

1) CALL TO ORDER

The meeting was called to order by Mayor Julius at 5:00 p.m.

Members Present: Mayor Julius, Councilmembers Novak, Berg, Timmerman and Schuenke
Members Absent: None

Also Present: City Administrator/Clerk Terry, Senior Planner Christianson, City Attorney Poehler, City Planner Skluzacek, City Engineer Revering, Police Chief Juell, Deputy Clerk Jirak, Patrick Fischer, City Accountant Stewart, Public Works Director Scheich, Scott County Commission Wolf, Dave Hume, LRE Water, Seth Peterson, Bolton and Menk, Mike Larson, Bolton and Menk, Tony Winiecki, Scott County Engineer, Mariya Zubkova, Melissa Lenhardt, Kristy Schofield Thompson, James Holden, Beth Eilers, Trevor Stewart, Mike Lucast, Jodi Lucast, Deb Pexa, David Frame, Jeff Wersal-Lavelle, Ali Klement, Kristy Thompson, Mark Engel, Lori Wilson, Greg Caron, Lorraine Rovig, Sandy McMillan, Kate Smith, Mark Johnson, Veda Kanitz, Julia Novotny, Gilbert Novotny, Richard Baenen, Darin Stanley, Connie Wersal-Lavelle, Mark Beck, Phil Wilson, Taylor Chamberlin, Tami Chamberlin, Janelle Kuznia, Susan Kluesnen, Jason Scherman, Zelle Smith, Jenny Stanley, Larry Schofield, Carly Griffith, Evan Mulhollane, Jay Ruby, Kerry Full, Samantha Ewens, Hamish Ewens, Sean Lenhardt, Brandon Prasnicki, Sheri Schofield, Carmen Scherman, Jay Ramthum, Janelle Kuznia

2) PLEDGE OF ALLEGIANCE

Mayor Julius led the Council and audience in the Pledge of Allegiance.

City Administrator/Clerk Terry explained the meeting protocol for participating in the City Council meetings virtually (online) using the Zoom virtual meeting application.

3) ADOPT/APPROVE AGENDA

MOTION by Councilmember Timmerman, second by Councilmember Novak to approve the agenda.

APIF, MOTION CARRIED

4) PUBLIC HEARINGS

Continuation of Public Hearing on Niagara Bottling, LLC

The Public Hearing was opened at 5:03 pm by Mayor Julius.

Brandon Prasnicki, 4875 East 250th Street, stated “Former Councilmember and a City advocate, I am going to keep this as short as possible. I have three questions and the answers can come after. I have a little bit of warm fuzzies for everybody in the room and one suggestion. So first question is neighboring wells in the line of good community governing can we give direct action to Staff to aid in the investigation of neighboring well issues that are post the spike can increase pumping and/or if that is not possible give visibility to the area residents when stress tests are happening so they can have water pressure? #2, my well, based on the information I’m hearing. My concerns have gone down, diminished quite a bit. Likely I will be immune to this since my well is not in this aquifer. The explanation of the different

layers of this aquifers and stuff is very interesting to me. I don't know how that's possible how it doesn't seep or whatever, but I believe you guys. I bought this home about four years ago, I don't know exactly how deep my well is or what aquifer I am in so quick question then you can follow up later, you guys have my email address. Where is the best place to get that information? I'm sure it's available at the DNR, county or I don't actually know where to go get it. There is a lot of comments from the conservationists in the area as far as moving water out of the area. I guess I see that point in moving water out of the area. And being the area being the aquifer, I guess what you can what the main concerns are. Is that little of concern something that can be regulated by City policy and even if that is possible, is that typical or is that more of a State issue? Is that something that people should talk more to their legislatures and stuff? Can you maybe assist on what that venue might be? That's my three questions. Here comes the warm fuzzies. So, in general, I want to thank Staff and the Council for the hard work you are doing in this matter, and I am very excited for the prospect of future growth in the City. I think people will pick apart growth for a variety of reasons. Not in my backyard argument, industrialism isn't as nice as commercial, the traffic, the lights, that are, in general, industrial is going to be a high level of services down the road, the noise etc. But I think in general, people need to understand is that no matter what, business comes someone will always pick apart that business as it adds stress to these variables. When change comes, the first response is always to find the negative, and I think there are a lot of positives here and is a great stepping stone for growth and other things that people talk about wanting in the community. Spreading the tax base, user base on the utility funds are all positives. As you guys remember on my time on the Council, I gave Staff a really hard time for water rates due to the treatment plant and was frustrated that all that price and burden was put on the residents. I do think that, here comes the suggestion part, I do think we should give direction to the economic development part that other high water users may not be a good fit after this is in place. And I would also consider voting down the connection fee waiver. As there is a concern that diversity of water, I think actually Rich pointed it out, very unlikely scenario that they close shop a year from now that would be a lock of diversity water issue. Projects are being moved forward that I think will moving those water projects forward the connection fees would go a long way to build up that infrastructure and not putting that burden on residential users to handle future growth is something to consider. I get the return on the investment, on Tom pointing out that is good on the funds, in general. The funds would actually be healthier with a larger water user and it may be seen as a good investment. But one piece of that analysis is missing or at least, I didn't see is how much better it could possibly be with the water connection fees not removed and I would make sure this is considered for analysis in a potential to improve the water rates."

Mayor Julius thanked Prasnicki for comments stated.

Prasnicki stated: "I can repeat the questions if needed."

City Administrator/Clerk Terry asked Mr. Prasnicki to repeat the questions.

Prasnicki stated "The first one is, is it possible to give direction to Staff to work with area residents on their wells? That's more of a Staff policy question. And will there be any visibility on when there will be stress testing is happening in that the users, just double check that. Be home and turn on the faucets I guess."

Seth Peterson explained the process the City has to go through for drilling a new well and that the DNR would likely require a pumping test. Peterson explained the pumping test and what that would require and how the DNR looks at surrounding wells during that pumping test.

Prasnicki stated “And do the people get notified that?”

Peterson confirmed and explained that a radius around that proposed well is drawn and that is the area that is looked at during the pumping test.

Prasnicki stated “The other one is, not to put you on the spot, but if anyone can tell me where to go to find the information about my well?”

Peterson answered it can be found on the County Well Index.

Dave Hume responded that the County Well Index which is an online data base and a link can be provided.

Councilmember Schuenke stated to search County Well Index.

Prasnicki continued “It’s public, you can just pull it up?”

Councilmember Schuenke noted that it is MN Well Index and Prasnicki’s well is 315 feet.

Prasnicki stated “Thanks, that is way quicker of an answer than what I was anticipating.”

Dave Hume commented that not every well will be found on the Well Index, only wells that were recorded or submitted by the drilling contractor can be found.

Prasnicki continued “And then the third question was if moving water out of the aquifer, I think is the conservationist is the concern I heard from the community, is that something that the City could even write a policy on? Is that typical? What’s the best avenue for someone to follow up or communicate that concern?”

Mayor Julius inquired if Prasnicki was speaking specifically to water being transported out of state.

Prasnicki stated “Bottled and moved. I think the area that is most concern is the aquifer where it originated? Other people might argue that area is. I just know that there is some discussion about Niagara and shipping it to the Dakota’s. It’s generally regional. But like if they had concern about moving water out of the aquifer and moving it to a different location and it not making its way back home. Who’s the best area?”

Mayor Julius asked City Attorney Poehler if that is that something we can regulate as a City.

City Attorney Poehler answered that is not something the City would regulate and is handled by the State and the DNR.

Prasnicki continued “Some people’s concern is that is a little limited. I’m just asking what the best avenue is.”

City Administrator/Clerk Terry stated that is a statutory item and would have to be taken up with the legislature related to that.

Mayor Julius asked for the next speaker to approach the podium.

David Frame, 25826 Skyline Circle and 1223 Francis stated “We live on Skyline Circle today and we are building a house on France. The City is taking, I think, a very narrow or short-sided view of planning for this project. The area is zoned industrial, but you are putting an industrial area into a residential area. Granted it is not the City’s residential area, it is New Market Township. But you have single family residential on three sides of that industrial development. I think the planning document should include light screening both for the security lights of the truck movement and to limit the light to the boundary of lot 1. On the north and east sides of lot 1. That’s where most of your residential is. Also, it was mentioned they wanted lights on the top of their 65-foot silos, there was nothing specified about a need for those lights, what they were really for. If they are for security lights, they should be brought down to no more than the height of the building where the other parking lot and security lights would be. If they need lights at the top for maintenance, they can turn them on when they are going to use them and turn them off when they are done. There should be comments or restrictions on the truck movements and idling to minimize truck noise in the residential area and to minimize air pollution. As you have heard, the other night and tonight again already, Minnesotans have a keen interest in the State’s water resources, both surface and subsurface. The Dakota County issue a couple of years ago I think highlighted that. The issue of water quality has been the big issue in Northern Minnesota with the hard rock mining. Sub-surface water should be used first for direct drinking then other uses such as ag and other industry. Water for bottle drinking should be quite a ways down that priority list. If a city’s water is of poor quality for drinking, the city should do a better job of treating it. City treating is a lot less resource intensive than individual treatment or bottling the water. The use permit, I think, should have a tie to the water level of the aquifer. If the aquifer goes down, there should be a clause in there that their water permit is suspended. You just talked about the depression around the well when pumping, I also agree that there should be no reduction in water connection fees. There is no need or basis for reduction in the presentation. Niagara started the process to build the plant knowing what the fees would likely be. Also, the presentation did not show the benefit to the City by reducing the fees. In summary, bottling water for general distribution is a very poor use of our potable water and there are a lot of things should be done for mitigation of both light, air and noise pollution as part of the planning process. Thank you.”

Senior Planner Christianson explained that the Niagara Project would be required to comply with City Code regarding lighting and explained how lighting is measured. Christianson mentioned that the City is working with Niagara to look more closely at the lighting plan and possibly expanding the readings to property lines surrounding the site including the adjacent residential properties.

Kristopher Ward, Niagara, explained the lighting on the silos and a photometric study has been submitted to further study meter readings at the property boundaries consistent with state statute. Ward further explained that there will be shielding of the light so it does not exceed the thresholds that are permitted

Christianson asked Mr. Ward to confirm that there are no beacon type lights on top of the silos.

Ward confirmed that there are no flood lights illuminating the silos and no major beacons.

Christianson thanked Ward for the confirmation.

Frame asked “Would that study also include lights from the trucks as they move around the lot and to the lot lines?”

Christianson explained that the photometric study typically does not address truck headlights and mentioned how increased landscaping and trucks maneuvering through the parking lot could be looked into to help with truck headlight issues.

Mayor Julius invited the next speaker to come to the podium and state their name and address for the record.

Beth Eilers, 250th Street on the west side of Eureka Township stated “I’m here because this just doesn’t just affect citizens of Elko New Market as was mentioned earlier. As a private well owner, I’m concerned about the large water pull the aquifer will have on that this company will have. Last Thursday, your expert stated that the aquifer could handle this deep pull. But what about the private wells that are set at a much shallower point? The cost to drill a new and deeper well is very expensive. I’ve lived out here long enough to experience the first housing boom of Elko New Market that overwhelmed the water treatment facility and raw sewage was released in the Vermillion River. That continued until the Met Council also stepped in. Now it’s commercial boom and here we go again, water is in jeopardy. If I understood the official last Thursday, Elko New Market has only so much allotted space on the interceptor line as allowed by the Met Council. This company will use up the remaining space. I believe that means that no further development can then happen until the inceptor line is improved and as you all know that is a long way off. After hearing all the officials’ presentations last Thursday, I found that was missing was the upfront cost. In an earlier meeting County officials stated, or one of the official stated, the County had no interest or made no reassurances that they would pay for the road improvements. So if I understood everything correctly, from last Thursday, Elko New Market has to pay for a new water tower and an upgrade to the water treatment plant and road improvements. And in return, Elko New Market citizens will get the smallest bite of the property tax revenue. And the citizens will have to pay three times the price of water they use than the company will have to pay for the water that they use. None of that math makes any sense to me. With the addition of FedEx and Amazon, the commercial vehicle traffic traveling down 2 and from County Road 2 and 35 is significant at this time. That company will simply add to it. As you know, you know when it is 8:00 in the evening because you just look at the parade of FedEx trucks coming down the road. This company will add to that parade. Yes, you need development. There is no question and yes that area is perfect for commercial development, it is right on the freeway. But for many reasons, this business is not

the right business to go in there. Please make your decision, be a very informed decision, not driven by a company that will have a big payoff, but rather a decision based on voices of the majority of your citizens. Which has been a loud and unanimous no. And the neighboring township like myself and other residents in Eureka Township that this will affect. Please do not let this particular company in. Thank you.”

Mayor Julius thanked Eilers for comments stated and asked if Staff would care to comment on the financial pieces.

City Administrator/Clerk Terry answered that the first question, in his opinion, with regards to the inceptor line, was a misstatement and talked about capacity of the water distribution system and the need to replace capacity.

City Engineer Revering responded that there are no concerns about capacity of the City’s water distribution. Revering addressed capacity levels for the well, storage and water treatment and stated another well will be needed as a backup well and future expansion on these systems is for community growth.

Mayor Julius thanked Revering for his explanation.

City Administrator/Clerk Terry asked Revering to explain the capacity of the inceptor line to the Met Council.

City Engineer Revering explained the dimensions of the inceptor line and that it was designed for a City with a population of 70,000 – 80,000 people. Revering continued that the City is nowhere near close to filling up the wastewater inceptor

Eilers stated “Can I respond to that please?”

Mayor Julius affirmed.

Eilers continued “Eureka Township looked at developing commercial about a year or two ago.”

City Administrator/Clerk Terry asked Ms. Eilers to approach the podium.

Eilers continued “About a year or two ago and they were told by Met Council that that development was not going to be allowed because that particular interceptor line is near full. So, that’s what I got straight from the Met Council representatives that came to our meeting. So, we were told no that we are not allowed to develop commercial at the north end of our township, because of that.”

Terry responded that the information did not come from the City and cannot respond to that. Terry continued that the pipe was sized sufficient to handle the capacity.

Eilers stated “At this time. I think it would be important to get Met Council’s input then. Just to see whether or not it can in fact.”

Terry commented that the City has had many recent discussions with Met Council and Met Council is aware of this proposed project.

Eilers stated “To share it with the public would be good.”

Mayor Julius commented that the financials needed to be addressed.

City Administrator/Clerk Terry answered that he presented a thorough presentation on December 15, 2022 that can be reviewed with regards fees for water users. Terry further explained the efficiencies of one industrial user compared to that of 1551 households for water usage. Terry also mentioned how a company like Niagara checks off many boxes for the City in regards to economic development goals and finances of the City.

Mayor Julius called on the next speaker to approach the podium and asked to please state your name and address for the record.

Connie Wersal-Lavelle, 25571 Drexel Ave, New Prague, stated “I am very much aware that I am coming from a different perspective than everybody that has spoken so far. But I live in Helena Township, which is about three miles north of New Prague. Our well on our homestead draws from the Jordan aquifer. I am your neighbor who relies on clean water from the Jordan aquifer. The decision you make to allow a corporation from California to draw down our water supply is one that affects way more than just the city of Elko New Market. I understand that the Jordan aquifer actually crosses seven states. I am not the only neighbor so that this decision will impact. Ground water is our, the citizens of Minnesota’s people natural resource. With climate changing and the drought conditions that we’ve felt just the past few years, days without end without rain, high temperatures, low snow volume is affecting the aquifer and the citizens that depend on the aquifer for their water. What a corporation may promise in the initial stages of making big profits from our water, may not actually play out. In other words, they can promise anything but who will keep them accountable with actual business practices? I tried to get some research, in the back of my mind when this came up a couple of weeks ago and I was hearing about it, there was something in the back of my mind that I had gotten. I live in Scott County, and I had gotten either a letter or something in the Scene which is a Scott County newspaper that told residents to be aware that the Jordan aquifer, there were people in Scott County whose wells were going dry because of the drought conditions and just to be aware of that. And I tried to find that again so I might actually bring some fact here tonight and I couldn’t find that but what I did find was an article Southwest News Media online Geographical survey and this was published August 8, 2016. And I quote ‘Jordan Aquifer touches seven states and covers most of Iowa where it is mostly underground. Experts say the aquifer needs decades to recharge. In many places in parts of Iowa, the water is being drawn from the aquifer faster than it can recharge.’ Back in 2014, the Des Moines Register printed the same survey map and ran it as part of a story about the Jordan aquifer is being drawn down faster than it can be replenished itself. Recently the Earth’s population reached 8 billion. I can’t imagine how much plastic we are going to generate; sorry my notes are misplaced. I wanted to say something about single use plastic, ok here we go. The second point is it is just as enraging that the fact that single use bottle being used by this company since our population has increased so much. I can’t imagine how much our children and our grandchildren are going to have to deal with in the landfill. And let’s be clear, landfill means mother earth.

That's where this is going to our Earth. So, I understand Elko New Market wanting to grow as a community and doing so and adding business to your industrial park. How about you earn the reputation of seeking business that fall under the category of sustainable, green, and good for seven generations. Vote no on this bottling, Wisconsin did, they did not want it and neither do I."

Mayor Julius thanked Wersal-Lavelle for comments stated. Julius also commented that when Council or Staff respond to questions it is not an attempt to sell anything, it is a way to respond and get information out quickly.

Dave Hume talked about the dry wells in Scott County and how shallow wells are affected by drought. Hume responded to the question regarding Jordan Aquifer drawdowns in other areas such as Des Moines and Chicago and these are known areas of depletion and work is being done to restore water levels. For Scott County area, the Jordan Aquifer is stable and is not seeing the decline even with the growth that has occurred.

City Engineer Revering asked Hume to address a long recharge rate.

Hume provided a brief explanation on the recharge rate and how recharge rates have different timelines. Overall, as precipitation continues, the aquifer continues to recharge.

Revering stated that recharge takes a long time for that water to penetrate the service and flow through the 200 to 300 feet of overlaying material; it is constantly happening.

Hume agreed and stated it is constantly being recharged.

Mayor Julius thanked the experts and asked the next speaker to approach the podium.

Kristy Schofield-Thompson, 25831 Pillsbury Ave. stated "I know better than to ask who of you voting helping to support this would like to live by the industrial park. So, I signed up just to ask, I didn't talk last week but just want to make sure that you guys are considering what it's going to be like to live across from this. Never thought that field would be industrial, and it is, supposedly. So, just from the last meeting, I just want to ask again what consideration has been done, made since the last meeting for the existing residents that are adjacent to this proposed property to mitigate negative impact? There is quite a few and they are real, and they are going to be real every, every single day, every single minute for these people. Those people that aren't going to be living across from it, you can sleep nice at home where you chose to live, not have these sound, light traffic in that specific area. Again, who wants to live by an industrial park? Anyone? Not me. So, I just want to make sure that you guys are still thinking about the sound impact all day long, all night long, because this is proposed that it will be spread around the clock, right? It's not going to be a peak time, it's going to be evenly distributed so we are going to have nice truck sounds, noises starting up in front of those houses all night long. And then, again the headlights aimed at those residents all day and the lights, we talked about the lights a little bit, flood lights and what have you. Whatever there is for the parking lots. And then traffic. I mean, those are just some of the concerns. I really want you guys to remember all the people that are going to be impacted 24 hours a day. This isn't just water use for them. This is their home; this is where they live. They are existing, they were

there. I just need to know, you guys are thinking about them, right? Yes, would be a good answer.”

Mayor Julius affirmed.

Schofield-Thompson stated “Thank you.”

Julius affirmed and asked Schofield-Thompson to continue.

Schofield-Thompson continued “I mean, just the basic part of my question is are you guys going to push and make sure you have some kind of mitigation landscape? Not saying that’s the end all, but it’s the start. These residents don’t know anything what to expect what they can imagine. They have been not worked with, not really communicated with. There is nothing on the maps proposed that shows any kind of buffer really so, I just want to know, are you guys working on this? Are you considering these people?”

Mayor Julius thanked Schofield-Thompson for comments stated.

Senior Planner Christianson responded that since the last City Council meeting, Staff has had detailed meetings with the project development team. Topics discussed were how to improve landscaping, improve lighting and ways to possibly incorporate berming on the north side of the site. Christianson mentioned that potentially requiring a noise study is under discussion.

Mayor Julius explained that Public Hearings are set for Council to hear from the residents, not just within Elko New Market, but around Elko New Market. Julius confirmed that Council is hearing the messages from residents and the City is trying to minimize these impacts.

Schofield-Thompson stated “Okay. I just want to make sure that that is clear because I don’t think Niagara or anyone else coming in really cares about the residents. I need you guys to.”

Julius assured Schofield-Thompson.

Schofield-Thompson stated “I really need you guys to.”

Mayor Julius thanked Schofield-Thompson for comments stated.

Schofield-Thompson stated “Okay, thanks.”

Mayor Julius called the next speaker to the podium.

Mike Lucast stated “I live at Woodcrest Lane in Elko. I took a bunch of notes the other night, my wife said I couldn’t speak. I’m glad she did so I could speak tonight. But I don’t remember what I, she knew I would come up and call you guys a bunch of. So, I am glad she did. But some of my notes don’t make sense now. But how long does it take for the income you are going to get off of this to cover all your investment before it actually is income for the City?”

Lucast continued “Yeah, you are going to make money, but when? When does it actually pay off?”

Mayor Julius looked to Planner Skluzacek to address this question.

Planner Skluzacek questioned if Lucast was questioning the SAC/WAC connection fee reduction.

Lucast stated “That’s coming up. No, the taxes. The revenue that comes into the City, but the City has expenditures in order for this to come off. Correct?”

City Administrator/Clerk Terry stated the City does not have direct...

Lucast interrupted and stated “No expenditures from the State or City, whatsoever?”

Terry continued and asked specific to this project.

Lucast stated: “Yeah.”

Terry responded that this project will demand some limited amount of public services, however, probably less than a neighborhood on the same acreage.

Lucast continued “Oh no, how long, whatever the expenditures are, the City will make some revenue off of that company. When are the expenditures paid off?”

Terry explained the different types of revenue from this and gave a brief overview of Public Finances. Terry also discussed the watermain that was run out to this area and how that will affect growth for the area.

Planner Skluzacek explained the gross subsidy was compared to the gross revenue for the project. Skluzacek discussed the return on the investment for the water and sewer. Calculations were completed for the NET subsidy compared to the NET revenue and how the numbers changed.

Lucast continued “That isn’t, maybe I didn’t word it quite right. That really isn’t exactly what I was looking for but that was ok. Now you brought up the WAC and SAC charge. That reduction to them is the biggest insult to this City Council could put on the Woodcrest community. I don’t know who on the council even knows that Woodcrest has private wells. Now the other night, said if someone asked what if the private wells go dry, well it’s not expected for the private wells to go dry but there is no guarantee. And then someone commented yes there is access to the City water. At what cost? And then we get stuck with a high-water bill, you pay for the installation and the WAC and SAC charge, those houses, this is off subject a little bit but nobody on the council, first thing they are going to say is we weren’t on the Council. When the City sewer went in, they couldn’t afford it that addition paid, we weren’t assessed, and I asked the Mayor Jean Benci that time, would I be assessed, and she said no. She was absolutely right, they raised the mill rate as much as the max for the last 50 years to pay for that sewer and I have been paying for it and you will not, I know this has been

brought up, you will not discount the WAC and SAC charge for those residents but yet you are willing to get these guys a big discount to get these guys to come to the City That is the biggest insult this Council could give to that part of the City.”

Mayor Julius confirmed Lucast stated a fair point.

Lucast continued “Yeah, you bet it is. And we have been over this. Time after time after time. And here you are giving the WAC and SAC charge away. That really burnt my ass the other night when I saw that on that sheet. Okay, we covered that. I know it’s not going to do a damn bit of good. But the City is creating problems, government comes along with big problems and now government is going to try and fix them. That’s a joke. Like I said, some of my notes from the other night, aren’t, I should have asked him that. But one thing my dad told me my whole life, figures don’t lie but liars can figure. That’s the way I look at this. I guess I better quit there because I might get carried away.”

Mayor Julius stated that Mr. Lucast points are well taken and thanked him for the comments. Julius asked for the next speaker to approach the podium.

James Holden, 8952 240th Street, Lakeville stated “I am behind the face of Rebecca Holden from the other night. So, I did make it. 8952 240th Street, Lakeville. I just want to start by saying I am not in support of this. The financial benefits of tax and resources of revenue and the meager job growth just simply don’t outweigh the identified potential of unforeseen impacts of this business on our community. Simply put, the people of our community are more important than the profit. It’s that basic to me. One example is the idea that the average income that they say they are going to pay people, I think it was about \$40,000 to \$50,000, something like that?”

Mayor Julius corrected the amount to be \$50,000 to \$60,000.

Holden continued “\$50, 000 to \$60,000, yeah, in a dual income household with both people working there can’t afford to live here. They can’t afford to buy a house in our community at that rate and also have a decent quality of life and be an active and productive member of our community. Now that aside, I submitted some questions about the aquifer thing and I think you were the gentleman speaking last time, right, great. I am not an expert on aquifers but I’m highly knowledgeable about the consumption of milkshakes. So, when I consume a milkshake, I suck very slowly and I really savor my milkshake and it goes down on a predictable kind of rate, it all goes down uniformly. So, if I really have hankering for a milkshake and I am really looking forward to it, if I go in there in my normal rate, say maybe three times the rate and I suck significantly more from a specific point not from a wide range of points. So, my question to you, I have five actually, by the way, sorry. If Niagara comes in and love their profits as much as I love my milkshake, which is a lot, they will suck significantly more than we suck right now. Again, I apologize if I am not using the correct language here. But it will create a sudden increase of sucking onto our water source. So sudden, isolated, not broad in general. So five part question, #1 is in the information that we were given on Thursday, it was kind of spotty, difficult children, wife fell asleep, trying to pay attention, but there was one data point that was identified from what I could tell, it was over a forty year span the aquifer fluctuated something like around 10 feet, something like that. How many times within that 40-year span

was there any sudden increase on sucking on the rate that Niagara plans to suck water within the immediate area of that data point? And what impact did those instances have on the aquifer and the surrounding ground water? Do you want me to keep going or answer that one first?”

Mayor Julius stated Dave Hume will track the questions.

Holden continued “I’m happy to move on. So, without having an answer to that, I’m happy to move on. The next one because you may answer it and may not have to move on. So since typical growth is gradual and more widespread, if we are using private wells and things like that and therefore more uniform demand and this project would create a sudden substantial an isolated increase in demand, is it possible that the sudden increase caused by Niagara sucking would have a different impact on the availability of the water to not only the City wells but wells at different shallower depths? Which goes to #3, all kind of leading. If Niagara suddenly sucking and therefore increasing the demand on our current source were to create a fluctuation that was maybe unforeseen and the availability of water at what radius from that City well and at what depths would we expect to see that impact over that span? In addition to that, how many wells are we talking that are going to be impacted by this? For planning on pumping water, you could be talking a lot piping to be putting out there. So, #4 if existing residential wells used by businesses in that vicinity where it would be impacted, would those residents or businesses be offered some sort of financial benefit, I would prefer by Niagara, for the record it took me that long trying not to say that, I’d change the name but, so, what financial benefit or financial guarantee we have that my water bill will not go up any more than it already is right now? Which, by the way, is the investment of my well. And is good clean quality water. So, my last point, and this is not necessarily related to that, in the agreement or contract with Niagara, what safeguards are in place to monitor or limit the amount that Niagara sucks and protect the community of unforeseen variables have negative impacts on our water source or our community in any other way?”

Mayor Julius looked to Dave Hume for the first three questions.

Dave Hume stated that those are great questions, and he loved the analogy as he like milkshakes too.

Holden added “I prefer chocolate if you’re interested in bribing me.”

Hume agreed and added that he preferred no whipping cream.

Holden stated “yes.”

Hume explained how an aquifer works regarding a drawdown and the technical review process the DNR requires in a permitting process.

Holden asked “So just to be clear though, we’re acknowledging there is a potential risk to this?”

Hume stated that at this point in time, there is. There is not enough data.

Holden continued “We don’t have enough data to know how widespread that risk is, the extent of the risk?”

Hume explained that is part of the permitting process as this goes forward or the DNR will be involved with and the DNR regulates that.

Holden added “A lot of data that needs to be collected before we can move anywhere with this.”

Hume answered not necessarily and depends on the DNR. A test may be required and depends on what the DNR’s review process is going to be at the time.

Holden responded, “Will that, can that kind of process take into account the refill rate that we, whatever, unless we have an army of people from Hogwarts, that does magically just appear?”

Hume answered no, the recharge rate and another important factor is not when you pump, where is that radii of influence. It’s just as important to turn that pump off how quickly does that come back.

Holden stated “And where does it draw from too?”

Hume responded that is part of, yes. What has been seen in Scott County and some preliminary data from the City itself, this aquifer recovers very quickly back to the pre-pumping conditions.

Holden stated “Do they have a time?”

Hume explained that a preliminary test that was done in the City several years ago as part of the Wildlife Protection Plan, it recovered in an hour and a half.

Holden stated “Sample size will grow much, much larger over time.”

Hume agreed.

City Engineer Revering stated that Niagara will not be drilling wells.

Holden stated “Correct.”

Revering continued that the wells come from the City and exist today. There are plans to install a new one, however, that is a backup well.

Holden stated “You know, I gathered all that. I’m interested in how much they are going to suck.”

Revering continued and agreed, however, talks of more piping and wells were mentioned.

Holden continued “That’s if there is going to be an impact. Pretty big burden to the community for it to be branched out. I live a long ways from any City well right now and there are private businesses, flower farms and things like that rely on constant steady source.”

Mayor Julius questioned if Holden’s first three questions were answered.

Holden stated “We need more information, yeah.”

Julius agreed in terms of your concern about who pays for what, right?

Holden stated “Yes.”

Mayor Julius commented the concerns were brought up earlier and it will be a conversation with Staff and follow up will be addressed.

Holden stated “Can I adjust the question slightly? So, I live, I’m technically a Lakeville address. So, would you guys be, so if this were to happen, theoretically, would you guys be piping water all the way up to my house or would you be telling Lakeville, they have to do it and still meet, whatever, I don’t know? Say you have some version of a relief for people affected.”

Seth Peterson commented that typically, the easiest thing to do would be to lower the pump.

Holden stated “Fair enough.”

Peterson explained that lowering the pump down further to get further into the water level is a relatively straightforward easy process to do.

Holden stated “Correct, and I get that but I, it’s going to come at a financial cost to us or let alone how many people know how deep their well is? I don’t know if my well is in the Jordan Aquifer.”

Peterson continued to state it is in the County Well Index, MN Well Index.

Holden continued “But I get it, but that is some of the concern that people have, great and so I have to go in lower it but I’m still going to have to pay for that.”

Peterson stated that if there are impacts to area wells by the City drilling a well, typically the City will assist with that process.

Holden continued “Right, but it’s not the drilling of a new well that I’m concerned with. It’s how much Niagara will suck that I am concerned with. Like, you can say, that oh we didn’t have to drill a new well, so we don’t have to be responsible for that then. So, if that is the only variable, that’s changed. I’m sorry, I’m not trying to be difficult.”

Peterson asked if he was talking about his well.

Holden stated “The wells within whatever vicinity of that space. If they were to be impacted, if that’s the only major variable that’s changed, and it’s not been the new well, because like you said it will be a backup well.”

Revering offered that whether it is a new well or more pumping, I would imagine the DNR will require us to figure out how to fix it.

Mayor Julius stated that the Public Hearing needs to keep moving and mentioned to Holden that he would meet with him.

Holden added “I think that there is, I have had a lot of people reach out to me with the same question, so.”

Julius stated that everything will be published. This meeting will put out there for the public.

Holden ended “Okay, all good, thanks for your answers.”

Mayor Julius responded that the last question regarding the limit of how much can be pumped out is something that is currently in the process of being looked at. Julius stated that residents who have not spoken can approach the podium.

Veda Kanitz stated “Mine was a follow up but that’s ok. And I would be happy to.”

Susan Kluesner, 9387 Aspen Road, New Market, Township, Lakeville address stated “Thank you for this opportunity. And I want, I have just a couple of short comments, I’ll breeze through those in a moment. But I want you to understand coming into this, I wasn’t here on Thursday. You guys really come off as you have already made your decision. Sitting back here and just coming in now, it’s like this is a done deal. Live with it, that’s how you come off. I don’t know you, I actually live in the township, but as a first comment that’s how you come off and that’s discouraging. But where I’m simply from is, I live just a few miles North of here. My husband and I built our house in 1986 of course we have a well. We’ve lived here 36 years this is the first thing that’s come across to me that really feels like it threatens my life here. Because I love it here. I love our little acreage, I love my house, I love my neighborhood and yet you come across to me as saying well, we’re just going to do something about the water. But to me, climate change is real, I mean you look at the extremes, our weather, our drought is real. Lake Mead, look at our own area where the water is down. Look at White Bear Lake, I mean you can find so many examples around here to show that climate change is real, and drought is real. Water is not going to be here forever, and we have to guard it. So that’s my basic concern and that you are coming off as very short sided. That is just what does this do for jobs. What does this do for money? What does this do for this and not looking at the big picture. So, I am not going to go on very long but that’s my concern. Please think of the bigger picture. Please think about the community. Please think about the quality of life we enjoy here and that’s where I am coming from. And I thank you for your time.”

Mayor Julius thanked Kluesner for comments stated and asked the next speaker to approach the podium.

Evan Mulhollane: Minneapolis stated “Good evening. Thanks for giving me the opportunity to talk. I live in Minneapolis, I am here, I work at the Minnesota Center for Environmental Advocacy. I am going to be brief. The aquifer is a shared resource, we all have stewardship responsibilities towards it. People outside of this town care about it, that is one of the reasons why I am here. And if I were you, I would wait until the EAW is completed, until you make your decision.”

Mayor Julius thanked Mulhollane for comments stated. Julius asked anybody that has not spoken to please approach the podium.

Lorraine Rovig stated “Hello. I appreciate the civility that everybody is operating, and I am absolutely quite upset that it does appear your minds are made up. You are looking at the numbers. You are not looking far enough back. Forty years is not long enough.”

Mayor Julius apologized and asked Rovig to please state her address.

Rovig continued “1005 Washington Street, Northfield and I’m in this aquifer too. And whatever you guys do will affect my town. I’m in the town. I should have good water and no problems, right? Not exactly. Yes, it’s expensive to have water and sewer. It’s one of the great amenities of our modern age. We don’t have too much black plague anymore. We don’t have too much of the diseases that were carried by a bad water systems of the past. But the aquifer although it seems extremely big, that’s what they thought about Lake Powell. The Mississippi River, for Pete’s sake, the Mississippi River was not deep enough to allow barge traffic like it always had. So, thinking that we’ll just let Niagara pull out this water to its megaton plant. It won’t be a problem; we will figure it out how to buffer the park so that nearby neighbors have less burden. Something there will be done, it won’t be as much as before. But yes, things do have to change. Hopefully not that much, but the real problem is climate change. The real problem is we don’t have enough water. Every desert, state, business, including this California business, they want our water. Don’t just give it away as this plan appears to me to be doing. You all have done a lot of due diligence, you pulled up a whole bunch of numbers, you’ve done a whole bunch of studies. I’m really glad I am not in your chairs because I would not want to work that hard. I appreciate it. But I really think you are not looking over a big enough span and you’re not looking ahead comparing it to what’s happening out west. What’s happening on the west side of our state. And Northfield has to worry about what you are doing. Isn’t that something?”

Mayor Julius thanked Rovig for comments stated and asked for the next speaker to approach the podium.

Melissa Lenhardt, 331 James Parkway, Elko New Market stated “I have a few things that I am going to ask. A few questions. The first one that I would like to know is in November 2021 there were 13 hours of data pulled for the traffic study. One, I would like to know what those hours of data were and if this plant is going to be running 24/7, why there was not a longer study done? Item 5 on your requirement states traffic generation by the proposed use is within capability of the street serving the property. And what is the study for that? 2, the language in this City’s Business Assistance Policy under item 8-4 page 3, states that assistance will not be provided to projects that have the financial feasibility to proceed without the benefit of

assistance. If that's the case, then why are we giving them assistance? Prior to consideration of a Business Assistance request, the City may undertake an independent underwriting of the project to help ensure that the request for assistance is valid. How does the City intend to deal with this? 3, will the City put a cap on the amount of water Niagara can use in a given year? Will it be in a contract? Or would the amount be negotiated annually, or will this be in perpetual, and we have no say in it? When that aquifer gets low, what are we going to do when we have no rights to how much they withdraw? 4. It states that, on our website it states that community will see a tax benefit but it may take several years. Can you explain what that means? And I think that was explained to the gentleman earlier. I have one more question. This is for you, from LRE, what studies need to be done if this aquifer is in an area of the country with water right laws that require showing the City isn't pumping more than they are not entitled to? And that's my questions."

Mayor Julius thanked Lenhardt for comments stated. Julius addressed that there are opening meeting laws that City Council has to adhere to, and that City Council cannot have private conversations out in public.

Lenhardt stated "Right, they have to be recorded."

Mayor Julius continued that there is a perception that this is a done deal, and the Council is just going through the process of a Public Hearing with our minds made up. Julius stated that he has no idea where anyone else on the City Council stands. Council's job is get the facts and City Staff has worked very hard on getting facts together. No discussion by Council has taken place as of yet.

Lenhardt asked "On what?"

Julius responded on the Business Subsidy piece. This what the Public Hearing is for or whether this project is the best possible fit for Elko New Market.

Lenhardt asked "When will that meeting be held?"

Julius answered that once the petition is back from the DNR and when Council has the ability to take action on the application which we are anticipating mid-January.

Lenhardt questioned "And that will be a public meeting?"

City Administrator/Clerk Terry stated the earliest, the Council would be able to act on it, based on our meeting schedule, would be our January 12th meeting but depending on the timeline with the DNR, could be later than that.

Mayor Julius stated it is important that we have this Public Hearing to gather information and facts. Julius continued that he wanted to address the subsidy piece because your point is a valid point.

Lenhardt agreed.

Julius responded that it does need to be proven there is a need and to be clear and verify the process.

Lenhardt stated “Thank you.”

Mike Larson addressed the first question and stated that the 13-hour count period was between 6:00 am and 7:00 pm. That is a very standard window of time that data is collected. Typically, in any given area, 85% of the daily traffic volume happens within that window with a morning and afternoon rush hour and that is why those hours were collected.

Lenhardt stated “If you are not collecting data, within those time frames though, we really don’t know we are guessing, correct? We’re guessing that because it’s not during typical rush hour time, that there isn’t any there isn’t a greater traffic need?”

City Administrator/Clerk Terry stated that anybody that has commuted outside those hours or when the analysis is taking place, you are looking at the stress on the system.

Lenhardt continued “I have a son that comes home from South of here after 7:00 pm a few times a week and he literally cannot turn left to get home. He cannot okay, so that’s after the time of the study. I’m just asking rather than guessing, do your due diligence. Before you add all these trucks that are going to be blocking the highways, there’s trucks already sitting out on the exit ramps all day long. I cannot turn on those exit ramps without a truck or two or three sitting there. Just review it.”

Joe: “On the.”

Mayor Julius commented that your point is noted and asked Lenhardt to repeat the next question.

Lenhardt asked “The last question was for the LRE. Oh, I’m sorry, do I have it backwards? On the video its swapped.”

Dave Hume asked if the question was related to the water rights.

Lenhardt stated “Yes.”

Hume explained that Minnesota falls east of the Riparian with water rights not the western water rights. So its owned by the State for the people of the state as a resource.

Lenhardt asked “What about the people that are in Iowa?”

Hume responded that he is not sure about Iowa.

Lenhardt asked “Will that affect, how will that affect if the people in Iowa start having issues with this aquifer. Because we are drilling from here?”

Hume explained that it will not have any affect. Any pumping in Iowa does not have any affect here.

Lenhardt stated “I stand, thank you.”

Mayor Julius thanked Lenhardt for comments and questions.

Councilmember Schuenke addressed research done by Senior Planner Christianson regarding some industrial users and the amount of water used in the area. Schuenke would like Christianson to share the research.

A member of the audience asked “Is this real scientific information or is this just who answered the phone?”

City Administrator/Clerk Terry stated this information is directly from the Department of Natural Resources in their permitting data base.

Christianson explained that water is supplied to users via a municipal well or in some cases the DNR permits a large capacity water user to drill their own well. Christianson reached out to Faribault, Northfield, Lakeville, Shakopee and Savage just to see who their highest volume top five water users were and how much they used on an annual basis. Niagara is proposing two phases of development and the first phase would require using 155 million gallons.

City Administrator/Clerk Terry stated 155 million gallons per year and doubling that with phase two and full build out of the facility.

Christianson continued with information from the City of Faribault Utility Department and provided information on the top water user which was Jennio Turkey who used 317 million gallons of water in the first eleven months of 2022. She also reviewed usage Faribault Foods, Faribault Dairy, True Vue, and the City of Faribault, to provide perspective on the volume of water proposed to be used by Niagara. Christianson added she is waiting results from the City’s of Lakeville, Shakopee, Savage and Northfield regarding high water users and amounts these companies use. Christianson also identified a few large capacity wells permitted by the DNR from the data base from the DNR and compared these large water user companies to what Niagara is proposing. Christianson explained that the purpose of doing these comparisons is to give the City Council, Staff and the public a perspective on the volume of water that Niagara is proposing to use versus what is used by other businesses.

Member of the audience questioned “Did you say used or removed? Some of these businesses how much they use.”

Christianson’s answer was interrupted.

Member of the audience stated “I’m looking at a perspective on how much is actually removed?”

City Engineer Revering clarified the question.

Member of the audience stated ”And never returned.”

Another member of the audience stated “Well, Coke and Pepsi would be the same.”

Mayor Julius stated the idea here was just to provide some perspective on how Niagara relates with the water usage to other businesses.

Christianson continued to explain that the examples of companies in Faribault are pulled from the same aquifers that the City of Elko New Market uses.

Mayor Julius thanked Christianson for the research and asked for the next speaker to approach the podium.

Councilmember Berg wanted to clarify if Staff has been in communication with the Met Council throughout this process.

Christianson confirmed that she had a Zoom call with Met Council staff on Monday, December 19 just to keep them informed of the project.

Mayor Julius asked the next speaker to approach the podium and state your name and address.

Trevor Stewart, 9127 Whispering Hills Lane stated “First of all, I want to thank you guys. There’s a lot of people that are unhappy, but I can specifically say if you saw me on Facebook begging for numbers, you know my name. Bryce, Josh, Joe, and Tom all reached out to me and help me get information. So, thank you guys for that. I just want to make it clear, trying to help in my opinion it’s not just some closed-door session. The numbers I was looking for didn’t add up. I honestly was looking for numbers, so I didn’t have to show up tonight. Tom mentioned that fairly the 2.9-million-dollar project that runs that trunk down County Road 2 shouldn’t be billed entirely to Niagara. But 2.5 million dollars of that project are still left on the bond. So, one of my concerns there is with what is happening right now. If we reduce the fees which we have talked about at infinity of 2.9 million dollars which kind of does seem excessive that leaves us with a 2.5-million-dollar deficit to hold onto. Now while that will recoup in 3.4 years because this particular facility is going in. You are going to have to put in a new well, and a new tower. The new tower is going to be put so far off to the side that it will not really help our residents. It is going to be industrial, so if we are ever going to need more water on this side and its likely going to require yet another tower. Water fatigue is the quote used in the Council session for that. 6.9 million dollars additional debt will be required to put in a new water tower and a pump. If we do phase 2 it’s another 5 million dollars in which I honestly impressed with how little money it costs you guys to do an upgrade. I know Lakeville is looking at a 10 million dollars to expand their facility in the next year. I did do some comparison on the rates the industrial right of a \$1.48 was put out for 1000 gallons comparatively I pay \$2.86 for 1000 gallons. That’s the lowest tier the City offers if I am correct? The City calculates the cost per 1000 gallons currently at 50 cents which is abnormally low. Looking around I found a study by Connecticut Department of Health that puts the cost of 1000 gallons of water at just over \$2.00, that did seem irregularly high. Using the connection fees and the cost that the City has for \$.50 per 1000 gallons, the 6.9 million dollar improvement for Phase 1 would take us 8.8 years to recoup. Phase 2 will take another 3.18 years to recoup. And we are looking at 3.9 years to recoup the costs for what’s already been done to run that

trunk. So, in total we are looking at 12 to 15 years of return on investment depending on if they do Phase 1 or Phase 2. My biggest concern is not the water usage, though I think it's only fair to compare water users who are shipping out like the person behind me shared. My biggest concern is that we are going to run into the residential boom 2.0. The reason we are paying \$2.86 right now, because we put in a facility, we adjusted our cost based on the expectation our population was going to increase. The population didn't increase. We are sitting on the edge of a potential nightmare for our entire country from a money perspective. If this facility comes in, we are forced to spend 6.9 million dollars to improve and we are left with the budget because they closed down and we have no repercussions. We're hosed. While I don't think it's fair to have them pay the entire 6.9 million and because it's serving more than just them, or for them to have to pay 2.9 million for the trunk that was run down there. That money is still needed. We need to offset that cost because I don't see how to run an investment of 12 to 15 years would be viable. On behalf of somebody else, who didn't want to come up and talk though, specifically, and related to these numbers he was looking for any information you can provide on any time frame we would get benefits. So, there are people who are waiting around and looking what benefits we will get from having this facility. And that is the only reason they are here. If you want to respond with any of that, it is appreciated."

Mayor Julius stated this may have been touched upon at the very beginning.

Stewart stated "I may have missed it, I was late."

City Administrator/Clerk Terry stated Stewart is talking about fees the City collects and where they go. Terry stated the fees talked about are getting mixed and mingled, for example one specific fee that is tied for collection on operational costs and trying to apply it to costs that are supported with another fee that the City collects.

Stewart commented "I'm very specifically looking at the water fund."

Terry affirmed.

Stewart stated "I understand these fees very well."

Terry continued the City collects trunk fees from the development, based on acreage. Everyone will pay the same per acre for each trunk fee that everybody else pays with regards to the fee. These fees are calculated and collected to pay for the Capital Infrastructure such as wells, water towers, plant expansions based on the acreage out there. The existing water treatment facility does serve a portion of the existing community that is being paid for on the base fee. These fees being paid are on the same rate proportionately for a resident as it is for any institution, commercial or industrial user within the City. Having a large user that is paying a lot of fees and usage fees, helps with the cash flow. So, by having a large user paying those kinds of fees, it mitigates the financial risk for those improvements.

Stewart stated "That is over 10 years out, Tom."

Terry commented that it would be 10 years out but at the time the City would need to do it. Terry explained that, if they are equivalent to 1500 homes, 1500 homes would take a long time to build versus having those 1500 homes immediately.

Stewart stated “But we just put in 2.9-million-dollar infrastructure into a facility.”

Terry explained the financing is very different and that cash flow is based on trunk fees that are collected from the developments and the City has an arrangement with Scott County CDA where they underwrote the risk on that.

Stewart mentioned “Yeah, we gave up additional WAC fees for that. Why do we collect SAC and WAC fees?”

Terry explained that the City is collecting SAC and WAC fees that would normally be expected to be collected off the exact same acreage for another typical use in the industrial park.

Stewart asked “Exactly, but what are WAC and SAC fees set for?”

Terry answered that WAC and SAC fees are set to pay for fixed operating costs...

Stewart interrupted and asked “How are they based? WAC and SAC fees are specifically based on the amount of usage there is going to be. So, if somebody runs a car wash, they are going to pay a lot more money than somebody who runs a shipping facility.”

Terry affirmed.

Stewart stated “So if somebody uses up all our water, all of my concern lies in the water fund. A lot of development is going to happen from the water fund. So, we shouldn’t be giving up the fee. The reason we can’t afford to frontload them for that long versus another industrial user who won’t require that same amount. As much as I am, not everybody is for industrial.”

Mayor Julius interrupted and asked if Stewart had any additional comments.

Stewart replied “No, I will actually step away, so Tom can talk unless you have something to add Renee?”

Mayor Julius commented that he wanted Mr. Stewart to finish his comments first.

Stewart stated “I just want to make some points of clarification because there seems to be a lot of confusion around the fees because they are awful, they are very confusing to everybody, but Tom himself said on a previous meeting that we do collect these fees so that we can afford the future improvements. So, we should be collecting those fees so we can actually put it towards developing so we can have those water things there. But I would like to hear more about long term benefits. If you guys are able to offer it after the meeting?”

Mayor Julius thanked Stewart.

Terry explained that SAC and WAC fees are generally intended to pay for replacement or repair of existing infrastructure. Terry mentioned that amount of infrastructure relative to scale for water usage for Niagara is very different compared to the rest of the community or the equivalent number of homes for the same water usage.

Stewart replied “You put the pipe out there?”

Terry agreed and continued Niagara would be paying proportionately what we would expect to get off that same acreage for other users that would be locating out there. Terry agreed with Mr. Stewart in regards to Niagara getting a reduction and that reduction is intended to bring incentives to businesses that would not choose to locate here. It becomes a cost benefit analysis and the financial benefits have been explained earlier in the Public Hearing.

Mayor Julius responded that this is not meant to be a debate going back and forth. Mr. Stewart mentioned good points however, wanted to keep the Public Hearing moving.

Mariya Zubkova, 267th Street stated “So, we are one of the residents that the proposed area be built behind. So many people have been sharing the voices and speaking up so I thought it would be a little wrong if I didn’t speak up since it is affecting me personally. As a daughter of a first-generation immigrant family whose parents first language isn’t English and can’t be here to speak up for themselves. I just like to appreciate my neighbors, the community, my community for standing up. I have never experienced a more bonded more supportive community. We’ve been heard, we’ve been, I mean there is people living across town speaking up against this and it’s just been very like pleasant and nice. I’d also like to persuade you to maybe slow down and listen to the community in the voices that we have been hearing and have them take precedence over the communities or the towns growth or money whatever we stand to take from this. You’re not, everyone here is living across from it and maybe feeling and experiencing firsthand what it’s going to have the impact on our lives. And, just to take a towards the end, you know what they say, and it’s rang true through the ages slow and steady wins the race for growth. Thank you.”

Councilmember Schuenke stated that people online are raising their hands.

City Administrator/Clerk Terry stated that Zoom individuals that would like to speak.

Mayor Julius apologized and called on Jay to speak.

Ramthum stated “Yes, can you hear me?”

Julius affirmed.

Jay Ramthum, 22720 Woodhill Drive, New Market Township, “I just found out about the plans for Niagara after the Thursday’s meeting, so I didn’t attend but however watched it on YouTube so thank you for that. I read the City of Elko New Market website facts regarding Niagara. After all that I think you aren’t looking at the big picture. I’m 100% against Niagara coming here. I am 100% against any subsidies for price reductions for Niagara. To me, it’s about protecting our aquifer for generations to come. It’s about what the bottled water industry

is doing. They are turning a public resource into a private good. They take our most important vital basic human necessity for less than we pay and turn around and sell it back to us for astronomical profit. Worse yet Niagara wants to send it out of state. In the big picture, bottle water industry is hurting municipal water systems across our nation by displacing tap water and widening the wealth gap. You compared other businesses and their water use and one more is not the answer. Do you have it in legal writing they will never ship outside of MN, WI, IA or the Dakota's because as the water price grows at some point it will make financial sense from Niagara's point of view to ship it to California and the Southwest? It really doesn't matter because if you do have it in writing, they will eventually use their power and lobby to change it and we will suffer. Will they ever be allowed to drill their own well? Is our aquifer connected to any springs? Your presentations all stop at Phase 2. I have a very hard time believing that they would stop at Phase 2 but what business grow and grow aggressively. From what I gathered from Thursday's meeting, my understanding is that you have not looked at Niagara's long-term growth and older locations, correct?"

Mayor Julius asked if he heard the question to be if the City has looked at their long-term growth at other locations.

Ramthum continued "Yes, I was so you, my understanding is you looked at sites that haven't been around very long because you wanted to see the building process and so on and so forth. What about some of their early sites and how many phases of you know increased output and pumping have they gone through on average?"

Mayor Julius asked if Ramthum had additional comments or if his question could be addressed.

Ramthum continued "Thanks, I will go through my comments. I'm concerned about the water prices in the long term in the future as demands substantially increases and supply decreases. I'm concerned about my well and both the short-term relatively long-term and long-term. I wasn't impressed at all by Niagara's presentation. Don't be fooled they don't care about the wetland. They just don't want to pay twofold to replace it. Niagara claims to be a family business or they are a family business, so is Walmart. Look what they did to our country. Little by little, site by site. I looked at some reviews from employees that work there and the general rating they have for work life balance is a 2.8 at Niagara. A 3.1 for paying benefits, 2.8 for job security and advancement is a 2.5 for management 2.8 for culture. A lot of people zero-star if possible and for management don't care about their employees. Awful place to work, supervisor refused to train me, barely spoke to me, high turnover rate, more management complaints. Toxic high school environment, and the list goes on. Well I am not really thinking it would be a good place to work with good morale. They also plan to use up to 50% of recycled material but where I come from, 50% is a F. Apparently there is a law suit involving Niagara for their 100% recyclable claims as well. Not sure of that outcome. You ask the City Council, and most were neutral from sites they looked at doubt they would be open to speak poorly about them. Looks to me, not too many people like Niagara and I won't be surprised as it brings other problems such as large protests from outsiders to our town. Please don't let them in. And once they are in it will be a constant battle between the people, the City and big business for water. This is about morale, morals this is about what is doing right. We can look at any number of infamous historical events and say wow, I can't believe those people made that poor decision. How could they let that happen? How could they think that was ok? Think

of any strain in our history and now how can you even consider letting big business come in and take our water, your kids' water, grandkid's water? We the people are against Niagara. Are you for the people? Who do you serve? Can we trust you to listen to us and do what is right? I ask you to say no to Niagara. This may be one of the most important decisions in your life, please make the right decision. The decision you will be proud of for years to come. The decision our decedents will be thankful for and say no to Niagara.”

Mayor Julius thanked Ramthum and appreciated his comments and were well said. Julius asked who would like to address the comments.

City Planner Skluzacek explained to City Administrator/Clerk Terry that the question being asked was why did the City only contact the cities that Niagara had recently built in.

Skluzacek answered that the City really wanted to talk to the Staff of other cities to ask relevant questions they experienced.

City Engineer Revering commented the question asked was about interviewing older cities with Niagara's use patterns would have been helpful.

Mayor Julius added that the overall concern was if they continue to grow was there a need for phase 3

City Administrator/Clerk Terry stated that there could be a benefit to talking to cities where they have had a longer-term relationship for that purpose.

Councilmember Berg questioned if cities with existing Niagara facilities, have had to sign any NDA's or anything like that that would nullify, speaking freely on working with the company. Berg further questioned would the City of Elko New Market have to sign anything that would prevent us from speaking freely.

Khristopher Ward stated often times Niagara will enter into a Non-Disclosure Agreement (NDA) with state and local government partners to keep the project confidential while in the exploratorily phase, however, the NDA does not extend to operations. Ward continued that in his nine years with Niagara and about 30 planning expansions, he has no knowledge that a NDA has carried over into the operational cycle. Ward also explained that, in his opinion, using water for personal consumption is the utmost highest of use of this precious natural resource. Often times this beverage is just replacing tap water instead of being at home and filling up your glass. In looking at the full cycle of water being produced, distributed and consumed in the Minneapolis, St. Cloud regions, water is biologically placed back in the same aquifer. Many other industries that use water, such as paints and textiles, which are produced here are shipped out of state and into other areas and are gone forever. Ward used an example of a brewery that uses on average of seven gallons of water per gallon of beer produced. Ward concluded that in terms of the efficient use of water, in his opinion, he can think of no more efficient use than bottled water for human consumption.”

City Administrator/Clerk Terry pointed out that the City was not aware or asked to sign any non-disclosure agreement as part of the process to date.

Mayor Julius requested Carmen to speak next and to state their name and address.

Carmen Scherman, 1314 Overlook Street, New Market “I had no questions coming into tonight, but as I listened through the Zoom, I did come up with two things that I would clarification on. The first one, when it was mentioned that the pipe that was installed out to the industrial park was not put in just for them, that it was put in for future growth, it made me kind of shake my head. Makes sense. That’s the way the town is growing, everybody that is going to be out there is going to use that pipe. Is that pipe enough? Will that pipe support future commercial, residential, and industrial growth and the continuing use or a need from Niagara? Or will additional pipe need to be drawn out there and at that point, who pays for it? The second question is the industries that, I believe Renee mentioned, and their water usage. Those numbers made me kind of shake my head too. And yes, the use a lot of water. Did you then ask what kind of water rate that those industries are giving? What percentage of the discount do they get from their residential users? Can we compare what we are offering to Niagara to what they are offering to their industrial users as well? That’s all I have.”

Mayor Julius thanked Scherman for comments stated and mentioned that the comparison study was done just put Niagara’s usage in comparison to other industries in other cities.

Sherman commented “With the aquifer, I understand the drawing from the aquifer, yes that makes sense.”

Mayor Julius commented that water rates are compared to neighboring cities on an annual basis.

City Administrator/Clerk Terry explained that cities do not make money on their water rates, the rates are set to meet their fiduciary responsibility related to the financial health of the utility and rates are based on specifics the of each community. Elko New Market’s water rates are specific to the system, specific to costs, specific to revenues and what is needed to run the system.

Mayor Julius asked City Engineer Revering to address the piping.

Revering explained limits to every pipe and how development impacts the network.

Mayor Julius asked if more piping is needed, who pays for it.

Revering answered that it is paid for by the developers as it goes in. However, the City does pay for oversizing and that is the reason trunk fees are collected from developers.

Councilmember Berg stated that when the pipe was put in it was also built for future growth.

Revering agreed and added it was intended to support the opportunity for commercial and industrial growth on the east side of town.

Scherman asked “With a superuser?”

Revering commented that the City had no idea that Niagara was even coming when this pipe was planned years ago.

Scherman added “Just kind of to make sure that the pipe is not limited to what Niagara will need to draw?”

Revering answered no.

Scherman continued “Because the argument that you’re giving the citizens is that the pipe is there for all. I don’t want ten years down the road development to be coming in and then you say well, everybody’s got to pay for a new pipe, and we didn’t charge these people, but this is what has to happen now.”

Revering explained that a network is planned out years in advance so whenever development occurs, pipes eventually get connected. Revering continued to explain smaller cities start with a branch system, branches grow and get connected to a network system. The biggest reason for having bigger pipes is for firefighting, fighting multiple fires at one time.

Scherman stated “Alright, thank you.”

City Planner mentioned that Tia Smith could go next.

Brian Smith 9865 247th Street, Lakeville in New Market Township stated “We’ve been residents out here for about 34 years now and our back property borders against the New Market City Limits and I’m sure that at some point in time there may be an annexation maybe an inclusion there. First, I just want to say, that based on our attending the meeting last Thursday, we appreciate all the research and all the work the City, the Council and also the research that is being done by a lot of the citizens of New Market and New Market Township and surrounding areas. I have to admit that I haven’t done the research but certainly appreciate the thoughtfulness going in on this particular Project. There is no doubt that it is obviously going to be a benefit to the people that own that land in that area. It’s going to be a benefit to the developers. It’s going to be a profitable enterprise for Niagara or else they wouldn’t be looking at that site and maybe they are looking at it for the price of the land and the availability of water. Maybe the cooperation and the welcoming attitude of the City Council and I could sure understand that, going objective. Last Thursday there was a reference to some document in the City, not exactly sure what it would be, but it was talking about goals and values of the City, and I apologize I haven’t done research as to looking at what those goals and values are but obviously, there’s probably a lot that we should be aware of as to what those values would represent to, not only the immediate City so those in the surrounding area, I have the privilege of working part time for the school in Lakeville an Elementary School and the principals of the school or at least some of the values that they put forth to their students are kind of looked at like a mantra that says we are safe, we are responsible and we are kind. And that is intended to not only help develop behaviors within the school but also to allow them to take them out into their homes, into the community and I think also sensitivity to the greater world or the environment that they are going to be playing a part in. During Covid, they replaced the drinking fountains in the school and there is a counter on there that specifically says bottles

saved and these kids may not be aware of the impact of using drinking fountains and using refillable bottles, but what troubles me is it seems like their efforts or the school system efforts to try and serve and use sustainable or reusable products, is almost like laughable when you are out in the world and see a company like Niagara that's probably generating I can't even calculate how many bottles of plastic to be accommodating people who are just not educated enough to know how to filter water and refill a reusable containers. So I think the great world is just kind of playing into this convenience and not really taking a look at are we really teaching, you know, not just our children but adults as well. That we don't have to have convenience of plastic bottles to satisfy our thirst. So, I guess, as I kind of think about a community and the attractiveness of the community. I think sometimes that values of what that community stands for and welcomes into their area and I think that for me anyway, whether or not our property is ever brought into the City, it will be great to drive into the City of New Market, City of Elko New Market and see at the base of the sign Welcome to Elko New Market, we are safe, we are responsible and we are kind. Implying kind to business and to our residents and kind to our environment. Thank you."

Mayor Julius thanked Smith and stated this his comments received an applause from the audience. Julius opened up comments to second opportunities.

Janelle Kuznia, 26775 Grand Ave, Elko stated "I just want to say you talked about the well interference and there is well interference. How that's handled on the DNR's website, am I correct? What well interferences are handled. And I just wanted to point out that Blaine, MN had a well interference this last year in 2021 and 2022. They turned on four wells and they dewatered 138 people. They had anticipated that, so they had a well interference plan in place. So, with anticipating that you could potentially dewater some people, will you be having a well interference plan in place? And if so, will you be putting up a bond for it or will Niagara be financing it or where will the money come from?"

Mayor Julius thanked Kuznia.

City Administrator/Clerk Terry asked Seth Peterson to address the situation in Blaine and how interference would be handled here.

Seth Peterson explained the well situation in Blaine and how it is different as their wells are in a different aquifer. Peterson explained the DNR drawdowns, the pumping process and how Blaine had to develop a well interference plan. That's a process that the City would go through in preparing in developing a new well.

Kuznia stated "My question was more about where the money is going to come from if there is well interference? Not directly comparing us apples to apples to Blaine, but the fact of the matter is, there could be potential that you dewater people, and I would like to."

City Administrator/Clerk Terry asked Kuznia to please approach the podium.

Kuznia stated "Sure. I guess my question wasn't necessarily comparing apples to apples to Blaine, my question is if we dewater people, where is the money going to come from? So, I am not comparing us to Blaine, I'm saying you said last week that you don't know for sure

that you won't dewater anybody and that the DNR will require some testing. And if in fact you do dewater some people what is the plan for paying for it? That's the only reason I brought Blaine into it, not to compare us apples to apples."

City Administrator/Clerk Terry stated the responsibility is on the City. Terry continued to explain if the City would apply for an appropriation permit, the testing that would need to be completed and provide a solution into addressing well interference if indeed it did occur. The DNR will require the City to address the issues. The City would handle well interference by finding a solution on a well by well basis. It is impossible for the City to put a plan in place at this time because it will be addressed when and if we reach that point and time.

City Planner Skluzacek added that the DNR was consulted specifically about the Blaine case. Blaine had a water treatment plant with four new wells to drilled. The DNR approved one of those wells and Blaine ran all four wells.

Terry added that Blaine didn't follow the DNR process.

Mayor Julius thanked Ms. Kanitz for her patience.

Veda Kanitz: 9830 247th Street E in New Market Township stated "Thank you, Mayor and City Council and Staff. I wouldn't take up more of your time, but I have an issue that I don't think has been addressed yet, so. Thank you for allowing me to speak. I want to thank you first of all for listening to our concerns this evening. I believe that you all do want to do the right thing and that you will carefully consider and assess all the evidence that you've been hearing. With the best interest of the community in mind. But part of your assessment must also include preserving and protecting the Vermillion River Watershed. With its 49 miles of DNR designated trout streams, the Watershed is certainly worth protecting. I've taken students there for over many years and I know the value of the stream to our communities. The Vermillion River is, as you know, public ground water fed. The headwater starts near my house right out here in Elko New Market Township. I live across the street from the other people that you just spoke to via Zoom. It's cold, its high in dissolved oxygen when the water comes up and that's a must for a trout stream, it's important. We do not have adequate data this time to assess whether tripling the amount of water that is drawn for the Jordan Aquifer will negatively impact the aquifers above it or our surface waters. If Niagara bottling wishes to mine and sell the ground water it should first be required to do a multi-aquifer test. This test would determine if the shallow and the deeper aquifers are connected. If the aquifers are not completely confined, but leaky, withdrawing large amounts of water from the deep Jordan aquifer may impact the layer above it, which is the Prairie du Chien – Jordan group and the water levels in the overlying tributaries of the Vermillion River. In Lakeville in 2017, so not that far from us folks, BJ Bonen, Geologist from the MN DNR, who spoke well of you sir, he conducted a study to identify if there were interconnections or leakages between the water table and the underwater confined aquifers. This was completed because of the cities increased water use in the watershed. The results were actually a surprise to the geologist who conducted the study. They expected no leakage, but they found there was. The aquifer test demonstrated that pumping the Jordan Sandstone caused drawdown in the leaky Prairie du Chien group and the water table outwash aquifers and in the surface water. Drawdown in the water table outwash aquifer led to reduce groundwater flow to South Creek a reduction of 12 cubic feet

per second. The Jordan and Prairie de Chien Aquifers are both leaky in this portion of Dakota County. Pumping either of these aquifers will influence surface water in Dakota County. No similar studies have been done in Scott County. So the effects of pumping three times the water from that aquifer from below Elko New Market up, are unknown. And the only way to determine if this will impact the Prairie du Chien Aquifer and the ground water flow to the head waters is to conduct a multi-aquifer test, similar to the one done in 2017 by the DNR. And I strongly recommend the City require Niagara to hire a Geologist to conduct this test so that we know if the nearby wells that reach into these leaky aquifers will fail or reduce flow will cause the loss of our prized trout streams. I would assert that neither outcome is worth the eventual tax benefits of moving forward with this proposal. Thank you.”

Mayor Julius thanked Kanitz for comments stated.

Kanitz added “And I did send the study to Renee, which she can share with you.”

City Planner Skluzacek advised the Mayor there was another Zoom participant with their hand raised.

Mayor Julius stated that the room was opened to speakers for a second time in person.

Senior Planner Christianson responded that the City is in regular communications with Vermillion Watershed District and they have indicated that they are in the process of determining if they are going to provide comment regarding the project, and they are also working with the Dakota County Groundwater Protection Unit to determine if they are going to provide comment.

Mayor Julius called upon a speaker to come forward.

Jason Scherman, 1314 Overlook Street stated “I want to thank the Council, Staff, consultants, everyone that has come because this is a holiday week and there has been a lot of growing pains that everyone is learning. Residents, City Staff on this being the first, you know potential user in this industrial park that we are looking at. So, a lot of questions out there though, a lot of growth, appreciate all the due diligence, the time everyone spent to answering questions, the fields of questions, everything. I’m going to keep mine brief because I know I’ve sent out a lot of questions, you know and asked a lot of things. But one of the things I want to talk about, because the Traffic Engineer is here this is why I brought this one up. The Kwik Trip, so wonderful addition to our City, thank you. So, one of the interesting questions I have is, do we expect any of the freight vehicles from Niagara to be making any fueling stops at Kwik Trip? Now, I know that is a very vague question. And why I am asking it, is would we need to consider traffic studies at the County Road 2 westbound and France Southbound interchange there, interchange intersection? Because that could potentially create queuing issues and I don’t know that left turn lane is long enough. I am going into some hypotheticals here, but I just want kind of throw that out there and see if this might be something that we want to consider in the future and make sure we are doing our due diligence, whether it will be this venue or partner or any other partner coming into the industrial park.”

Mayor Julius thanked Scherman for comments stated.

Mike Larson replied that there were two reasons why the Kwik Trip access was not studied was because it is over a mile and a half away from the proposed development and it is outside the standard boundary that is considered for a development of that size. Larson also commented that it is tough to estimate how many trucks would be fueling at Kwik Trip. Larson added that it will be monitored, if issues do arise.

Senior Planner Christianson noted that at least on a temporary basis, there are some supply chain issues at the Kwik Trip and they will not be putting in the diesel truck fueling component of the station at this point. Kwik Trip indicated that it will be added in the future.

Scherman stated “Interesting.”

Christianson added Kwik Trip will potentially expand in the future.

Scherman continued “Okay, well that is great to know. Thank you. My final point is actually regarding one of the items that are really up for vote by the Council, and I just want to kind of put my two cents out there. Because I know, there is a lot of information out there. But I think we are really only voting on a few things here. And trying to compile all that into this is very difficult, I’m sure. So, we spent 2.9 million dollars to run the connection water main lines out to the Park I-35 last summer, correct? So, was that a bonding initiative that was put on the City’s books?”

City Administrator/Clerk Terry affirmed that debt was issued for that.

Scherman continued “Ok, thank you. So, I guess I’m wondering if we are really good stewards to the City if we go and waive 3.1 million dollars in connection fees to any sort of user of that. Because as residents we do pay very high-water rates and that’s no, we complain over and over and over again and I know at some point, a high-water user will hopefully reduce those, I get that. But if we factor those 3.1 million dollars down, and if I’m doing my numbers right, it comes to about \$639 per resident, per year. Or about \$19 ERU’s per resident. Now, that to me is a decent number to look at and I guess in that regards, I would strongly encourage the Council to consider voting no on forgiving those connection fees. And if you want to talk more about the connection fees, I’m ready to listen. Thank you.”

Mayor Julius thanked Scherman for comments stated and mentioned he would like to keep the Public Hearing moving along. Julius commented he would discuss additional comments with Sherman outside of the Public Hearing.

Jodi Locust – 26501 Xerxes Trail stated “Well I just have a question about the well thing. Okay, so we have three people on our well. So, if our well fails, and it’s 319 feet deep, thanks Bryce, you’re amazing, and if I have three people do, we all have to come in at the same time. Or do you just go house to house and say, you get a well and you get a well and you don’t get a well. Because the backside, there’s no water on the backside because they are on Woodcrest.”

City Administrator/Clerk Terry stated that it is not reasonable that only one household get water.

Lucast continued “Well, I won’t get water because on Xerxes I have water.”

Terry replied if three people are on the same well, the City would make sure all well users were treated the same.

Lucast stated “Well, I know you will tell me, you know what well the old engineer gave them their water you have to put your thing and pay extra.”

Terry replied the simple solution for those three property owners if the instance occurred, the City would look at the specifics at that time and figure out a solution. No one would be left without water.

Lucast stated “Yeah, I’m just trying to prevent Grandpa from coming back.”

Terry stated he understood.

Lucast continued “Grandma muted him. You call Grandma and say thank you.”

Terry thanked Lucast for comments stated.

Mayor Julius asked the user with the iPhone and their hand raised to unmute to speak.

Jonathan Carlson, 26126 Pillsbury Ave, stated “I have just a short question regarding traffic safety not congestion. In the traffic study presented on Thursday night, there were statistics around a crash safety index presented. And in it, it said an index about 1.0 was of concern and marked red on the map and at the west side of the intersection of County Road 2 and 35W. It was reported that current traffic levels already have that intersection at crash safety index of 2.0. so, I have a couple of follow up questions, 1. Can you put that 2.0 in context? Does that make it the worst intersection in Elko, the worst intersection in Scott County? So can you kind of provide a context for that statistic? 2. Can you, is there any modeling done on what that will become with that additional traffic of the park? 3. Any level of that index, become a criteria for not moving forward with planning more traffic with that intersection? Thanks.”

Mayor Julius thanked Carlson for questions stated.

Mike Larson replied that that intersection is above average statewide as noted in presentation. However, an analysis City wide or County wide was not done for comparison.

Carlson asked “Can you hear me again?”

City Planner Skluzacek affirmed.

Carlson replied “The second question was what does the modeling look like for that intersection’s safety over time? We seem to be plan fully putting more traffic onto an already an intersection that seems to be twice the safe level or whatever for the area of concern.”

Larson replied that it is difficult to model crashes in the future since they are, what we call random and rare. There is really no great way of modeling that into the future, so nothing was done there.

City Engineer Revering asked if County Road 2 would be actionable for further development?

Larson replied no, it is just something that would need to monitored. Again, it’s another reason to pressure MnDOT and say it’s an issue here.

Mayor Julius commented that the City is advocating hard for improvements at the on and off ramps at that intersection. The City is looking at the County on ways to improve the traffic issues at County Road 2 and 35. More to come on that. Julius asked for anyone else to speak.

Mayor Julius closed the Public Hearing at 7:27 pm.

Deputy Clerk Jirak commented on the video for the meeting tonight will be uploaded through YouTube and placed on the City’s Website as soon as it is available. Due to the length of the meetings, uploading is a slow process. Jirak mentioned how to find the meetings on the Website.

Mayor Julius asked for Discussion by Council.

City Administrator/Clerk Terry reminded Mayor Julius that Staff recommendation was to table this item for further consideration.

MOTION by Mayor Julius, second by Councilmember Schuenke to table the Minnesota Department of Employment and Economic Development Business Subsidy Applications for Niagara Bottling and direct Staff to reschedule for a future City Council Meeting until the environmental issue has been resolved with the DNR.

APIF; MOTION CARRIED

5) **DISCUSSION BY COUNCIL**

Councilmember Berg expressed how greatly appreciative the Council was receiving all the feedback, comments, even some of the comments on Facebook. Councilmembers signed up for this and that is what we are here to do. Berg thanked all in attendance that suffered through these last couple of lengthy meetings. Berg extended an invitation to the audience to come back every other week for Council Meetings. Berg continued that Council has not had discussion on this topic yet, however feedback and comments from the audience will be considered. Berg again thanked the audience and hoped that participation in Council Meetings will continue beyond this one topic.

6) ADJOURNMENT

MOTION by Councilmember Novak, second by Councilmember Timmerman to adjourn the meeting at 7:31 p.m.

APIF, MOTION CARRIED.

Respectfully submitted by

Lynda Jirak, Deputy Clerk