions. The law does not apply to a governmental body exercising quasi-judicial functions involving disciplinary proceedings.

¹ *Prior Lake American v. Mader*, 642 N.W.2d 729, 735 (Minn. 2002) (en banc) (citing *St. Cloud Newspapers, Inc. v. District 742 Community Schools*, 332 N.W.2d 1, 4 (Minn. 1983)). While the courts consistently say that the open meeting law is to afford the public an opportunity to present its views to the public body, there is no general right for members of the public to speak at a meeting. Some statutes, and perhaps some home rule charters, specify that a hearing on a particular matter must be held at which anyone who wishes to address the public body may do so. See, e.g., [Minn. Stat. § 117.0412](#), subd. 2.

² *Prior Lake American*, 642 N.W.2d at 735.

Violations of the law. While actions taken at a meeting held in violation of the law are still valid, the law provides for penalties and potentially removal from office.

Where to get advice. A governmental entity can seek advice from its attorney, the Minnesota Attorney General, or the Commissioner of Administration. An individual may seek advice from a private attorney or the Commissioner of Administration.

Groups and Meetings Governed by the Open Meeting Law

The law applies to all levels of state and local government.

The open meeting law applies to:

- a state agency, board, commission, or department when it is required or permitted by law to transact public business in a meeting;
- the governing body of any school district, unorganized territory, county, city, town, or other public body;
- a committee, subcommittee, board, department, or commission of a public body subject to the law; and
- the governing body or a committee of a statewide or local public pension plan.³

“Public body” is not defined but the Minnesota Supreme Court has stated that “[i]n common understanding, ‘public body’ is possibly the broadest expression for the category of governmental entities that perform functions for the public benefit.”⁴

In determining whether the open meeting law applies to a particular entity, one should look at all of the entity’s characteristics. For example, in a 1998 case, the Minnesota Supreme Court held that because the statute authorizing creation of a municipal power agency authorized an agency to conduct its affairs as a private corporation, it could hold closed meetings.⁵ The court held so notwithstanding the statute that provides for municipal power agencies to be political subdivisions of the state.⁶

³ [Minn. Stat. § 13D.01](#), subd. 1.

⁴ *Star Tribune Co. v. University of Minnesota Board of Regents*, 683 N.W.2d 274, 280-282 (Minn. 2004) (en banc).

⁵ *Southern Minn. Mun. Power Agency v. Boyne*, 578 N.W.2d 362, 364 (Minn. 1998) (en banc) (citing Minn. Stat. § 453.54, subd. 21, and discussing the factors that distinguish a public corporation from a private corporation). See also *Minnesota Joint Underwriting Ass’n v. Star Tribune Media Co.*, 862 N.W.2d 62, 65 (Minn. 2015) (discussing *Boyne*; stating whether a particular entity is a “government entity” under the Data Practices Act is a question of law subject to the court’s de novo review).

⁶ [Minn. Stat. § 453.53](#), subd. 1, para. (b), cl. (1) (The agency agreement shall state: “(1) That the municipal power agency is created and incorporated . . . as a municipal corporation and a political subdivision of the state, to exercise thereunder a part of the sovereign powers of the state;”).

The law generally applies to nonprofit corporations created by governmental entities.

The list of groups covered by the open meeting law does not refer to nonprofit corporations created by a governmental entity. However, the law creating a specific public nonprofit corporation may specify that it is subject to the open meeting law.⁷ In addition, any corporation created by a political subdivision before May 31, 1997, is clearly subject to the open meeting law.⁸

Gatherings of less than a quorum of a public body are not subject to the law; a “meeting” is held when the group is capable of exercising decision-making powers.

The Minnesota Supreme Court has held that the open meeting law applies only to a quorum or more of members of the governing body or a committee, subcommittee, board, department, or commission of the governing body.⁹ Serial meetings in groups of less than a quorum held in order to avoid open meeting law requirements may also be found to be a violation, depending on the facts of the case.¹⁰

A public body subject to the law should be cautious about using e-mail to communicate with other members of the body. Although the statute does not specifically address the use of e-mail, it is likely that the court would analyze use of e-mail in the same way as it has telephone conversations and letters.¹¹ That is, private communication about official business through

⁷ E.g., [Minn. Stat. §§ 62Q.03](#), subd. 6 (Minnesota Risk Adjustment Association); [85B.02](#), subd. 6 (Lake Superior Center Authority); [116V.01](#), subd. 10 (Agricultural Utilization Research Institute); [124D.385](#), subd. 4 (Minnesota Commission on National and Community Service may create a nonprofit but it is subject to the open meeting law); and [128C.22](#) (State High School League).

⁸ [Minn. Stat. § 465.719](#), subd. 9.

⁹ *Moberg v. Independent School Dist. No. 281*, 336 N.W.2d 510 (Minn. 1983) (en banc).

¹⁰ *Id.* at 518; see also *Mankato Free Press Co. v. City of North Mankato*, 563 N.W.2d 291, 295 (Minn. App. 1997). On remand to the district court for a factual finding on whether the city used serial interviews to avoid the open meeting law, the trial court found, and the court of appeals affirmed, that the serial meetings were not held to avoid the law. *Mankato Free Press Co. v. City of North Mankato*, No. C9-98-677, 1998 WL 865714 (Minn. App. 1998) (unpublished opinion), *review denied* (Minn. Feb. 24, 1999).

¹¹ *Moberg*, 336 N.W.2d at 518. The Commissioner of Administration stated in a July 9, 2008, opinion that an e-mail sent to all members of a city council by the city manager was effectively “printed material” that should be available to members of the public and also suggested that the legislature revise the statute to recognize the use of electronic and other types of communications. Minn. Dept. of Admin. Advisory Op. 08-015. A September 8, 2009, opinion by the commissioner states that the exchange of e-mails by staff and members of the Metro Gang Strike Force Advisory Board violated the open meeting law because it was not just a matter of a quorum receiving information, but a quorum of the body discussing and then giving the staff person direction on the action to take. In June 2017, the Commissioner of Administration issued an opinion that a letter signed by a quorum of a school board that was sent without public notice, or discussion and decision on the substance of the letter in an open meeting violated the law. The school board said one member drafted it, sent it to the superintendent, who made minor revisions, placed it on letterhead, and then sent it to the other members to sign. The board asserted it did not discuss or take action on it. The commissioner however found that unlikely. “The Board’s assertion that it did not discuss, decide, or take action on the contents of the letter or sending the letter is not plausible based on the very existence of the letter purporting to be from “the Board” and bearing the signatures of a quorum of members of the Board.” Minn. Dept. of Admin. Advisory Op. 17-005 (Eveleth-Gilbert Public Schools, I.S.D. No. 2154, and a letter sent to the IRRRB).

telephone conversations or letters by a quorum of a public body subject to the law would violate the law.

Serial communication through telephone conversations or letters by less than a quorum with the intent to avoid a public hearing or to come to an agreement on an issue relating to official business could also violate the law. In a 1993 case, the Minnesota Court of Appeals held that the open meeting law was not violated when two of five city council members attended private mediation sessions related to city business. The court determined that the two council members did not constitute a committee or subcommittee of the council because the group was not capable of exercising decision-making powers.¹²

The law applies to informational meetings.

The Minnesota Supreme Court has held that the open meeting law applies to all gatherings of members of a governing body, whether or not action is taken or contemplated. This means that a gathering of members of a public body for an informational seminar on matters currently facing the body or that might come before the body must be conducted openly.¹³ However, there are some exceptions. A 1975 attorney general opinion stated that city council attendance at a League of Minnesota Cities training program for city officials did not violate the open meeting law if the members did not discuss specific municipal business.¹⁴ The statute governing the Lessard-Sams Outdoor Heritage Council allows members of the council to travel together to visit sites and learn about projects without it being a violation of the law as long as the members do not decide, or agree to decide, matters under the council's jurisdiction.¹⁵

The law does not cover chance or social gatherings.

The open meeting law does not apply to chance or social gatherings of members of a public body.¹⁶ However, a quorum of a public body may not, as a group, discuss or receive information on official business in any setting under the guise of a private social gathering.¹⁷

The law does not apply to certain types of advisory groups.

The Minnesota Court of Appeals has held that the open meeting law does not apply to certain types of advisory groups.¹⁸ In that case, a presidential search advisory committee to the University of Minnesota Board of Regents was held not to be a committee of the governing body for purposes of the open meeting law. In reaching its holding, the court pointed out that no

¹² *Sovereign v. Dunn*, 498 N.W.2d 62 (Minn. App. 1993), *review denied* (Minn. May 28, 1993).

¹³ *St. Cloud Newspapers, Inc.*, 332 N.W.2d 1.

¹⁴ Op. Att'y Gen. 63a-5, Feb. 5, 1975.

¹⁵ *Minn. Stat. § 97A.056*, subd. 5, para. (b), provides "Travel to and from scheduled and publicly noticed site visits by council members for the purposes of receiving information is not a violation of paragraph (a). Any decision or agreement to make a decision during the travel is a violation of paragraph (a)."

¹⁶ *St. Cloud Newspapers, Inc.*, 332 N.W.2d at 7.

¹⁷ *Moberg*, 336 N.W.2d at 518.

¹⁸ *The Minnesota Daily v. University of Minnesota*, 432 N.W.2d 189 (Minn. App. 1988).

regents were on the search committee and that the committee had no power to set policy or make a final decision. It is not clear if a court would reach the same result if members of the governing body were also on the advisory committee. Depending on the number of members of the governing body involved and on the form or extent of the delegation of authority from the governing body to the members, a court might consider the advisory committee to be a committee of the governing body.

A separate law applies to the legislature.

In 1990, the legislature passed a law separate from the open meeting law that requires all legislative meetings be open to the public.¹⁹ The law applies to House and Senate floor sessions and to meetings of committees, subcommittees, conference committees, and legislative commissions. For purposes of this law, a meeting occurs when a quorum is present *and action is taken* regarding a matter within the jurisdiction of the group. Each house of the legislature must adopt rules to implement these requirements. Remedies provided under these rules are the exclusive means of enforcing this law.

Hybrid groups—those made up of both legislators and nonlegislators—may have different open meeting law requirements. The Legislative-Citizen Commission on Minnesota Resources is subject to Minnesota Statutes, chapter 13D, except that a meeting only occurs when a quorum is present and action is taken, similar to the legislative open meeting law.²⁰ In contrast, the Lessard-Sams Outdoor Heritage Council, which also has both legislators and nonlegislators on it, is subject to chapter 13D, and a meeting occurs when a quorum is present whether or not action is taken.²¹ Similarly, how the law applies to the hybrid Child Support Task Force was clarified in 2017.²²

¹⁹ [Minn. Stat. § 3.055](#).

²⁰ [Minn. Stat. § 116P.08](#), subd. 5, “(a) Meetings of the commission, committees, or subcommittees of the commission, technical advisory committees, and peer reviewers must be open to the public and are subject to [chapter 13D](#). The commission shall attempt to meet throughout various regions of the state during each biennium. For purposes of this subdivision, *a meeting occurs when a quorum is present and action is taken regarding a matter within the jurisdiction* of the commission, a committee or subcommittee of the commission, a technical advisory committee, or peer reviewers.

(b) For legislative members of the commission, enforcement of this subdivision is governed by section 3.055, subdivision 2. For nonlegislative members of the commission, enforcement of this subdivision is governed by [section 13D.06](#), subdivisions 1 and 2.” (emphasis added).

²¹ [Minn. Stat. § 97A.056](#), subd. 5.

²² [Minn. Stat. § 518A.79](#), subd. 3a (added by [Laws 2017, 1st spec. sess. ch. 4](#), art. 2, § 48, effective January 1, 2018): “Except as otherwise provided in this section, the task force is subject to [chapter 13D](#). A meeting of the task force occurs when a quorum is present and the members receive information, discuss, or take action on any matter relating to the duties of the task force. The task force may conduct meetings as provided in [section 13D.015](#) or [13D.02](#). The task force may conduct meetings at any location in the state that is appropriate for the purposes of the task force as long as the location is open and accessible to the public. For legislative members of the task force, enforcement of this subdivision is governed by [section 3.055](#), subdivision 2. For nonlegislative members of the task force, enforcement of this subdivision is governed by [section 13D.06](#), subdivisions 1 and 2.”

Requirements of the Open Meeting Law

The primary requirement of the open meeting law is that meetings be open to the public.

The law also requires that votes in open meetings be recorded in a journal and that the journal be open to the public. The vote of each member must be recorded on appropriations of money, except for payments of judgments and claims and amounts fixed by statute.²³ A straw ballot to narrow the list of candidates for city administrator and not made public was held to be a secret vote in violation of the open meeting law, particularly in light of the fact that the straw vote was acted on and given the same effect as an official act.²⁴

Open meetings must be held in a public place within the borders of the public body.²⁵

Meetings may be held by interactive television if specified conditions are met to ensure openness and accessibility for those who wish to attend.²⁶ The Commissioner of Administration issued an opinion in 2013 that attending a meeting using a web-based technology like Skype is like attending by interactive TV and is allowed as long as the requirements for attending by interactive TV are met.²⁷

A state entity may hold meetings by telephone or other electronic means as long as specified conditions are met to ensure openness and accessibility for those who wish to attend. In addition, a meeting of any public body (state or local) may be conducted by telephone or other electronic means if a health pandemic or other emergency makes meeting in person impractical or imprudent and all of the same conditions as for other meetings held by telephone or other electronic means are met, unless unfeasible due to the pandemic or emergency.

In general, those conditions include the following:

- All members of the body can hear one another and can hear all discussion and testimony.
- Members of the public at the regular meeting location can hear all discussion, testimony, and votes.
- At least one member of the body (or, in the case of a health pandemic or other emergency, the chief legal counsel or chief administrative officer) is present at the regular meeting location. (If using interactive TV under [section 13D.02](#)—as opposed to

²³ [Minn. Stat. § 13D.01](#), subs. 4 and 5.

²⁴ *Mankato Free Press Co.*, 563 N.W.2d at 295-96. In contrast, the Commissioner of Administration issued an advisory opinion finding that a secret straw ballot taken and its results described and discussed at the same meeting as the ballot was not a violation. Minn. Dept. of Admin. Advisory Op. 10-011.

²⁵ *Quast v. Knutson*, 276 Minn. 340, 341, 150 N.W.2d 199, 200 (1967) (school board meeting held 20 miles outside the jurisdiction of the school board at a private office did not comply with open meeting law; consolidation proceedings were fatally defective because the resolution by which the proceedings were initiated was not adopted at a public meeting as required by law).

²⁶ [Minn. Stat. § 13D.02](#). See also [Minn. Stat. § 471.59](#), subd. 2 (joint powers board for educational purposes).

²⁷ Minn. Dept. of Admin. Advisory Op. 13-009.

telephone or other electronic means—there is the additional condition that each location be open and accessible to the public.)

- All votes are conducted by roll call.
- The public body must allow a person to monitor the meeting electronically from another location. The body may require the person to pay for any documented additional costs the body incurs as a result of the additional connection.
- The public body must give notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the right of the public to monitor the meeting from another location. In addition, the public body must post the notice on its website at least ten days before any regular meeting.²⁸

The law requires public bodies to give notice of their meetings.

In 1974, the Minnesota Supreme Court held that failure to give notice of a meeting is a violation of the open meeting law.²⁹ The court has also held that it is a violation of the open meeting law to conduct business before the time publicly announced for a meeting.³⁰

In 1987, the legislature spelled out the notice requirements in statute for regular, special, emergency, and closed meetings. Public bodies must do the following:

- Keep schedules of *regular* meetings on file at their offices³¹
- Post notice of *special* meetings (meetings held at a time or place different from regular meetings) on their principal bulletin board. The public body must also either mail notice to people who have requested such mailings, or publish notice in the official newspaper, at least three days before the meetings³²

²⁸ [Minn. Stat. §§ 13D.015](#) (state entities); [13D.02](#); [13D.021](#) (state or local entities in the case of health pandemic, other emergency). Various statutes for specific public bodies also allow for meetings by interactive television, telephone, or other electronic means: [Minn. Stat. §§ 13D.02](#), subd. 5 (school boards with audio and visual link); [35.0661](#) (Board of Animal Health during restricted travel for animal health reasons); [41A.0235](#) (Minnesota Agricultural and Economic Development Board); [41B.026](#) (Rural Finance Agency); [116L.03](#), subd. 8 (Minnesota Jobs Skills Partnership Board); [116M.15](#), subd. 5 (Minnesota Emerging Entrepreneur Board); [116T.02](#), subd. 6 (Northern Technology Initiative, Inc.); [116U.25](#) (Explore Minnesota Tourism Council); [123A.16](#), subd. 1 (education district boards); [129C.105](#) (Board of the Perpich Center for Arts Education); [134.31](#), subd. 7 (Advisory Committee for the Minnesota Braille and Talking Book Library); [176.102](#), subd. 3c (rehabilitation review panels); [176.103](#), subd. 3 (Medical Services Review Board); [248.10](#) (Rehabilitation Council for the Blind); [256.482](#), subd. 5b (Minnesota State Council on Disability); [256.975](#), subd. 2a. (Minnesota Board on Aging); [256C.28](#), subd. 7 (Commission of Deaf, DeafBlind and Hard-of-Hearing Minnesotans); [268A.02](#), subd. 3 (State Rehabilitation Council and Statewide Independent Living Council); [326B.32](#), subd. 7 (Board of Electricity); [326B.435](#), subd. 7 (Board of Plumbing); [326B.925](#), subd. 7 (Board of High Pressure Piping Systems); [462A.041](#) (Minnesota Housing Finance Agency).

²⁹ *Sullivan v. Credit River Township*, 299 Minn. 170, 217 N.W.2d 502 (1974).

³⁰ *Merz v. Leitch*, 342 N.W.2d 141, 145 (Minn. 1984) (en banc).

³¹ [Minn. Stat. § 13D.04](#), subd. 1.

³² [Minn. Stat. § 13D.04](#), subd. 2; *Rupp v. Mayasich*, 533 N.W.2d 893 (Minn. App. 1995) (bulletin board must be reasonably accessible to the public). A February 3, 2004, advisory opinion by the Commissioner of

- Make good faith efforts to notify news media that have filed written requests (with telephone numbers) for notice of *emergency* meetings (special meetings called because of circumstances that require immediate consideration)³³

The same notice requirements apply to closed meetings.³⁴

Absent any other specific law governing notice by a state agency, a state agency required or permitted by law to transact public business in a meeting satisfies notice requirements if it publishes notice in the State Register or posts notice on the agency's website. In addition, a schedule of the regular meetings must be kept on file at the primary offices or posted on the agency's website.³⁵

The law requires relevant materials to be publicly available.

The open meeting law requires that for open meetings, at least one copy of any printed material prepared by the public body and distributed or available to all members of the public body also be available in the meeting room for inspection by the public. This requirement does not apply to materials that are classified as other than public under the Government Data Practices Act.³⁶

Exceptions to the Open Meeting Law

A closed meeting, except one closed under the attorney-client privilege, must be electronically recorded at the expense of the public body. Unless otherwise provided by law, the recordings must be preserved for at least three years after the date of the meeting.³⁷

The law does not apply to state agency disciplinary hearings.

The open meeting law does not apply to any state agency, board, or commission when exercising quasi-judicial functions involving disciplinary hearings.³⁸

Administration stated that a public body's actions at a special meeting are limited to those topics included in the notice of special meeting. Minn. Dept. of Admin. Advisory Op. 04-004.

³³ Minn. Stat. § 13D.04, subd. 3.

³⁴ Minn. Stat. § 13D.04, subd. 5.

³⁵ Minn. Stat. § 13D.04, subd. 6.

³⁶ Minn. Stat. § 13D.01, subd. 6.

³⁷ Minn. Stat. § 13D.05, subd. 1.

³⁸ Minn. Stat. § 13D.01, subd. 2. This subdivision also says that the law does not apply to meetings of the Commissioner of Corrections, which does not really make sense since such a meeting is not of a multimember body. It may be explained by the legislative history, however. Until 1982, the exception was for meetings of the Corrections Board, a multimember body. A 1983 instruction directed the Revisor of Statutes to change "Corrections Board" to "Commissioner of Corrections" throughout statutes. [Laws 1983, ch. 274, § 18.](#)

Certain meetings involving employee evaluation or discipline must be closed.

A public body must close meetings for preliminary consideration of allegations or charges against an individual subject to its authority.³⁹ If the members of the public body conclude that discipline may be warranted as a result of those charges, further meetings or hearings relating to the charges must be open. Meetings must also be open at the request of the individual who is the subject of the meeting.

Statutes other than the open meeting law may permit or require closed meetings for certain local governmental bodies to conduct specific kinds of disciplinary hearings. For example, school board hearings held to discharge or demote a teacher are private unless the affected teacher wants a public hearing.⁴⁰

A public body may close a meeting to evaluate the performance of an individual who is subject to its authority.⁴¹ Before closing a meeting, the public body must identify the individual to be evaluated. The public body must summarize the conclusions of the evaluation at its next open meeting. An evaluation meeting must be open at the request of the subject of the meeting.⁴²

A meeting may be closed to discuss labor negotiations.

The open meeting law permits a public body to hold a closed meeting to discuss strategy and proposals for labor negotiations conducted under the Public Employment Labor Relations Act.⁴³ The statute specifies procedures for tape-recording of these meetings, and for the recordings to become public when negotiations are completed.⁴⁴ Another law permits the Commissioner of the Bureau of Mediation Services to close negotiations and mediation sessions between public employers and public employees. These negotiations are public meetings, unless the commissioner closes them.⁴⁵

The law permits closed meetings based on a limited attorney-client privilege.

In 1976, the Minnesota Supreme Court held that there is a limited exception, based on the attorney-client privilege, for meetings to discuss strategy for threatened or pending litigation.⁴⁶ In 1990, the legislature added the attorney-client exception to the open meeting law.⁴⁷ Although

³⁹ [Minn. Stat. § 13D.05](#), subd. 2.

⁴⁰ [Minn. Stat. § 122A.41](#), subd.

⁴¹ [Minn. Stat. § 13D.05](#), subd. 3.

⁴² [Minn. Stat. § 13D.05](#), subd. 2.

⁴³ [Minn. Stat. § 13D.03](#), subd. 1.

⁴⁴ [Minn. Stat. § 13D.03](#), subd. 2.

⁴⁵ [Minn. Stat. § 179A.14](#), subd. 3.

⁴⁶ *Minneapolis Star & Tribune Co. v. Housing & Redevelopment Auth.*, 310 Minn. 313, 324, 251 N.W.2d 620, 626 (1976).

⁴⁷ [Minn. Stat. § 13D.05](#), subd. 3.

the statute is not limited, the court has since held that the scope of the exception remains limited in relation to the open meeting law.⁴⁸

The attorney-client privilege exception does not apply to a mere request for general legal advice. Nor does it apply when a governing body seeks to discuss with its attorney the strengths and weaknesses of a proposed legislative enactment (like a city ordinance) that may lead to future lawsuits because that can be viewed as general legal advice. Furthermore, discussion of proposed legislation is just the sort of discussion that should be public.⁴⁹

In order to close a meeting under the attorney-client privilege exception, the governing body must give a particularized statement describing the subject to be discussed. A general statement that the meeting is being closed to discuss pending or threatened litigation is not sufficient.⁵⁰

A meeting may be closed to address certain security issues.

If disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses, a meeting may be closed to:

- receive security briefings and reports,
- discuss issues related to security systems,
- discuss emergency response procedures, and
- discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities.

Before closing a meeting, the public body must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting. A closed meeting must be tape-recorded at the expense of the governing body, and the recording must be preserved for at least four years.

⁴⁸ *Star Tribune v. Board of Ed., Special School Dist. No. 1*, 507 N.W.2d 869 (Minn. App. 1993) *review denied* (Minn. Dec. 22, 1993). The court of appeals did not accept the argument that the statutory exception encompassed the full attorney-client privilege because that would result in the exception swallowing the rule in favor of open meetings. In 2002, the Minnesota Supreme Court restated that the attorney-client privilege exception only applies when the purposes for the exception outweigh the purposes of the open meeting law. In that case, the city council was threatened with a lawsuit if it did not grant a request. The court found that the threat of a lawsuit did not warrant closing the meeting. *Prior Lake American v. Mader*, 642 N.W.2d 729 (Minn. 2002) (en banc). *Cf. Brainerd Daily Dispatch v. Dehen*, 693 N.W.2d 435 (Minn. App. 2005) (applying analysis of *Star Tribune* and *Prior Lake American*, finding threats were sufficiently specific and imminent that confidential consultation with legal counsel appointed by city's insurer to discuss defense strategy or reconciliation to address a threatened lawsuit justified closing the meeting).

⁴⁹ *Star Tribune*, 507 N.W.2d at 872.

⁵⁰ *The Free Press v. County of Blue Earth*, 677 N.W.2d 471 (Minn. App. 2004).

Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.⁵¹

A meeting may be closed to discuss certain issues relating to government property sales or purchases.

A public body may close a meeting to:

- determine the asking price for real or personal property to be sold by the government entity;
- review confidential or nonpublic appraisal data; and
- develop or consider offers or counteroffers for the purchase or sale of real or personal property.

Before holding a closed meeting, the public body must identify on the record the particular property that is the subject of the closed meeting. The proceedings must be tape-recorded at the expense of the public body. The recording must be preserved for eight years after the date of the meeting and made available to the public after all property discussed at the meeting has been purchased or sold or the governing body has abandoned the purchase or sale. The property that is the subject of the closed meeting must be specifically identified on the tape. A list of members and all other persons present at the closed meeting must be made available to the public after the closed meeting. If an action is brought claiming that public business other than discussions allowed under this exception was transacted at a closed meeting held during the time when the tape is not available to the public, the court would review the recording of the meeting *in camera* and either dismiss the action if the court finds no violation, or permit use of the recording at trial (subject to protective orders) if the court finds there is a violation.⁵²

An agreement reached that is based on an offer considered at a closed meeting is contingent on approval of the public body at an open meeting. The actual purchase or sale must be approved at an open meeting after the notice period required by statute or the governing body's internal procedures, and the purchase price or sale price is public data.⁵³

There is a narrow exception for certain meetings of public hospital boards.

Boards of public hospitals and certain health organizations may close meetings to discuss competitive market activities and contracts.⁵⁴

⁵¹ [Minn. Stat. § 13D.05](#), subd. 3.

⁵² [Minn. Stat. § 13D.05](#), subd. 3, referring to [§ 13D.03](#), subd. 3.

⁵³ [Minn. Stat. § 13D.05](#), subd. 3. Property appraisal data covered by this law is described in [Minnesota Statutes, section 13.44](#), subdivision 3.

⁵⁴ [Minn. Stat. § 144.581](#), subds. 4 and 5.

On-site inspections by town board members are not subject to the law.

The law does not apply to a gathering of town board members to perform on-site inspections, if the town has no employees or other staff able to perform the inspections and the town board is acting essentially in a staff capacity. The town board must make good faith efforts to provide notice of the inspections to the media that have filed a written request, including a telephone number, for notice. Notice must be by telephone or by any other method used to notify the members of the public body.⁵⁵

The law specifies how it relates to the Government Data Practices Act.

Except as specifically provided, public meetings may not be closed to discuss data that are not public data under the Government Data Practices Act.⁵⁶ Data that are not public may be discussed at an open meeting without liability, if the matter discussed is within the public body's authority and if it is reasonably necessary to conduct the business before the public body.⁵⁷

A portion of a meeting must be closed if the following data are discussed:

- Data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults
- Active investigative data collected by a law enforcement agency, or internal affairs data relating to alleged misconduct by law enforcement personnel
- Certain types of educational, health, medical, welfare, or mental health data that are not public data
- An individual's medical records governed by the Minnesota Health Records Act, Minnesota Statutes, sections 144.291 to 144.298⁵⁸

The legislature has addressed social media.

In 2014, the legislature added a provision relating to use of social media. "The use of social media by members of a public body does not violate this chapter so long as the social media use is limited to exchanges with all members of the general public. For purposes of this section, e-mail is not considered a type of social media."⁵⁹ "Social media" is not defined.

⁵⁵ Minn. Stat. § 366.01, subd. 11.

⁵⁶ Minn. Stat. § 13D.05, subd. 1.

⁵⁷ Minn. Stat. §§ 13.03, subd. 11; 13.05, subd. 4; and 13D.05, subd. 1.

⁵⁸ Minn. Stat. § 13D.05, subd. 2.

⁵⁹ Minn. Stat. § 13D.065 (added by Laws 2014, ch. 274, § 2).

Penalties

The open meeting law provides a civil penalty of up to \$300 for intentional violation.⁶⁰ A person who is found to have intentionally violated the law in three or more legal actions involving the same governmental body forfeits the right to serve on that body for a time equal to the term the person was serving. The Minnesota Supreme Court has held that this removal provision is constitutional as to removal of elected officials only if the conduct constitutes malfeasance or nonfeasance and provided that the violations occurred after the person had a reasonable amount of time to learn the responsibilities of office.⁶¹

A public body may not pay a civil penalty on behalf of a person who violated the law. However, a public body may pay any costs, disbursements, or attorney fees incurred by or awarded against a member of the body in an action under the open meeting law if the member was found not guilty of a violation.⁶²

A court may award reasonable costs, disbursements, and reasonable attorney fees of up to \$13,000 to any party in an action under the open meeting law. However, the following conditions apply:

- A court may award costs and attorney fees to a defendant only if it finds that the action was frivolous and without merit
- A court may award monetary penalties or attorney fees against a member of a public body only if the court finds there was an intent to violate the open meeting law

The court must award reasonable attorney fees to a prevailing plaintiff if the public body was also the subject of a prior written opinion issued by the Commissioner of Administration, and the court finds that the opinion is directly related to the cause of action being litigated and that the public body did not follow the opinion.⁶³

The appropriate mechanism to enforce the open meeting law is to bring an action in district court seeking injunctive relief or damages. The statute does not provide for a declaratory judgment action.⁶⁴

The Minnesota Supreme Court has held that actions taken at a meeting held in violation of the open meeting law are not invalid or rescindable.⁶⁵

⁶⁰ [Minn. Stat. § 13D.06](#), subd. 1.

⁶¹ [Minn. Stat. § 13D.06](#), subd. 3; *Claude v. Collins*, 518 N.W.2d 836, 843 (Minn. 1994); *see also Brown v. Cannon Falls Township*, 723 N.W.2d 31, 41-44 (Minn. App. 2006) (discussing the statutory history and that since 1994 the statute has required three or more legal actions).

⁶² Op. Att’y Gen. 471-a, Dec. 31, 1992; [Minn. Stat. § 13D.06](#), subd. 4.

⁶³ [Minn. Stat. § 13D.06](#), subd. 4.

⁶⁴ *Rupp v. Mayasich*, 561 N.W.2d 555 (Minn. App. 1997).

⁶⁵ *Sullivan v. Credit River Township*, 299 Minn. 170, 176-177, 217 N.W.2d 502, 507 (Minn. 1974).

Advice

Public bodies subject to the open meeting law may seek advice on the application of the law and how to comply with it from three sources:

- The governmental entity's attorney
- The attorney general⁶⁶
- The Commissioner of Administration⁶⁷

An individual may seek advice from two sources:

- The individual's attorney
- The Commissioner of Administration⁶⁸

An individual who disagrees with the manner in which members of a governing body perform their duties under the open meeting law may request the Commissioner of Administration to give a written opinion on the governing body's compliance with the law.

A governing body or person requesting an opinion of the Commissioner of Administration must pay a \$200 fee if the commissioner issues an opinion.

The commissioner may decide not to issue an opinion. If the commissioner decides not to issue an opinion, the commissioner must notify the requester within five days of receipt of the request. If the commissioner decides to issue an opinion, it must be done within 20 days of the request (with a 30-day extension possible for good cause and notice to the requester). The governing body must be allowed to explain how it performs its duties under the law.

Opinions of the Commissioner of Administration are not binding, but a court must give the opinions deference. However, a governing body that follows an opinion is not liable for fines, attorney's fees or any other penalty, or forfeiture of office.

For more information about open meetings and other issues related to the government, visit the government operations area of our website, www.house.mn/hrd/.

⁶⁶ Under [Minnesota Statutes, section 8.06](#), the attorney general is the attorney for all state officers and boards or commissions created by law. Under [Minnesota Statutes, section 8.07](#), the attorney general, on request from an attorney for a county, city, town, public pension fund, school board, or unorganized area, gives written opinions on matters of public importance.

⁶⁷ [Minn. Stat. § 13.072](#), subs. 1 and 2.

⁶⁸ *Id.*; see <https://mn.gov/admin/data-practices/> for access to prior opinions of the Commissioner of Administration or to find out how to request an opinion.

Tables of motions

There are three basic types of motions: privileged motions, subsidiary motions, and main motions. Privileged motions take precedence over subsidiary motions; subsidiary motions take precedence over main motions. The following charts of motions are listed in order of precedence and are based upon *Robert's Rules of Order Newly Revised*, 10th Edition (2000):

Privileged motions—A privileged motion is a motion that does not relate to the business at hand. Such a motion usually deals with items that require immediate consideration.

Motion	Requires a second	Can interrupt speaker	Debatable	Amendable	Votes required to pass	Can be reconsidered
Fix a time to adjourn.	✓			✓	Majority	✓
To adjourn.	✓				Majority	
Recess. (A motion to take an intermission.)	✓			✓	Majority	
Raise a question of privilege. (A motion referring to a matter of personal concern to a member, e.g., asking to have the heat turned up, the windows opened, or the motion be stated again.)		✓			Usually, no vote is taken. The chair decides.	
Call for the orders of the day. (Forces the consideration of a postponed motion.)		✓			Usually, no vote is taken. The chair decides.	

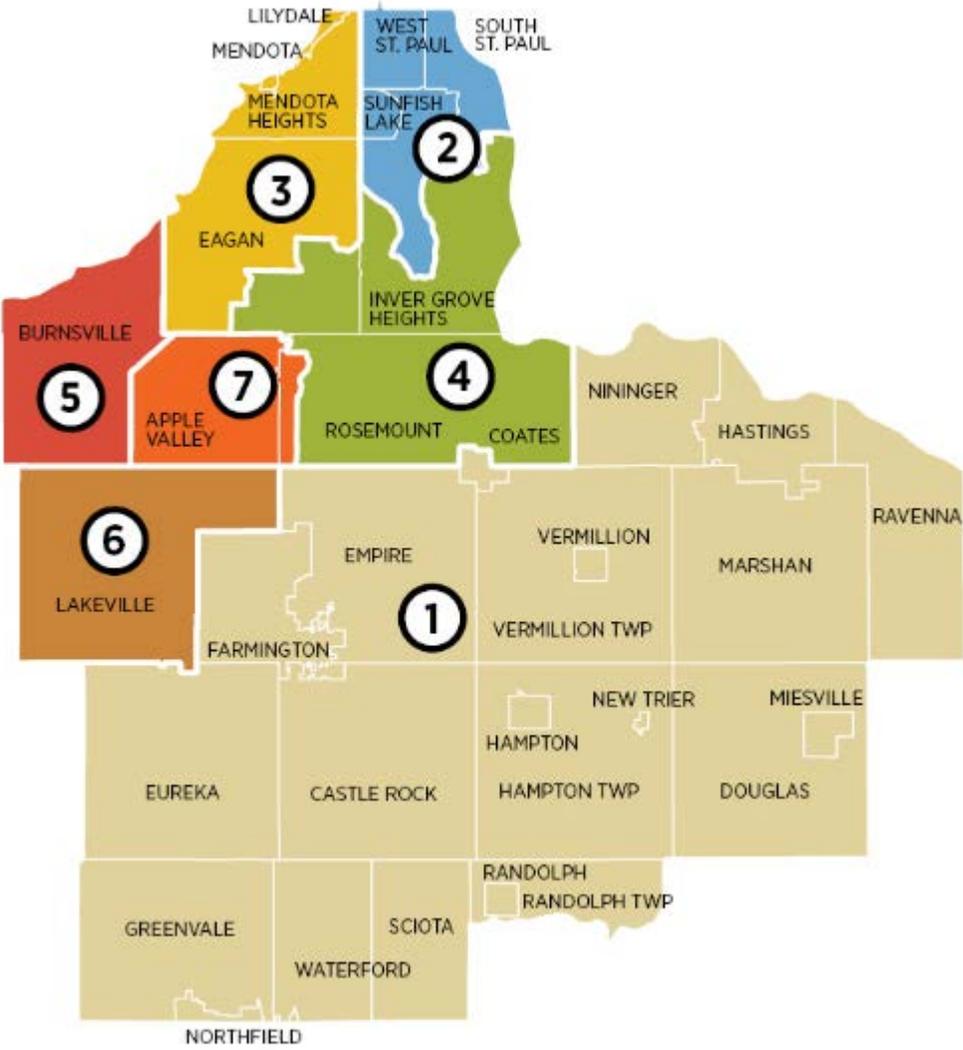
Subsidiary motions—A subsidiary motion is a motion that assists the group in disposing of the main motion.

Motion	Requires a second	Can interrupt speaker	Debatable	Amendable	Votes required to pass	Can be reconsidered
Lay on the table. (To postpone discussion temporarily.)	✓				Majority	
Previous question or call for the question. (To stop debate and force an immediate vote.)	✓				2/3	✓
Postpone to a definite time.	✓		✓	✓	Majority	✓
Commit or refer. (A motion to refer to a smaller committee.)	✓		✓	✓	Majority	If group has not begun consideration of a question.
Amend.	✓		✓	✓	Majority	Y
Postpone indefinitely.	✓		✓		Majority	Affirmative vote only

Main motions—A main motion is a formal proposal that is made by a member that brings a particular matter before the group for consideration or action.

Motion	Requires a second	Can interrupt speaker	Debatable	Amendable	Votes required to pass	Can be reconsidered
Any general motion, resolution, or ordinance.	✓		✓	✓	Majority	✓
Take from the table.	✓				Majority	
Reconsider. (To reconsider a motion already passed/defeated.)	✓	✓	✓		Majority	
Appeal or challenge a ruling of the chair.	✓	✓	Depends		Majority	✓
Rescind. (A motion to strike out a previously adopted motion, resolution, bylaw, etc.)	✓		✓	✓	Varies, based on motion	Negative vote only

Dakota County Commissioners District Map and Contact Information



- District 1: Mike Slavik, Mike.slavik@co.dakota.mn.us, 651-438-4427
- District 2: Kathleen Gaylord, Kathleen.gaylord@co.dakota.mn.us, 651-438-4428
- District 3: Laurie Halverson, laurie.halverson@co.dakota.mn.us, 651-438-4429
- District 4: Joe Atkins, Joe.atkins@co.dakota.mn.us, 651-438-4430
- District 5: Liz Workman, Liz.workman@co.dakota.mn.us, 651-438-4431
- District 6: Mary Liz Holberg, Maryliz.holberg@co.dakota.mn.us, 651-438-4243
- District 7: Mary Hamann-Roland, mary.hamann-roland@co.dakota.mn.us, 651-438-4411



New Commissioner Orientation Materials and Procedures

Aaron Sather – Management Analyst III
Physical Development Administration
Physical Development Division

1

Overview



- Background
- Orientation Materials
- Orientation Procedures
- Discussion

2

Background



- Guidebook development began in 2019
- Request from Commissioners to more closely review materials and procedures
- Prompted by recent resignations and vacancy fillings

3

Newly Appointed Planning Commissioner Guidebook



- Welcome Letter
- Overview Summary
- Virtual Meeting Instructions
- Annual Workplan
- Relevant Plans
- Ordinance 118
- PLANC By-Laws
- Open Meeting Law Brief
- Roberts Rules of Order
- Dakota County Commissioner Map

4

Proposed Orientation Roles 	
<h3>Staff Roles</h3> <ul style="list-style-type: none">• Provide New Commissioner Guidebook• Meet with New Commissioner to review Guidebook• Provide any relevant forms needing completion• Meet to answer questions as needed.	<h3>Commissioner Roles</h3> <ul style="list-style-type: none">• Welcome• Background about existing Commission Members:<ul style="list-style-type: none">• Who are the other Commissioners?• Meeting Dynamics:<ul style="list-style-type: none">• How are meetings conducted?• What it means to be a Planning Commissioner:<ul style="list-style-type: none">• What it is and isn't• What's expected of them at and not at meetings

5

Requested Actions 
<p>Provide feedback on:</p> <ul style="list-style-type: none">• New Commissioner Guidebook• Staff Orientation Procedures• Commissioner responsibilities

6



Questions?