

Black Dog Watershed Management Commission

AGENDA Wednesday, August 17, 2022 5:00 P.M.

COMMISSIONERS:

Curt Enestvedt, Chairperson
Mike Hughes, Vice-Chairperson
Scott Thureen, Secretary/Treasurer
Rollie Greeno
Frank Boyce, Alternate
Greg Helms, Alternate
Natalie Walker, Alternate

- I. Approval of Agenda
- II. Approval of Minutes – July 20, 2022
- III. Approval of Accounts Payable
- IV. Review Budget Performance Reports
- V. Public Hearing for Comments on the Black Dog WMO Draft 2022-2032 Watershed Management Plan
- VI. Authorize Barr Engineering to Submit the Revised Plan for the 90 Day Board of Soil and Water Resources Review and Approval.
- VII. Miscellaneous
- VIII. Adjournment

The City of Burnsville and Black Dog Watershed Management Organization do not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in the admission or access to, or treatment or employment in, its programs, activities, or services.

To obtain this information in alternative forms such as braille, large print, audiotape or qualified readers, please contact the City of Burnsville. Telephone (952) 895-4400, TDD (952) 895-4567.

Black Dog Watershed Management Commission

Agenda Background August 17, 2022

I. Approval of Agenda

Agenda enclosed.

Action Requested: A motion be considered to approve the Agenda.

II. Approval of Minutes from the July 20, 2022 Meeting

Minutes enclosed.

Action Requested: A motion be considered to approve the Minutes from the July 20, 2022 meeting.

III. Approval of Accounts Payable

Accounts payable list enclosed.

Action Requested: A motion be considered to approve the accounts payable list as submitted by staff.

IV. Review of Budget Performance Reports

Current Budget Performance Reports enclosed.

Action Requested: No formal action required.

V. Public Hearing for Comments on the Black Dog WMO Draft 2022-2032 Watershed Management Plan

The Black Dog WMO will have a public hearing to receive comments on the draft 2022-2032 Watershed Management Plan.

Action Requested: Open a public hearing to receive comments on the 2022-2032 watershed management plan. Close the public hearing.

VI. Authorize Barr Engineering to Submit the Revised Plan for the 90-Day Board of Soil and Water Resources Review and Approval

Included in the packet is the response to comments. Barr will briefly go over the responses and outline the next steps.

Action Requested: A motion be considered authorizing Barr Engineering to submit the revised draft plan for the 90-day review by the Board of Soil and Water Resources.

VII. Miscellaneous

VIII. Adjournment

DRAFT
Meeting Minutes
July 20, 2022

MEMBERS PRESENT

Curt Enestvedt, Chair
Mike Hughes, Vice Chair
Scott Thureen, Secretary/Treasurer
Frank Boyce, Alternate

MEMBERS ABSENT

Rollie Greeno
Greg Helms, Alternate
Natalie Walker, Alternate

OTHERS PRESENT

Karen Chandler – Barr Engineering
Greg Williams – Barr Engineering
Joel Jamnik – Campbell Knutson
Steve Christopher – Board of Water and Soil Resources
Curt Coudron – Dakota County Soil and Water Conservation District
Ann Messerschmidt – City of Lakeville
Samantha Berger – City of Apple Valley
Daryl Jacobson – BDWMO Administrator
Tammi Carte – BDWMO Secretary

Curt Enestvedt, Chair, called the July 20, 2022 meeting to order at 5:00 pm.

I. Approval of Agenda

Motion by Hughes, second by Thureen, to approve the July 20, 2022 Agenda with a correction to the date of item II. Approval of Minutes to June 15, 2022.

Ayes – Enestvedt, Hughes, Thureen, Boyce
Nays – None

Motion Carried Unanimously

II. Approval of Minutes from the June 15, 2022 Meeting

Motion by Hughes, second by Thureen, to approve the June 15, 2022 Minutes with a correction to the date listed in the Motion of item II. Approval of Minutes to May 18, 2022.

Ayes – Enestvedt, Hughes, Thureen, Boyce
Nays – None

Motion Carried Unanimously

III. Approval of Accounts Payable

Motion by Thureen, second by Hughes, to approve accounts payable to Barr Engineering in the amount of \$5,560.01 for services from May 28, 2022 through July 1, 2022; and, to Campbell Knutson in the amount of \$350.00 for May 2022 and June 2022 general services.

Ayes – Enestvedt, Hughes, Thureen, Boyce

Nays – None

Motion Carried Unanimously

IV. Review Budget Performance Reports

Daryl Jacobson, BDWMO Administrator, shared the Commission's financials look good. The proposed 2023 member contribution letters were mailed to member cities.

No Formal Action Required

V. Review, Edit, and Approve Draft Responses to the 60 Day Comments on the Plan Update

A memo from Barr Engineering outlining the formal comments received was provided to the Commission for review prior to tonight's meeting. The memo includes Barr's proposed responses to the comments.

Greg, Barr Engineering, reviewed the content of their memo. Commissioners had the opportunity to comment.

The memo comments ID 7 and ID 20 are similar and can be paired together as an addition to the Plan. This addition would identify specific member city projects and include more definition of project implementation schedules.

Motion by Hughes, second by Thureen, to distribute the responses to comments and prepare the 90 day draft of the plan inclusive of the revisions discussed.

Ayes – Enestvedt, Hughes, Thureen, Boyce

Nays – None

Motion Carried Unanimously

VI. Miscellaneous

1. The next Black Dog WMO meeting is scheduled for August 17, 2022.
2. A public hearing on the draft plan will be scheduled August 17, 2022, and will take place before the regular Commission meeting starts.

VII. Adjournment

Motion by Thureen, second by Hughes, to adjourn at 5:19pm.

Ayes – Enestvedt, Hughes, Thureen, Boyce

Nays – None

Motion Carried Unanimously



Accounts Payable - August 17, 2022 Meeting

Barr Engineering - Services from July 2, 2022 through July 29, 2022

Engineering	\$	1,268.50
Special Projects: General Fund - 2022 Management Level Monitoring - Lac Lavon	\$	2,143.35
Special Projects: General Fund Reserve - Watershed Management Update	\$	2,668.00
		<hr/>
	\$	6,079.85

Dakota County Soil & Water

Website Updates & Maintenance - April - June 2022	\$	170.00
Landscaping for Clean Water Workshops	\$	5,950.00
Technical Assistance - Landscaping for Clean Water Grant - Dillman	\$	250.00
Technical Assistance Landscaping for Clean Water Technical Assistance - Dillman	\$	500.00
		<hr/>
	\$	6,870.00

Accounts Payable Total \$ 12,949.85

resourceful. naturally.
engineering and environmental consultants



August 8, 2022

Black Dog Watershed Management Commission
City of Burnsville
13713 Frontier Court
Burnsville, MN 55337-4720

Attn: Mr. Daryl Jacobson

RE: Engineering & Environmental Consulting Services

**Invoice of Account with
BARR ENGINEERING COMPANY**

For professional services during the period of July 2, 2022 through July 29, 2022

TOTAL PAYABLE THIS INVOICE:	\$ 6,079.85
Allocation:	
Engineering	\$ 1,268.50
Special Projects: General Fund	
• Lac Lavon 2022 Management Level Monitoring	\$ 2,143.35
Special Projects: General Fund Reserve	
• Watershed Management Update	\$ 2,668.00

Barr declares under the penalties of law that
this account, claim, or demand is just and that
no part of it has been paid.

8-9-22
OK
Daryl Jacobson

Karen L. Chandler

Karen L. Chandler
Vice President

BUDGET SUMMARY - 2022 FY
Black Dog Watershed Management Commission
through July 29, 2022

Work Description	Pre-2022 Costs	2022 Barr Budget	Current Invoice	Spent This Year	Balance
Engineering	-----	31,000.00	1,268.50	18,630.43	12,369.57
Special Projects: General Fund					
<i>Reporting on Crystal Lk 2021 Water Quality Monitoring</i>	-----	4,600.00		4,558.00	42.00
<i>Lac Lavon 2022 Management Level Monitoring</i>		22,500.00	2,143.35	7,912.37	14,587.63
Subtotal -- Special Projects: General Fund	-----	27,100.00	2,143.35	12,470.37	14,629.63
Special Projects: General Fund Reserve					
<i>Watershed Management Plan Update</i> ¹	41,159.50	57,000.00 ²	2,668.00	32,965.03	24,034.97
Subtotal -- Special Projects: General Fund Reserve	-----	57,000.00	2,668.00	32,965.03	24,034.97
Water Quality Monitoring					
<i>Reporting on 2021 Kingsley Lake Habitat Monitoring</i>	-----	9,200.00		9,181.00	19.00
<i>2022 Orchard Lake Habitat Monitoring</i>		2,200.00		72.50	2,127.50
<i>Update Trend Analyses</i>	-----	2,000.00		1,885.00	115.00
Subtotal -- W.Q. Monitoring	-----	13,400.00	0.00	11,138.50	2,261.50
Public Education					
<i>Watershed Annual Report</i>	-----	4,300.00		4,841.50	(541.50)
<i>Annual Activity Report (BWSR)</i>	-----	2,000.00	0.00	1,889.50	110.50
Subtotal -- Public Education	-----	6,300.00	0.00	6,731.00	(431.00)
Total Services	-----	134,800.00	6,079.85	81,935.33	52,864.67

Notes:

¹ Plan Update budget=\$98,200 (\$97,000 authorized at 11/18/2020 meeting, additional \$1,200 authorized at 1/20/2021 meeting), including \$10,000 budgeted in 2020

² 2022 budget increase from \$40,000 to \$57,000 authorized at 6/15/2022 meeting, but no change in total Plan Update budget



INVOICE

Barr Engineering Co.
4300 MarketPointe Drive, Suite 200
Minneapolis, MN 55435
Phone: 952-832-2600; Fax: 952-832-2601
FEIN #: 41-0905995 Inc: 1966

Remittance address:
Lockbox 446104
PO Box 64825
St Paul, MN 55164-0825

Mr. Daryl Jacobson
Black Dog WMO
City of Burnsville
13713 Frontier Court
Burnsville, MN 55337-4720

August 8, 2022

Invoice No: 23190374.22 - 7

Total this Invoice	\$1,268.50
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Regarding: BDWMO 2022 Engineering Services

Professional Services from July 2, 2022 to July 29, 2022

Job:	2022	Engineering Services
Task:	001	Attend BDWMO Meetings

Labor Charges

	Hours	Rate	Amount
Vice President			
Chandler, Karen	1.90	190.00	361.00
Engineer / Scientist / Specialist III			
Williams, Sterling	1.80	155.00	279.00
	3.70		640.00
Subtotal Labor			640.00
Task Subtotal			\$640.00

Task:	002	Miscellaneous Consulting
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Labor Charges

	Hours	Rate	Amount
Vice President			
Chandler, Karen	2.70	190.00	513.00
Support Personnel II			
Nypan, Nyssa	1.10	105.00	115.50
	3.80		628.50
Subtotal Labor			628.50
Task Subtotal			\$628.50

Job Subtotal **\$1,268.50**

Total this Invoice **\$1,268.50**

	Current	Prior	Total	Received	A/R Balance
Invoiced to Date	1,268.50	24,092.93	25,361.43	24,092.93	1,268.50

Thank you in advance for the prompt processing of this invoice. If you have any questions, please contact Karen Chandler, your Barr project manager, at (952) 832-2813 or email at kchandler@barr.com.

Terms: Due upon receipt. 1 1/2% per month after 30 days. Please refer to the contract if other terms apply.



INVOICE

Barr Engineering Co.
4300 MarketPointe Drive, Suite 200
Minneapolis, MN 55435
Phone: 952-832-2600; Fax: 952-832-2601
FEIN #: 41-0905995 Inc: 1966

Remittance address:
Lockbox 446104
PO Box 64825
St Paul, MN 55164-0825

Mr. Daryl Jacobson
Black Dog WMO
City of Burnsville
13713 Frontier Court
Burnsville, MN 55337-4720

August 8, 2022

Invoice No: 23190375.22 - 7

Total this Invoice	\$2,143.35
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Regarding: 2022 BDWMO Management Level Water Quality Monitoring

Professional Services from July 2, 2022 to July 29, 2022

Job:	LAC	Lac Lavon 2022 Water Quality Monitoring
Task:	100	Monitoring Data Mgmt & Proj Mgmt

Labor Charges

	Hours	Rate	Amount
Engineer / Scientist / Specialist III			
Olson, Terri	.40	155.00	62.00
Engineer / Scientist / Specialist II			
Menken, Kevin	3.00	130.00	390.00
Schirmer, Samantha	.10	130.00	13.00
Technician II			
Melmer, David	2.80	95.00	266.00
Novack, John	4.10	105.00	430.50
Support Personnel II			
Treanor, Margaret	1.40	120.00	168.00
	11.80		1,329.50
Subtotal Labor			1,329.50

Subconsultant Charges

Subconsultants		
6/27/2022 RMB Environmental Laboratories Inc		129.80
7/11/2022 RMB Environmental Laboratories Inc		145.20
7/20/2022 RMB Environmental Laboratories Inc		129.80
7/29/2022 RMB Environmental Laboratories Inc		129.80
Subtotal Subconsultant		534.60

Unit Charges

Canoe	1.0 day @ 32.00	32.00
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Terms: Due upon receipt. 1 1/2% per month after 30 days. Please refer to the contract if other terms apply.

Project	23190375.22	Management Level Water Qual Monitoring	Invoice	7
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Water Quality Meter (YSI 556 MPS)	1.0 day @ 85.00	85.00
Barr Owned Vehicle Use	1.0 day @ 95.00	95.00
Ice (per bag)	1.0 ea @ 2.50	2.50
Kemmerer Vertical Bottle Sampler	1.0 day @ 33.50	33.50
Vehicle (Mileage)	50.0 miles @ 0.625	31.25

Subtotal Units	279.25
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Task Subtotal	\$2,143.35
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Job Subtotal	\$2,143.35
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Total this Invoice	\$2,143.35
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	Current	Prior	Total	Received	A/R Balance
Invoiced to Date	2,143.35	10,327.02	12,470.37	10,327.02	2,143.35

Thank you in advance for the prompt processing of this invoice. If you have any questions, please contact Kevin Menken, your Barr project manager, at (952) 832-2794 or email at kmenken@barr.com.



INVOICE

Barr Engineering Co.
4300 MarketPointe Drive, Suite 200
Minneapolis, MN 55435
Phone: 952-832-2600; Fax: 952-832-2601
FEIN #: 41-0905995 Inc: 1966

Remittance address:

Lockbox 446104
PO Box 64825
St Paul, MN 55164-0825

Mr. Daryl Jacobson
Black Dog WMO
City of Burnsville
13713 Frontier Court
Burnsville, MN 55337-4720

August 8, 2022

Invoice No: 23191455.00 - 20

Total this Invoice	\$2,668.00
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Regarding: BDWMO 2022 Watershed Management Plan

Professional Services from July 2, 2022 to July 29, 2022

Job:	300	Review and Adoption
Task:	001	60 day review and response

Labor Charges

	Hours	Rate	Amount	
Vice President				
Chandler, Karen	3.60	190.00	684.00	
Engineer / Scientist / Specialist III				
Williams, Sterling	12.80	155.00	1,984.00	
	16.40		2,668.00	
Subtotal Labor				2,668.00
		Task Subtotal		\$2,668.00
		Job Subtotal		\$2,668.00
		Total this Invoice		\$2,668.00

	Current	Prior	Total	Received	A/R Balance
Invoiced to Date	2,668.00	61,485.53	64,153.53	61,485.53	2,668.00

Thank you in advance for the prompt processing of this invoice. If you have any questions, please contact Greg Williams, your Barr project manager, at (952) 832-2945 or email at gwilliams@barr.com.

Terms: Due upon receipt. 1 1/2% per month after 30 days. Please refer to the contract if other terms apply.



**Dakota County Soil & Water
Conservation District**

**4100 220th Street West, Ste 102
651-480-7777
Farmington, MN 55024**

Invoice

DATE	INVOICE #
7/21/2022	3205

BILL TO

Black Dog WMO
Daryl Jacobson, Administrator
13713 Frontier Court
Burnsville, MN 55337

Reference

TERMS

Net Due in 30 Days

ITEM CODE	DESCRIPTION	HOURS	RATE	AMOUNT
	April - June 2022			
Black Dog	EDUCATION AND OUTREACH ASSISTANCE: Website Updates and Maintenance	2	85.00	170.00
Black Dog	LANDSCAPING FOR CLEAN WATER WORKSHOPS: Introductory, Design, Maintenance (50% of Annual Workplan)		5,950.00	5,950.00
Black Dog	TECHNICAL ASSISTANCE AND COST SHARE: Landscaping for Clean Water Grant - Dillman		250.00	250.00
Black Dog	Landscaping for Clean Water Technical Assistance - Dillman		500.00	500.00
<p>OIC <i>Daryl Jacobson</i> 7-25-22</p>				

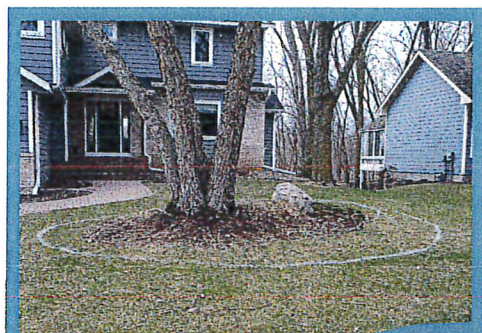
Thank you.

Total \$6,870.00



DILLMAN

RESIDENTIAL NATIVE GARDEN



BEFORE

A native garden, also called natural landscaping, uses plants, trees and grasses that are suitable for growth in a particular geographical area



AFTER

PRACTICE:

- Native Garden

BENEFITS:

- Runoff volume reduction
- Slope stabilization
- Improved wildlife habitat
- Opportunity for public education and outreach
- Improved aesthetics

PARTNERS:

- Black Dog Watershed Management Organization

WATERSHED:

- Black Dog

INSTALLATION:

- Spring 2022

PROJECT: Installation of a 150 sq. ft. residential native garden.

COST: Project materials cost estimated at \$460

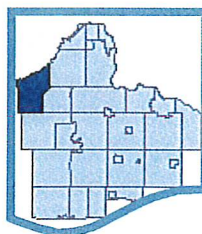
FUNDING: Landowners receive a \$250 Landscaping for Clean Water grant as well as technical assistance provided by the Dakota County Soil and Water Conservation District



BLACK DOG
Watershed Management Organization

LOCATION:

Keller Lake Road
Burnsville



BLACK DOG WMO
CASH ACTIVITY REPORT 2022

Date	Description	Deposits	Check #	Check Amount	Monthly Cash Balance	Expenditures: General Engineering Support	Special Projects (General)	Special Projects (Capital)	Special Projects (Gen. Reserve)	Insurance	Legal & Audit	Admin Support	Public Education	Water Quality Monitoring	Conf Public	Contingency
Balance as of 12/31/21					456,991.62											
19-Jan	Barr Engineering Co (2021)		1774	9,154.44		4,758.94	1,406.00	-	2,989.50					-		
19-Jan	Met Council - Environ Services (2021)		1775	3,800.00										3,800.00		
20-Jan	State of MN Grant (2021) - Cap	65,926.24														
31-Jan	Interest Income	4.16														
01/31/22 Balance		65,930.40		12,954.44	509,967.58	4,758.94	1,406.00	-	2,989.50	-	-	-	-	3,800.00	-	-
16-Feb	Barr Engineering Co		1776	11,132.63		2,156.63	163.00	-	7,965.00				655.50	192.50		
16-Feb	Campbell Knutson (2021)		1777	221.00							221.00					
16-Feb	City of Burnsville (2021)		1778	24,302.86								24,302.86				
16-Feb	Dakota County Soil & Water (2021)		1779	1,280.00			-	-	-				1,280.00			
28-Feb	Interest Income	3.95														
02/28/22 Balance		3.95		36,936.49	473,035.04	2,156.63	163.00	-	7,965.00	-	221.00	24,302.86	1,935.50	192.50	-	-
16-Mar	Barr Engineering		1780	18,263.21		2,923.71	1,300.00	-	7,394.50				1,696.50	4,948.50		
16-Mar	Campbell Knutson		1781	666.68				-			666.68					
31-Mar	Interest Income	22.10														
03/31/22 Balance		22.10		18,929.89	454,127.25	2,923.71	1,300.00	-	7,394.50	-	666.68	-	1,696.50	4,948.50	-	-
20-Apr	Barr Engineering		1782	18,745.13		2,572.13	1,958.00	-	7,263.50				2,394.50	4,557.00		
20-Apr	Campbell Knutson		1783	157.50							157.50					
30-Apr	Interest Income	74.49														
04/30/22 Balance		74.49		18,902.63	435,299.11	2,572.13	1,958.00	-	7,263.50	-	157.50	-	2,394.50	4,557.00	-	-
18-May	Barr Engineering		1784	11,349.63		3,454.25	2,269.88	-	2,447.50				1,737.50	1,440.50		
18-May	Campbell Knutson		1785	262.50							262.50					
18-May	Dakota County Soil & Water Conservation		1786	1,135.00		-	-	-	-				1,135.00	-		
31-May	Interest Income	187.60														
05/31/22 Balance		187.60		12,747.13	422,739.58	3,454.25	2,269.88	-	2,447.50	-	262.50	-	2,872.50	1,440.50	-	-
15-Jun	Barr Engineering		1787	10,804.87		3,959.13	2,620.71	-	3,978.03				247.00	-		
30-Jun	League of MN Cities Insurance Trust		1788	2,801.00						2,801.00						
30-Jun	Interest Income	312.83														
06/30/22 Balance		312.83		13,605.87	409,446.54	3,959.13	2,620.71	-	3,978.03	2,801.00	-	-	247.00	-	-	-
15-Jul	Barr Engineering		1789	5,560.01		2,296.08	2,015.43	-	1,248.50				-	-		
15-Jul	Campbell Knutson		1790	350.00							350.00					
31-Jul	Interest Income	472.86														
07/31/22 Balance		472.86		5,910.01	404,009.39	2,296.08	2,015.43	-	1,248.50	-	350.00	-	-	-	-	-
Total Revenue		67,004.23	Total Expense			22,120.87	11,733.02	-	33,286.53	2,801.00	1,657.68	24,302.86	9,146.00	14,938.50	-	-
Less: 2021 A/R		(65,926.24)	Less: 2021 A/P			(4,758.94)	(1,406.00)	-	(2,989.50)	-	(221.00)	(24,302.86)	(1,280.00)	(3,800.00)	-	-
December LMC insurance reclass		-														
Total YTD 2022 Revenue		1,077.99	Total YTD 2022 Exp		81,228.16	17,361.93	10,327.02	-	30,297.03	2,801.00	1,436.68	-	7,866.00	11,138.50	-	-
			2022 Budget		186,750.00	31,000.00	40,600.00	5,000.00	40,000.00	3,000.00	5,500.00	19,000.00	20,050.00	17,100.00	500.00	5,000.00
			Budget Remaining		105,522.00	13,638.00	30,272.98	5,000.00	9,702.97	199.00	4,063.32	19,000.00	12,184.00	5,961.50	500.00	5,000.00

BLACK DOG WATER MANAGEMENT COMMISSION

Budget Performance Report July 31, 2022

	CURRENT MONTH	YEAR TO DATE			
	ACTUAL	GENERAL FUND BUDGET	CAPITAL IMPROVEMENT FUND BUDGET	ACTUAL	VARIANCE FAVORABLE (UNFAVORABLE)
Opening Fund Balance		\$ 402,670	\$ 81,489	\$ 484,160	
REVENUES :					
Member Contributions:					
City of Apple Valley	\$ -	\$ 10,399	\$ 1,742	\$ -	\$ (12,141)
City of Burnsville	-	94,104	16,193	-	(110,297)
City of Eagan	-	575	-	-	(575)
City of Lakeville	-	25,922	4,065	-	(29,987)
Total Member Contributions	-	131,000	22,000	-	(153,000)
Other Revenues:					
Interest	\$ 473	\$ 40	\$ -	\$ 1,078	\$ 1,038
Grant (State of MN BWSR)	-	-	-	-	-
Total Other Revenue	473	40	-	1,078	1,038
Total Revenues	\$ 473	\$ 131,040	\$ 22,000	\$ 1,078	\$ (151,962)
EXPENDITURES :					
General Engineering Support	\$ 2,296	\$ 31,000	\$ -	\$ 17,362	\$ 13,638
Special Projects - General Fund	2,015	40,600	-	10,327	30,273
Special Projects - Capital Improvement Fund	-	-	5,000	-	5,000
Special Projects - General Fund Reserve	1,249	40,000	-	30,297	9,703
Insurance	-	3,000	-	2,801	199
Legal and Audit	350	5,500	-	1,437	4,063
Administrative Support	-	19,000	-	-	19,000
Public Education	-	20,050	-	7,866	12,184
Water Quality Monitoring	-	17,100	-	11,139	5,962
Conference/Publications	-	500	-	-	500
Contingency	-	5,000	-	-	5,000
Total Expenditures	5,910	181,750	5,000	81,228	105,522
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	<u>(5,437)</u>	<u>(50,710)</u>	<u>17,000</u>	<u>(80,150)</u>	
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES PLUS OPENING FUND BALANCE				<u>404,009</u>	
TOTAL CASH AVAILABLE 7/31/2022	404,009				
Fund Balance 7/31/2022	\$ 404,009				

Memorandum

To: Entities providing formal comments on the draft 2022 BDWMO Watershed Management Plan
From: Greg Williams, PE, Barr Engineering Co. on behalf of the BDWMO commissioners
Subject: Responses to comments on the draft 2022 BDWMO Watershed Management Plan provided during 60-day review
Date: August 2, 2022
Project: 23191455

On behalf of the Black Dog Watershed Management Organization (BDWMO) commissioners, Barr Engineering Co. (Barr) staff distributed the draft 2022 BDWMO Watershed Management Plan (Plan) for formal 60-day review consistent with Minnesota Statutes 103B.231 Subd. 7a on May 12, 2022. The formal review period closed on July 12, 2022. The following entities provided formal comments:

- Dakota County
- Metropolitan Council (Met Council)
- Minnesota Board of Water and Soil Resources (BWSR)
- Minnesota Department of Transportation (MnDOT)

Letters of no comment were also received from:

- Dakota County Soil and Water Conservation District (Dakota SWCD)
- Minnesota Department of Natural Resources (MDNR)
- Minnesota Pollution Control Agency (MPCA)

At their July 20, 2022 meeting, the BDWMO commissioners approved responses to the formal comments. Formal comments and responses are numbered and organized by commenting entity in the attached table. The BDWMO commissioners will hold a public hearing on the draft Plan on August 17, 2022 at their regular Board meeting. We are distributing the attached table of comments and responses to all commenters, consistent with Minnesota Statutes 103B.231 Subd. 7b.

c:

Steve Christopher, BWSR
Brittany Faust, MPCA
Daryl Jacobson, BDWMO Administrator
Melissa King, BWSR
Megan Moore, MDNR
Joe Mulcahy, Met Council
Valerie Neppl, Dakota County
Beth Neuendorf, MnDOT
Brian Watson, Dakota SWCD

BDWMO 2022 Watershed Management Plan - 60-day Review Comments and Responses

August 2, 2022

ID No	Entity	Plan Section	Plan Page	Topic	Comment	Proposed Response	Plan Edit
1	BWSR	2.1.2, 2.12.1, 6		Linked references	Ensure hyperlinks are valid (Section 2.1.2, Section 2.12.1) and provide weblinks, when available, to referenced reports and studies (e.g. Section 2.8.4.4, Section 6).	Plan links will be checked and updated, as necessary, immediately prior to publication.	Y
2	BWSR	2.7.1.3 2.7.1.5	2-28 2-29	Impaired Waters	Section 2.7.1.3 for Orchard Lake and Section 2.7.1.5 for Lac Lavon. Please add clarifying language to narrative discussing listed impairments in these sections. Section 2.9.3 identifies that both resources are impaired for mercury in fish tissue.	Section 2.7.1.3 and Section 2.7.1.5 have been updated to note the impairments for mercury in fish tissue.	Y
3	BWSR	2.9.2 2.10	2-47 2-49	Water Quality Trends Water Quantity and Flooding	Section 2.9.2 Lake Water Quality, Trend Analysis, and Action Levels and Section 2.10 Water Quantity and Flooding. Water quality, water quantity and discharge trends are not summarized or there is limited to no discussion in the land and water inventory (MN Rule 8410.0060 Subp. 1.F). Please add narrative that generally describes water quantity and discharge trends and provide specific referenced locations (i.e. weblinks) to all city local surface water management plans where the complete data and analysis is freely accessible. Please expand on water quality discussion for strategic resources and provide revise BDWMO weblink to the reports section on the BDWMO website.	The water quality Section 2.9.2 has been updated to more explicitly discuss the results of trend analyses and include a direct link to the 2021 annual report which presents the results in graphs. Flow data is not available to characterize discharge trends in the watershed. A qualitative analysis of available lake level data has been added to Section 2.10 to generally characterize hydrologic trends. Note also that precipitation trends are described in Section 2.1.	Y
4	BWSR	4.3	4-5	Erosion and Sedimentation Goals and Policies	Plan priorities did not specifically include erosion or sedimentation as a high or a low priority issue. However, the Plan does incorporate sedimentation concerns as a greater water quality issue. Goal C and Goal H are also identical. Please clarify. We suggest the elimination of one of the redundant goal statements and incorporate Goal G and the erosion/sedimentation policies into the water quality goals and policies presented in Section 4.1.	The structure of Section 4 in the 60-day draft reflects the old (2012) Plan. The policies in current Section 4.3 have been migrated to other sections as appropriate. Goal G and H have been removed to reduce redundancy with remaining water quality goals.	Y
5	BWSR	2.8.8.4	2-42 5-5	Studies and Capital Projects	A list of previously completed studies are presented in Section 2.8.4.4. If the BDWMO anticipates completing additional implementation activities identified in any of these studies, we suggest that Section 5.1.5 be updated to include a list of those studies and related hyperlinks, and the implementation scheduled revised as necessary to reflect.	The study most likely to yield future projects in the near future is the City of Apple Valley's Keller Lake Subwatershed Assessment, as Keller Lake remains impaired. Section 5.1.5 has been updated to note this and include a link to that document.	Y
6	BWSR	Table 5-3		Implementation Schedule	Please correct footer alignment in Table 5-3, unable to read full footer text.	Footer alignment has been corrected so footnotes are fully legible	Y

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7	BWSR	5.1.5 Table 5-2 Table 5-3	5-5	Implementation Schedule	Section 5.1.5 and subsequent implementation tables. It is unclear what structural capital improvements the BDWMO anticipates completing in the life of this plan (MN Rule 8410.0105, Subp. 2). For structural projects/programs Tables 5-2 and 5-3 identifies direct BDWMO funds to the general watershed-wide projects/programs (PP-1, PP-2, PP-3). All other projects/program included for specific strategic water bodies are noted to assume local funding provided by City/partners with possible administration/grant funding support by the BDWMO, however, no specific implementation schedule is identified in table 5-3. Please address.	At the time of developing the 60-day draft Plan, the BDWMO and member cities had not identified projects with enough specificity to detail them beyond the generally-scoped waterbody-specific line items in Table 5-2 and Table 5-3. The City of Apple Valley has subsequently identified several projects planned within the first few years of Plan implementation. Tables 5-2 and 5-3 will be updated to include these specific projects and anticipated years of implementation. The BDWMO anticipates that these opportunities will be funded by City funds in combination with BWSR Clean Water Fund Watershed Based Implementation Funding (WBIF). Notes to this effect will be added in the implementation years in Table 5-3. The items in Table 5-2 and Table 5-3 will be further defined as member cities identify and schedule future project opportunities. This may require Plan amendments. The amendment process is described in Section 5.1.5.	Y
8	BWSR	Table 5-4	5-16	Local Plans	Table 5-4 on page 5-16, please clarify if the City of Burnsville has adopted its local surface water management plan.	Table 5-4 will be updated to include the date of Burnsville local water plan adoption	Y
9	BWSR	5.5.2.1	5-17	Local Plans	Please clarify reference to amendment procedure for a local surface water management plan which is outlined in Section 5.5.2.1. Narrative provides reference to MN Rule 8410.0160 which does not identify a specific procedure.	The reference to MN Rules 8410.0160 has been removed. Section 5.5.2.1 has been updated to note that member cities must submit their local plan amendments to the BDWMO to approve or provide comment within 60 days.	Y
10	Dakota County	NA	NA	General	The County encourages the BDWMO and member cities to coordinate with the County for collaboration and potential cost participation on water quality improvement projects to ensure an equitable implementation strategy for all MS4s in addressing the Keller TMDL.	The BDWMO will consider opportunities for collaboration with the County when evaluating or implementing activities related to the Keller Lake TMDL. Dakota County has been added to the "Partners" for implementation activities KL-1 and KL-2 addressing Keller Lake.	Y
11	Dakota County	2.5	2-15	Geology	As of 2022, the Minnesota Geological Survey and Department of Natural Resources are in the process of updating the Dakota County Geologic Atlas.	The text of Section 2.5 has been revised to note an update is planned in 2022.	Y

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12	Dakota County	2.14	2-58	Pollutant Sources	Subsurface Sewage Treatment Systems (SSTS, AKA septic systems) – Should note that the member cities of the WMO regulate SSTS within their boundaries, subject to their local ordinances and County Ordinance 113, in addition to state law and rule.	Text has been added noting that member cities also regulate SSTS via local controls and Dakota County Ordinance 113.	Y
13	Dakota County	3.6	3-11	Groundwater Issues	For private drinking water wells, Dakota County is implementing a Community Focused Sampling Program, in accordance with the 2020-2030 Groundwater Plan. On a five-year rotation, the County is offering every household that uses 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. <ul style="list-style-type: none"> o Burnsville – projected for sampling in 2023 o <i>[Links provided in letter for other City studies]</i> In 2021-2022, also in accordance with the Groundwater Plan, Dakota County has initiated a Groundwater/Source Water Collaborative, in which the WMO's member cities are participating.	Text has been added to Section 2.6.3 to summarize the program and 2019-2020 results. Text has been added to Section 3.6 noting the availability of the program and referring the reader to Section 2.6.3 for more information.	Y
14	Dakota County	4.6	4-8	Groundwater Policies	Recommend adding a policy that member cities will help promote or encourage the sealing of unused wells since it was mentioned as a potential contamination source in previous chapters. Note that the County does have a well seal grant program to help landowners with cost-share of sealing wells.	A policy has been added to Section 4.5 (new numbering of groundwater section) noting that the BDWMO and member cities shall promote well sealing leveraging County resources, as available.	Y
15	Dakota SWCD	NA	NA	NA	Letter of no comment received June 15, 2022.	The BDWMO appreciates the Dakota SWCD's review and participation throughout the planning process.	N
16	MDNR	NA	NA	NA	Letter of no comment received July 8, 2022.	The BDWMO appreciates the MDNR's review and participation throughout the planning process.	N
17	MPCA	NA	NA	NA	Letter of no comment received July 8, 2022.	The BDWMO appreciates the MPCA's review and participation throughout the planning process.	N
18	MnDOT	4.9.1	4-13	Performance Standards	The trigger for rate and volume control and permanent water quality treatment (1 acre of disturbance per Section 4.9.1) should be based on added/reconstructed impervious consistent with the NPDES permits rather than based on soil disturbance. As a State agency, MnDOT does not follow the local city stormwater requirements, but follows the NPDES requirements.	The BDWMO prefers to keep the trigger based on disturbance rather than impervious area, to require treatment for smaller projects that would otherwise not meet the trigger. The BDWMO recognizes that MnDOT is exempted from this performance standard and operates under the NPDES permit.	N

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19	Met Council	4.9.1 Table 4-1 Table 4-2	4-13	Performance Standards	The BDWMO is not a permitting authority, and its general philosophy is that the member communities are responsible for managing water resources in the watershed. BDWMO should consider promoting uniform performance standards (Table 4-1) and wetland management performance standards (Table 4-2) among the member cities in the watershed.	During the Plan update process, the BDWMO reviewed current city performance standards and determined that updates to establish uniform performance standards would require significant effort from member cities to update local controls with limited benefit (i.e., no significant change in overall performance standards)	N
20	Met Council	5.1.5 Table 5-2 Table 5-3	5-5	Implementation Schedule	The costs for many of the projects/ programs management actions in Tables 5-2, (Implementation Schedule - with activity descriptions) and 5-3 (Implementation Schedule - estimated cost by year) are listed as "TBD". While we realize it is difficult to plan future projects over a ten-year span, and the reality of annual budgets, this really is central to the implementation section of the plan and any further detail or specifics that could be provided would improve the plan. If this isn't possible at this time, any changes to these tables should be made via minor amendments to the plan as they are available.	See response to comment #7 above	Y