



Scott Watershed Management Organization

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Meeting Minutes

Scott County WMO – Watershed Planning Commission

October 23rd, 2023

I. CALL TO ORDER

Commissioner Weaver called to order the regular meeting of the Watershed Planning Commission at 4:01 PM on October 23rd, 2023, which was held virtually via Zoom.

The October 23rd, 2023, Scott WMO Watershed Planning Commission Meeting is available for viewing at: <https://www.youtube.com/watch?v=uXrkhE1d9v8>

Members Present:	Members Absent:	Staff Present:	Others Present:
Rita Weaver	Kevin Shea	Vanessa Strong	Tom Wolf
Virgil Pint		Ryan Holzer	Kate Sedlacek
Brian Schmidt		Melissa Bokman Ermer	Bruce Loney
Pam Caselius		Troy Kuphal	
Mark Vierling		Nicole Jacobson	
Joe Thill			

II. APPROVAL OF AGENDA AND MEETING MINUTES

Motioned by Commissioner Pint, seconded by Commissioner Thill, the agenda was approved as presented. **The Motion carried unanimously.**

Motion carried: Ayes: 6 Nays: 0

Motioned by Commissioner Pint, seconded by Commissioner Thill, to approve the August 23, 2023, meeting minutes as written. **The Motion carried unanimously.**

Motion carried: Ayes: 6 Nays: 0

III. STAFF REPORTS

a. SCOTT SWCD

Updates provided by Troy Kuphal:

Please see the full presentation and graph materials in the packet. If there are any specific questions or concerns, please contact Troy Kuphal.

b. SCOTT WMO

Updates provided by Vanessa Strong:

- Staff attended Outdoor Education Days and supported the event by providing education to the students; the event is sponsored by the SWCD, SWMO, and other SCWEP partners. Staff also assisted at the Metro Children's Water Festival which had approximately 2,000 students in attendance; seven metro counties get together and partner on the event.
- Budget and Workplan – Working on updates for 2024 with the final budget numbers to be provided at the November meeting. Not expecting to see too many changes to the preliminary levy as it

stands. We are moving into the planning update phase for the next couple years, working to collect the preliminary data, and completing studies in order to inform that plan.

- Ground Water Rate Study - Staff is recommending the original Rate Study be updated. Existing Rate Study recommendations no longer meet the current demand of workload that the County has managed for approximately five years. Timing of the Rate Study will depend upon availability of staffing and current workload capacity. Staff anticipates beginning the Rate Study update no later than 2026.

Next Steps:

- 2024 Budget and Workplan update at the November meeting.

IV. ONGOING BUSINESS

a. Project Updates | Ryan Holzer:

- CIP - Xanadu Project - We are looking to start construction during this fall and wintertime period. We received an acceptable bid from Veit & Company Inc. We are currently on phase 6. Phase 1 included three projects within that phase: two streambanks and a ravine which was completed by Veit. Veit has a side-grip vibratory hammer to drive the logs vertically into the creek. We run into issues with depth, and this will be easier on the logs and less susceptible to breaking. Last Tuesday, the Board authorized entering into a contract with them. We will be working to ensure the contract requirements are fulfilled as outlined in the specs. The project is set to start any time after November 1st for construction, potentially late December, or early January. Amendment was made for Inter Fluve to have them help us with construction observation hours which was approved by the Board last Tuesday. The Highway Department also assists us with inspections.
- CIP - Picha Creek – Amendment for SRF to add construction observation hours and for a more detailed survey that already occurred; that amendment was approved by the Board last Tuesday.
- Sand Creek Fish Survey – Survey is now complete. Consultant did a fantastic job on the report with information as well as outlining next steps, which will be shared at the November meeting.
- Nine Elements Grant – Every time we work with MPCA on a grant they have a check-in meeting, held at any point during the grant but typically later as they want to see the projects. That meeting will be held in a couple weeks between myself and the MPCA representative; there will be a mini tour of some of the completed projects.

Next Steps:

- Sand Creek Fish Survey report and next steps will be shared at the November meeting.

b. Project Updates | Melissa Bokman Ermer:

- Eagle Scout Project – Several months ago Nick Stang brought his ideas on how to improve water quality at the Jordan Mill Pond and the commission approved up to \$600 to help him with native planting along the shoreline. On the weekend of September 15th, Nick and his dad Joe Stang began the project. I dropped off plants, erosion control blanket, and mulch that totaled \$589 which was just below the \$600 budget. I will be checking in with Nick on how the placement of the rock along the shoreline is functioning; currently the water level is low. I provided him with a planting plan and a maintenance plan to make sure everything is taken care of and thrives.
- Shallow Lake Seminar – Held on October 11th. Commissioner Caselius was in attendance along with Cedar Lake attendees. Sixty-six people signed up, and forty-four attended. Joe Bischoff with Barr Engineering provided shallow basics and shallow lake ecology. Steve McComas gave a talk on lake management strategies. Shelby conducted a survey, and the consensus was that the attendee's knowledge of lake ecosystems, and knowledge of lake management increased. Their biggest concerns noted were regarding water level and water quality. The biggest takeaway was plants are important, Joe had stressed in order to have a clear water state you need aquatic plants in the lake. It is a really long process to change from one state to another. Cedar lake will take a long time. A lot of positive feedback on the seminar was received.

- Watershed Plan Update – Plan updating will start next year. Vermillion is being updated this year and one of most important pieces is public input. Vermillion hired a consultant to put together a public engagement plan. One tool they will use is called social pinpoint. It's an interactive map that is available online and the functionality of it allows people to add icons to mark the map noting areas of concern, comments on a specific project, and for areas of potential opportunity. They will also have the option to add general comments. This is something we could consider as part of the public engagement process.
- Cedar Lake – Meeting held on 10/24/23 with the Lake Improvement District Board, DNR, and PLM our treatment vendor, to discuss the 2024 treatment plan for Cedar Lake. I completed the draft survey report for Cedar for the year; the LID requests it and we work with the DNR every year to determine a treatment plan for the following year. Another new chemical was used this year (fluridone), which was also used a couple years ago, and we monitor the results of the native plant response to the treatment. More to come on the treatment plan for 2024.
- Conference – Next week I'll be attending the Midwest Climate Resiliency Conference in Duluth to see what we can learn that we may be able to put into the plan update starting next year. It is something that we must consider with all the climate extremes recently. I'm hoping to bring an update at the next meeting.
- Logo and Branding – This is still in process. We did agree on a logo, but we will wait until next month to share the branding we are working on.

Discussion:

Strong: Shallow lakes are challenging, and we will help enable our shallow lake residents to better manage their lakes. If we can bring these learning and engagement opportunities to them, it empowers them. We are always looking for other topics to talk about, depending on needs and desires of the residents.

Next Steps:

- Provide an update on the Midwest Climate Resiliency Conference
- Logo and branding progress update
- Update on the Treatment Plan for 2024

c. 1W1P (One Watershed One Plan)

Chair Weaver gave a brief update regarding the 1W1P planning process.

- A policy committee meeting was held last week, and we reviewed and discussed the implementation table.
- The organizational plan was reviewed and the WMO will not take part in that; Le Sueur & Rice counties, and SCWD will be involved. The WMO will continue to assist with the planning portion of the 1W1P plan.

Bokman Ermer added that the draft plan is now available for internal review.

V. NEW BUSINESS

a. 2024 TACS Docket - Action Items

Presented by Ryan Holzer

Please review the document in the packet for full detail and the noted changes. Although this is being presented now, WPC members have the ability to make changes to this, and have it brought back to the November meeting.

Proposed Changes:

1. Proposing separating the application from the contract. The current process is when a landowner has interest in working with us, we gather their information, log their request and a conservationist starts working with that landowner. If their interests align with practices that we offer through our

cost share, then the conservationist continues to work with them to try and secure that financial assistance for them. In the end they have a decent amount of time invested into it depending on what the project is. A rain garden may be a few hours, while a water and sediment control basin may take up to 80 hours. The current process is that they don't sign anything until they get to the point of requesting financial assistance. They sign an application, and it goes to the SWCD for approval. If it's a screening committee application, then it gets a recommendation at the SWCD board and then you'll see those applications at the WPC meetings. We have the delegation of approval authority so if the application is under \$50,000 then Vanessa Strong signs it, \$50-\$100k Brad Davis signs, over \$100k it then goes to the county board for approval. Once the application is reviewed, and approved, that application then becomes the contract. The application is essentially the contract, and different terminology is used once it is approved.

Discussion:

Holzer: Troy Kuphal has been testing this process for a year which is why the change is not in the Docket, because in the appendix it states that the WMO reserves the right to not do the application vs. the contract. We were giving this a year to see how this process is going and Kuphal reported that it is going well. One of the bigger drivers is the landowner is continuing with the project and remaining interested all the way to the point of signing the contract itself.

If earlier in the process, they sign the application, there's more investment on their part because they are signing something stating they are interested in the project and they want to continue to work with staff on it. If it gets to the point of financial assistance (the contract) then they have at least signed something prior to the actual contract stating that they want to pursue this. They are more invested in getting to the actual contract vs if they do not sign anything ahead of the contract. They may not understand what the commitment is, and when they sign the application, it shows an estimate of all the time that is going to be spent by staff getting to the point of the contract.

Strong: This is a larger process of the policy update. Not having an application upfront, followed by a contract at the end is certainly different than them signing everything at the end. When the landowners are presented with all the paperwork of a large contract at the end of the process it can be overwhelming; whereas the application at the beginning of the process allows them to be guided through the process more slowly. This is hopefully enabling more projects to make it through the process. For the larger projects, it helps to secure the process overall because they are putting a lot of effort and time into it. With the application they know what project or practice they are signing up for, and generally, what the cost share opportunities will be available. Some of the details such as the final planning, design, and technical details would be worked out after the application but before the contract.

Kuphal: We didn't completely implement the separate application from the contract in its full intent because we wanted to get the experience with a separate form. We created a "request for assistance" form through the Technical Assistance and Cost Share Program so it didn't officially serve as an application. It was something that they did sign, requesting that they wanted some help with the project and that if they were to proceed with the project, they would have to complete an official application. It also did provide a space that gave us, as staff, an opportunity to let them know what we anticipate our invested time is going to be into it. This also represents that the amount of service they are receiving has value, which can be upwards of 80 hours which is several thousand dollars' worth of invested time.

We used that application to create an "assistance form" which we then placed on a ranking list. We would periodically meet to decide which ones are eligible, which ones should move forward, and for the ones that do move forward what is the cost share source. We now officially use the form as an entry to the process. What we found was that the form itself was not an impediment and it did not increase the amount of effort on staff, but it did provide an opportunity to discuss the "what comes next" aspect of the program. Even though it didn't serve as the official separate application form, we were able to test it and make sure there were not any unintended consequences of having another form in our system. As of recent, one thing that makes it feel like it is a better time to move forward with this is that BWSR updated their policies, and they no longer require using their contract, and they don't require them to approve the use of the cost share agreement or contract that we have. They are allowing each local unit of government or watershed to decide what one they would like to use for that purpose. There are some minimum requirements according to the grants. So, we are not locked into (by state policy) a contract that is also an application.

Strong: From the WPC's perspective we pay for the time of the SWCD staff regardless of whether the project makes it to the contract or not. If this is going to secure more contracts that is great. Whether they do or not, technical assistance often provides a benefit either way so the fact that we are paying for the time ahead of time for the design, implementation, meeting with the residents, potentially secure more contracts, and if it increases contracts that is a win our end. At the same time, we don't want to be approving things that may not be completed, without having all the details worked out or finalized. We need to know when we are going to approve because the ones we are approving are the top 25%. The ones that need to go to the steering committee are ones where, there is a high risk, the really challenging, unique or innovative. When they come to the WPC for review, they really should be right about at the contract point because we don't want to see an application and then have something get reworked, and then have it changed before it goes to contract. So, when it comes to you at the WPC, even with the new process, it will still be at the contract phase. That is because the ones that you received to review are those that are more challenging, more difficult, more expensive, innovative, and unique. Those are more likely to have more changes between application and the contract. It's the only other piece that I would add, from your perspective, the things that might be important for the commissioners to think about on this change to the docket.

Kuphal: This application form, I would assume, would still be optional. The reason being is that for folks that have dealt with our programs, they know exactly what they want very early in the process, and we may as well go straight to the contract signature right away. So, if that seems to be the natural course of action, we'll have that opportunity. For most cases, and especially for the new folks that we're working with I think the application will be a much smoother process for them.

2. Conservation Practices - We are looking to potentially offer free conservation practices instead of projects that are on a smaller scale or small contracts for cost share; specifically cover crops and native grass plantings, where the SWCD would have the ability to implement the conservation for the landowner instead of them applying for cost share. One barrier for landowners could be the amount of paperwork. They don't necessarily want to deal with the contracts, buying the seed, holding the receipts, submitting them, and going through that process and the time and effort in doing that; however, they have interest in the project. We are hoping what we can do is some of these landowners that might not go forward because of the time, that by offering to them that its free instead of us paying for it through the cost share process, we would be paying the SWCD to implement the conservation practice on behalf of the landowners. All the paperwork in terms of benefits, would still be in the files, so maps and everything else would be there minus the contract they would sign. They would have to maintain the practices, but they could have it implemented for free. We are envisioning this as more of our smaller projects, and very specific practices to where we have the ability to actually do the work.

Questions:

Commissioner Weaver: Would they still have to sign a contract for operation maintenance?

Holzer: They would still have to sign that they are going to maintain the project which is still holding them liable because there is an investment in the project still.

Commissioner Weaver: Do we have a full list somewhere of what we are planning on doing?

Holzer: Are you asking which practices we would offer this for?

Commissioner Weaver: Yes.

Holzer: It's the install credit. There is a list of what they could do but it's not necessarily limited to that, but its typically going to be the cover crops, the native prairie seed, trees and shrubs, and lab tests that we would do for the landowner. We are always trying to adapt and figure out what are the barriers and if we can improve those to get more participation in the program.

Strong: A similar example that I had years ago was, I had a larger Clean Water Fund grant from BWSR and then subcontracted through Metro Blooms to go out and manage the project and put it in for the homeowner, do all the design, installation, and then submit the paperwork, and then work on the financial part all on behalf of the homeowner. The homeowner just signs the operation maintenance plan and approves the design for those homeowners that are not up to that. It simplifies it when SWCD can do these types of activities themselves, other than the homeowner

having to go through that; we are saying the SWCD is willing to offer all these services and activities themselves. The one security is that we do know that the person doing them is going to be the SWCD staff, this does not allow anyone to come in and do free cost share practices. It is specific to SWCD staff for practices that have already been pre-approved and who are knowledgeable and experienced. Its hopefully making it even easier for those that don't have the time, inclination or knowledge, to do the projects themselves.

Bokman Ermer: Can someone explain how this is free and is the homeowner paying anything?

Kuphal: What we are envisioning is that we would create a quote for how much that work would cost and that is what we would bill to the landowner. Rather than giving it completely free, we would deduct out of that the amount that they would otherwise receive in cost share.

Commissioner Pint: I'm assuming the project will still go through the same approval process that we're doing now, regardless of whether there's any cost share involved or not. This is supposed to be for smaller projects; have you defined what "smaller projects" would mean, in other words is there a maximum dollar amount for a project that could qualify for this process, versus a contract with owners participating in cost share? I'm concerned that someone might come in with a large project that, from a budgetary standpoint, that could potentially become a problem, especially if they don't have anything invested into it.

Holzer: The types of projects that we are aiming for, there are some maximums. For example, cover crops, there's a max that it can go to for any sort of incentive to do the work. Native prairie plantings can be larger, but as Kuphal stated there would be an amount that they would still have to contribute to the project; it will get capped with the cost share in terms of what the SWCD is providing and then they would be there for the remaining portion. They would still go through the same process. This is trying to eliminate the back-and-forth with funds with a contractor.

Strong: We could bring this back in November and clarify what the definition of small projects are, and what the limits are on those types of projects.

Commissioner Pint: I would appreciate that, to bring this back in November with more definition on this.

Holzer: We do not have to approve the 2024 TACS Docket as-is today. Please let us know what your suggested revisions are, we want to revise this how the WPC envisions this and bring it back to the meeting in November.

3. Application Approvals – Please note that on the Policy Manual document on Appendix A, section 1.3 "PLSLWD" will be updated to reflect that it covers the county wide area.

Currently the way it is structured for certain practices, for instance, wetland restorations, streambank stabilizations, and shoreline projects are always brought to the WPC. It doesn't matter if there are really high benefits or other factors, they just automatically come to the WPC. Some practices were pulled out, for example wetland restorations. There was an application process when there was a program called Wetland Reserve Program (WRP) available; it was a perpetual easement program for wetland restorations and at the time the WMO had the ability to add on to the WRP amount. When that was happening, we wanted to see all these projects come through the steering committee process, similar with streambank and shoreline. A stream is naturally going to have erosion. One of the factors of why we were wanting it to come to the WPC is that if it was a streambank stabilization in the middle of a woods, a stream is going to change naturally over time, and it is not going to be a project that we would want to pursue as its not affecting anything; similar could apply to a shoreline. It would not necessarily be a project that we would want to fund. Currently, those projects are getting vetted out before they would even come through to a WPC meeting. Those types of projects we might offer technical assistance, but if they are not going to get to the point of becoming a project and to pursue cost share, staff would not necessarily support that project.

We want to look at basing the projects off their environmental benefits. Another key factor here is when some of these changes were being made, we weren't really calculating runoff cost benefit and so some projects are geared more towards runoff such as native grass planting, or wetland restoration. Those are benefited by the runoff, not necessarily the sediment reduction. We are looking at eliminating that a certain type of practice automatically comes to the WPC, and we are looking at basing it off their benefits. If it's a high-benefitting project and it's in the upper threshold,

then you wouldn't necessarily have that extra step in the approval process. The "other practices" section has been updated, which has not been listed on this document shown today but are also part of this process which Kuphal has since updated.

As part of the background, which is not necessarily documented in minutes, the change from certain practices going to the steering committee between 2013-2014 when that change was made regarding when they came to the WPC versus not coming to the WPC. Does anyone remember more information about that?

Discussion:

Commissioner Pint: I remember the essence of that discussion. I think the direction you are going makes sense and I encourage you to proceed further with that.

Holzer: Currently what we have is a \$100 per ton, per year, of sediment reduction was the threshold. If its above that it came to the WPC, if it was below that it was deemed a good project and it would be fast-tracked. The \$170 is to account for inflation and staying at \$100 would be difficult as costs increase for construction. Inevitably there will be more projects that will exceed it, yet they still might be very good projects. Kuphal updated the numbers based on benefits and still trying to capture the upper end projects and where the cut off was at.

Strong: This is a larger process change because it changes what defines a project being brought to the WPC for review and recommendation. It's an updated change that is necessary for the time to bring the right projects to you based upon the types of projects we are seeing now. It is a process change and it is a definition change for what types of projects you will see and review. This is worth a longer conversation, and a little bit background information and looking into history as to how we came up with that original process.

Questions:

Bokman Ermer: Historically, from what I remember, we had streambanks and wetlands go to the steering committee because streambank projects were extremely expensive, and we had one huge landside on Sand Creek where we invested in that project which ended up being \$500k to save their home from sliding into Sand Creek. That is what I remember from history of why we decided to take streambank projects and wetland projects and bring them to the steering committee otherwise the budget would be used up fast each year.

Holzer: Thank you for the background. You will notice in the approval threshold anything over \$50k is coming to the WPC. So, if there is something that comes in above that amount, regardless of benefit, even if it would be the best project available, it would still have to go through that extra step.

Commissioner Pint: I remember that project very well. It was an original house up on a bluff overlooking Sand Creek, and it was a very expensive project for the landowner and for us for what we contributed. It appeared on surface that it might have failed but in reality, it only partially failed. The actual project is still doing a good job, there is no threat to that house. That bank has been stabled for a number of years. As far as the engineering on it, I can't comment on if it was or wasn't a good project. We have satisfied that landowner and the house is fine, and there has been no more erosion or collapsing of that bank.

4. Delegation of Authority - Much like WMO has delegated authority to approve contracts for staff, and if a project comes in that is over \$100k it has to go to the board for approval. If it's between \$50-\$100k it would go to Brad Davis for approval and if it is under \$50k Vanessa Strong for approval. The board has delegated to staff to approve those. What is being proposed is that the SWCD is looking to delegate the authority to the district manager for approval of projects.

Discussion:

Strong: To clarify, it does not affect the review ranking, batching, etc. part of the process, it is just who has the ability to sign.

Holzer: Instead of the Chair signing the contracts it would be the district manager. The total financial assistance would have to be less than \$20k to do that, otherwise it would still go to the SWCD board.

No action has been taken on this item yet, it was brought up at the October meeting, but much like the WPC there is time to approve these changes before the end of the year. There are a few other minor changes reflected in the document also, but today we are covering the big discussion items. If there are other items that come up, we can address those. At the next meeting we will have more parameters on the limits on the install credit.

Action:

Motioned by Commissioner Pint, seconded by Commissioner Vierling, to table this item to the November meeting. **The motion passed unanimously.**

Motion carried: Ayes: 6 Nays: 0

Next Steps:

- Provide clarification on the definition of small projects, and what the limits are for conservation practices.
- WPC members to submit suggested revisions to the 2024 TACS Docket to Ryan Holzer
- Updates to 2024 TACS Docket will be shared at the November meeting.

b. Corey Brophy Streambank Stabilization Contract Information

Presented by Ryan Holzer

Please reference the memo in the packet for full detail which also contains a signed contract to the WMO from Corey Brophy for a streambank stabilization project. This project is intended to reduce erosion on County Ditch 3, in Scott County, located in section 22 of Belle Plaine Township.

c. Arnie Simon Streambank Stabilization Contract Information

Presented by Ryan Holzer

Please reference the memo in the packet for full detail which also contains a signed contract to the WMO from Arnie and Maureen Simon for a streambank stabilization project. This project is intended to reduce erosion on Sand Creek in Scott County, located in section 11 of Helena Township.

d. 2023 SWCD/WMO Tour Summary Information

Presented by Ryan Holzer

A PowerPoint presentation provided information on the attendees and photos of the site visits, presentation, and ceremony. There was a total of five stops for the bus tour looking at various conservation practices. The presentation was on collaboration with partnerships. The ceremony was for awarding the Conservationist of the Year award, which was awarded to Adam and Danielle Simon.

SWCD Director Kuphal did a nice presentation on collaboration within the county, with the various watershed districts, and watershed management organizations. The feedback was very positive on the content. The tour bus route was the perfect length between sites. Next year the transportation will be provided by Scott County services. We plan to continue to invite the conservation leader on the tour and stopping at their site on the tour again.

e. Citizen-Assisted Lake Monitoring Program (CAMP) video

Presented by Melissa Bokman Ermer

The educational and informational video for this year is about the steps involving the Citizen-Assisted Lake Monitoring Program (CAMP) in which we work with volunteers to collect this data. It is meant to be informational to this committee and is intended for you to understand the program used to collect valid data for lake water quality monitoring.

Questions:

Commissioner Weaver: How many lakes total do we do?

Bokman Ermer: The WMO pays for four lakes. We pay for sampling and analysis of Cedar Lake, McMahon Lake, and Thole Lake. O'Dowd Lake is recruited and paid for the City of Shakopee, but we do get to collect that data, and we use that data also.

VI. ADJOURN (5:40 PM)

Motioned by Commissioner Caselius, seconded by Commissioner Weaver, the meeting adjourned at 5:40 PM. **The motion passed unanimously.**

Motion carried: Ayes: 6 Nays: 0

Rita Weaver

Rita Weaver
Chair, Watershed Planning Commission

Date

Nicole Jacobson

Nicole Jacobson
Administrative Assistant

11/28/2023

Date