

**MINUTES OF THE PUBLIC HEARING
OF THE
BOARD OF MANAGERS
OF THE
NINE MILE CREEK WATERSHED DISTRICT**

TUESDAY, JUNE 12, 2018

Call to Order

Chair Kloiber called the meeting of the Board of Managers of the Nine Mile Creek Watershed District to order at 6:30 p.m., Tuesday, June 12, 2018, at the Bloomington Civic Plaza, 1800 W Old Shakopee Rd, Bloomington, MN 55431.

Managers Present: Twele, Hunker, Kloiber, Sheely and Peterson

Managers Absent: None.

Advisors Present: Randy Anhorn, Michael Welch, Janna Kieffer, and Erica Sniegowski

Normandale Lake Water Quality Improvement Project

The Chair introduced himself and opened the public hearing for the Normandale Lake Water Quality Improvement Project. He introduced the members of the Board and staff present. He stated that the purpose of the public hearing is for the Board of Managers to receive comments on the environmental assessment worksheet (EAW) for the Normandale Lake Water Quality Improvement Project and on the project as a capital improvement project to be undertaken by the District.

The Chair explained that the Board of Managers decided to complete a voluntary EAW to gather information about the potential for the project to have detrimental environmental impacts.

The Chair stated that the EAW was issued for public comment at the end of April. The District received several comments on the EAW during the review period, which ended on May 30, 2018. After considering the written comments and the comments offered here this evening, the Board, sitting as the responsible governmental unit, will decide whether additional environmental review is needed. This decision will be made as part of the agenda at the June 20th monthly Board meeting.

The Chair explained that if the Board decides on June 20th that an environmental impact statement is not needed, it will proceed to consider whether to order the project. He stated that when he opens the floor to public comment, those in attendance should feel free to offer thoughts on the EAW or the project as an undertaking of the District, or both.

The Chair stated that the City of Bloomington filed a petition on July 26, 2007, with the District, requesting that the District undertake a basic water quality management project to improve water quality in Normandale Lake. The petition requested that the District facilitate recreational uses of the lake, in part by improving the fishery; diversify and improve the quality of vegetation in the lake; and improve the aesthetics of Normandale Lake. In the intervening years the District and City have assessed options for achieving these purposes and worked to address permitting requirements. At this point, the District and City of Bloomington have agreed to fulfill the intent, purposes, and goals of the 2007 petition through implementation of a project that the District included in its Watershed Management Plan. The District ordered the District Engineer to prepare a report evaluating the feasibility and estimating the costs of a project to draw down Normandale Lake and complete an herbicide treatment and an alum treatment of the lake waters, then consider whether additional measures are needed.

The Chair stated that in April 2018, the Engineer completed the report, which was then submitted for review to the Department of Natural Resources (DNR), and the Minnesota Board of Water and Soil Resources (BWSR), as well as Hennepin County. This review took place at roughly the same time that the EAW was out for comment. No comments on the Engineer's report were received from Hennepin County or the Pollution Control Agency (PCA). The Board of Water and Soil Resources expressed support of the drawdown, endotoxin treatment and alum treatment.

The Chair stated that the Engineer's report recommends a project that will take place entirely on property owned by the City of Bloomington. The total estimated cost of the project is \$1,100,000. In a moment, the District Engineer will provide more detail on the project, including cost estimates for each component. The District will contribute the great majority of the cost of the project, while the City is contributing the value of the land to be used and some funding for herbicide treatment of the lake. Exact details of the cost-sharing are being finalized. The Managers intend to fund the District's portion of the project cost by a tax levied by value on real property within the legal boundaries of the Watershed District.

The Chair noted that as the public hearing proceeds, he will first call on the District Attorney and the District Administrator for any comments, and then the District Engineer will provide a brief presentation on the project. Following the Engineer's Report, he will call on the City of Bloomington for comments regarding the project. He will then open the floor to invite anyone who wishes to appear and offer comments on the project or the EAW.

Attorney Welch stated that he had nothing further to add.

Administrator Anhorn stated that the District is excited for the project but had nothing further to add.

Engineer Kieffer went through a presentation describing the District and the proposed project. She stated that the watershed district is about 50 square miles with Normandale Lake located in the bottom third of the watershed. She stated that Normandale Lake was constructed in the 1970's for flood control purposes. She recognized that there is a large watershed contributing nutrients to Normandale Lake and the lake also has a large amount of vegetation

and algae. She stated that the lake also suffers from low oxygen levels. She stated that the District has received a lot of concerns from residents over the years that are dissatisfied with the condition of the lake and would like long-term solutions. She explained that the District would like holistic management of lake systems which includes water quality and a balanced ecosystem which does include healthy aquatic plants.

Engineer Kieffer stated that the District first studied the water quality of the lake in 2005, reviewing the water quality and determining what could be done to help the lake achieve its goals. She stated that in 2007 the City of Bloomington petitioned the District to conduct a project to improve the water quality and manage the curly-leaf pondweed. She stated that since that time the District has been working closely with the Army Corps of Engineers as there are restrictions on the activity that can occur in that lake. She stated that the water quality of the lake has fluctuated during this time and the District has tried to understand those fluctuations. She stated that modeling was also done to determine how the lake is working and the role the aquatic plants are playing. She noted that aquatic plants play a significant role in the lake to help make it relatively clear and absorb the phosphorus. She stated that there does appear to be an internal source of phosphorus, which contributes to the phosphorus in the lake and helps the algae grow. She stated that the oxygen levels in the lake are especially low, even for a shallow lake. She provided details on curly-leaf pondweed, which displaces native vegetation. She noted that curly-leaf pond weed starts growing earlier in the season, which crowds out the native vegetation and then the curly-leaf dies off around July and causes an algae bloom. She stated that the District would like to reduce the amount of curly-leaf to assist in the growth of the native plants.

Engineer Kieffer stated that the District completed a voluntary EAW to determine environmental impacts and then determine if those impacts could be mitigated through the design of the project. She reviewed the management activities that were included in the Engineer's report, noting that the first three activities are proposed to be pursued by the District and include a drawdown of the lake, herbicide treatments following the drawdown, followed by an alum treatment. She stated that the drawdown would start in late summer of 2018 and would use a pump. She stated that the existing bypass pipe would be used to begin with, with the District installing a larger pipe to handle larger flows and reduce the level of fluctuation in the lake. She stated that the lake would be drawn down by September 15th and would be filled again by April 2019. She stated that the District would like to minimize impacts to the properties north of West 84th. She stated that a temporary weir would be installed downstream of West 84th to ensure the normal water levels remain in that area. She stated that the District will drawdown the lake early enough to ensure that turtles find a different area to winter and are not impacted. She stated that the timing of the drawdown has been considered and the District used modeling to determine the drawdown dates.

Engineer Kieffer provided additional details on the curly-leaf pondweed management, noting that the herbicide treatment would be done before the water reaches 60 degrees. She stated that at that time the curly-leaf is already growing but the native plants have not yet begun to grow and thus only the curly-leaf would be impacted. She stated that successive treatments will be needed for the curly-leaf. She provided details on the alum treatment, noting that the alum will float down and bind to the phosphorus and then float to the bottom and bind to the sediment. She stated that the longevity of alum treatments is hard to identify for lakes, noting

that the range could be up to 25 years. She suspected in a lake with this type of flow the range would be closer to five to ten years. She provided examples of mechanical plant harvesting, which is potentially being considered as a management activity. She noted that the activity would be intensive, comparing the activity to mowing a lawn. She noted that consideration of an oxygenation system is also being considered, which would inject additional oxygen. She stated that the next step would be for the Board to decide whether to order the project, which will occur the following week at the regular Board of Managers meeting.

Steve Gurney, City of Bloomington, thanked the District for considering this project. He stated that in the 18 months that he has been involved, the cooperation from staff has been great and he looks forward to implementing the project and supporting the work in any way he can.

The Chair then invited any other members of the audience who would like to address the Board regarding the project, noting that commenters need not specify whether they are commenting on the environmental assessment worksheet or the project as a capital undertaking.

No comments were made.

Seeing no commenters, Chair Kloiber closed the public hearing on the Normandale Lake Water Quality Improvement Project and EAW. At this time, the Board of Managers will close the record of public comments. He welcomed any discussion from the Board.

Administrator Anhorn stated that the Board will further discuss the project the following week at the regular Board meeting.

Attorney Welch stated that the draft responses to comments provided to the managers this evening are intended to give the Managers something to consider and will be further discussed at the regular meeting the following week. He stated that any direction from the Board would be welcome prior to the meeting to allow the changes to be made prior to the Board meeting. He stated that at the regular Board meeting the Board will consider whether additional environmental review is needed and whether to move forward on the project.

Chair Kloiber adjourned the hearing at 6:58 p.m.

After recognizing that attendees had questions about the project, Chair Kloiber reopened the public hearing to accept additional comments at 7:03 p.m.

Ted Lockhart, 5342 Paola Circle, Bloomington, asked how the \$1,1 million would be funded and what that cost would be for a typical single-family home.

Chair Kloiber stated that the District funds projects using an ad valorem tax which is assessed on property throughout the entire watershed district. He noted that the tax is included in the property tax costs for a property and estimated that the cost for a \$250,000 home would be about \$50 per year. Attorney Welch noted that the levy amount covers all activities of the District, not just the one project.

Mr. Lockhart replied that it seems that the lake negatively impacts properties near the lake because of the smell and fact that it cannot be used for recreational purposes. He asked if the City has considered lowering property values in that area.

Chair Kloiber stated that City of Bloomington would need to address that question.

Mr. Lockhart asked if the cost of the project would outweigh the benefits, specifically if there would be downsides such as turtle mortality to having the lake at a low level and whether that outweighs the benefits of reducing the odor and removing weeds.

Chair Kloiber stated that the purpose of the EAW was to identify potential adverse risks and then develop a plan to mitigate against those adverse risks. He stated that the District will also consider next week whether the project contributes to implementation of the Water Management Plan for the District, and that equation would include possible negative consequences. But he finds that the possible negative consequences and mitigation measures have been properly identified.

Bob Magnuson, 111 Lake Oregon Avenue South, Bloomington, stated that he is avid user of the lake. He stated that Normandale Lake is a gem and over the last several years he has noticed that the quality has diminished. He is happy to see that the District is undertaking a project to improve the quality of the lake.

Attorney Welch commented that Bloomington has made a commitment, in principal, to expend some funds to manage the lake vegetation over the summer and therefore the District will not solely fund the project.

Megan Eide, 8330 Quinn Road, Bloomington, thanked the District for all the effort and planning in improving Normandale Lake. She stated that this is an exciting project for the citizens and she is excited to see it begin. She stated that the existing drain has not been used in several years and asked if the District is confident that the drain will work.

Mr. Gurney stated that they do not know whether the pipe will open. He noted that part of the project is to install a new pipe on the other side, which will allow the existing pipe to be abandoned in the future.

Ms. Eide referenced the alum treatments and asked the logic of applying the alum by boat rather than installing an alum treatment plant to continuously treat the lake and wondered why the District doesn't implement projects in the watershed to reduce phosphorus loading to the lake.

Engineer Kieffer explained that there are different options for alum treatment which include a one-time application by boat or a treatment plant. She stated that the biggest difference is the scale and cost. She stated that it would be very expensive to develop an instream treatment system that could treat a reasonable amount of the flowage from the creek and would also require acres of land for the treatment plant and stilling basin. She stated that logistically there is not a

lot of land available and the cost would be several million dollars, plus annual operating expenses.

With regard to upstream work to reduce phosphorus, Administrator Anhorn stated that the District is currently conducting a creek stabilization project in Edina. He explained that the District looks throughout the watershed for opportunities to reduce phosphorus loads going into Normandale Lake.

Ms. Eide asked how this project will impact other downstream ponds near Normandale Lake.

Engineer Kieffer replied that the drawdown will have minimal disruption to downstream flows. She stated that the herbicide treatment will be conducted in accordance with Department of Natural Resources permitting requirements, noting that the timing and dosage will allow the herbicide to dissipate and will not negatively impact downstream systems. She stated that the alum settles, and therefore is not anticipated to leave the lake and impact other waters.

Ms. Eide asked if there are anticipated changes or improvements to the recreational use of the lake when the project is completed.

Administrator Anhorn noted that the project is largely intended and expected to produce such improvements, in response to requests from residents.

Ms. Eide asked if people could potentially swim or fish in the lake.

Administrator Anhorn commented that the lake is awfully shallow for swimming, but fishing should be improved.

Chair Kloiber was not sure that the City of Bloomington encourages swimming in the lake. He noted that other activities such as canoeing, and birding would be improved.

Mr. Gurney replied that there is only one swimming lake in Bloomington, which is Bush Lake, but noted that there are other recreational activities that could occur on the lake. He noted that there is some fishing on the lake currently.

Chair Kloiber stated that he has spoken with youth that were fishing the lake. He stated that although there is some good fishing, because it is a shallow lake winter kill can sometimes occur and the lake then takes time to repopulate. He stated that the project will improve the water quality which can also improve the health of the long-term fishery.

After affirming that there were no further questions, Chair Kloiber closed the public hearing for the Normandale Lake Water Quality Improvement Project and the EAW.

Chair Kloiber adjourned the hearing at 7:16 p.m.

Respectfully submitted,

Grace Sheely, Secretary