



Title: Public Hearing for the Lamplighter Pond Water Quality Project

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Purpose:

Pursuant to Minnesota Statute §103B.251, a public hearing will be held at the October 20, 2022 Meeting of the Board of Managers to obtain public input on the Lamplighter Pond Water Quality Project.

Background:

The Board of Managers approved a variance request to the Minnehaha Creek Watershed District's Stormwater Management rule for Permit #18-153 on August 23, 2018. Healthy Way of Life I, LLC ("Applicant") requested the variance to address the infeasibility of meeting stormwater management requirements on site. As a condition of the variance, the District and Applicant executed a cooperative agreement (District-Lifetime agreement) to fund a regional stormwater management project to provide an equivalent amount of stormwater treatment to what would have been required on-site. The Applicant agreed to place \$490,000 in an escrow held by the District. The District may apply the escrowed funds to the costs of identifying, designing, constructing and maintaining an alternative stormwater treatment facility. Pursuant to the terms of the Agreement, the District must take formal action identifying one or more projects for final feasibility and advancement of design by August 23, 2023.

Summary:

To advance the District-Lifetime agreement, on December 16, 2021 the Board authorized a contract with Stantec to perform a feasibility study of a manufactured treatment device (MTD). The feasibility study was completed in August 2022. District staff and the District Engineer reviewed the feasibility study with City of St. Louis Park staff, and collectively have recommended the MTD be constructed at Northside Park, 2200 Louisiana Ave S, St Louis Park, MN 55426 in the eastern boulevard to Nevada Avenue adjacent to the Northside Park parking lot. The project consists of pumping water through a Contech StormFilter (CSF), from where it will drain via gravity downstream to Lamplighter Pond, ultimately making its way to Twin Lake. The CSF unit is an underground concrete rectangular vault that uses 27" PhosphoSorb media cartridges for filtration. Maintenance consists principally of cartridge replacement about every 1-3 years. The project would remove 7.2 lbs/year of phosphorus, thus meeting the terms of the District-Lifetime agreement.

District staff have proposed, and City staff have concurred, that the City perform the MTD installation and assume responsibility for operation and maintenance. On September 30, 2022, the District administrator transmitted a cooperative agreement (District-City agreement) to the City outlining the roles and responsibilities of the City and District in advancing the project. The District-City agreement reflects that the City would be responsible for project design, construction, and maintenance, in coordination with the District. The City may invoice the District from time to time for design and construction costs incurred, and the District will disburse escrow funds in reimbursement. Remaining escrow funds up to the present value of the maintenance commitment also would be paid over to the City to fund ongoing maintenance. The District-City agreement will go to the City's Council Meeting for approval on October 24, 2022.

The estimated construction cost for the project is \$289,000. The project would be funded from escrow supplied by the Applicant under Permit #18-153 to provide for off-site treatment of stormwater. In accordance with Minnesota Statutes 103B.251, before the District enters a commitment to incur costs for capital project design or construction that will be paid from ad valorem funds, the Board of Managers must hold a public hearing and order the project on the basis of a

finding that the project will advance the District's water resource goals and should proceed. Although the intent here is for project design and construction costs to be fully funded from the Applicant's escrow, the project is presented for public hearing and formal ordering because it is a substantial project that may be of public interest, and in the event that District ad valorem funds should be sought to be expended on the project. The public hearing has been duly noticed for October 20, 2022. At the November 3, 2022 Meeting, the Board of Managers will be asked to formally order the Project and to approve the District-City agreement.