

Special Public Hearing
CSAH 13 (Valhalla Road) Improvement Project EAW Minutes

The Murray County Planning Commission held a special public hearing on Monday, March 7, 2022, in the County Commissioner's Meeting Room, Murray County Government Center, Slayton, MN and via a Teams link and telephone to accept public input on an Environmental Assessment Worksheet (EAW) submitted for County State Aid Highway (CSAH) 13 Improvement Project in Lake Sarah and Mason Townships of Murray County.

Members present: Kevin Vickerman, Carolyn McDonald, Ron Holinka, David Thiner, Bob Ossefoort, Marc Hollahan, and Dan Bierma

Others present: Jean Christoffels, Connie Wieneke, Randy Groves, and see attached Sign in Sheet

Others present Call in: Kayla Johnson, Tom Kresko, Benjamin Hengel, Adam Ruud, Lori Gunnink, and Paul LeClaire

Chair Carolyn McDonald called the hearing to order at 7:03 p.m. and read the public notice. The list of those notified was entered into the record. Chair McDonald asked if there were any problems with the proper notification; there were none. A power point presentation was displayed and reviewed throughout the meeting; a copy of the power point was available for public viewing on the front table.

Chair McDonald asked Randy Groves, Murray County Highway Engineer, to explain the project and answer questions from the Commission.

Randy Groves said this whole project came about back in 2005 when he worked with Senator Vickerman to get some LCMR money, which didn't happen. This project has been on his mind for several years because there is a need for it; it is a dangerous place, and he is concerned about public safety. In 2017, they had an overlay project scheduled and then he asked the DNR if they could widen the road because it was needed; it would have required quite an effort like the EAW that we are going through right now. Then the flood of 2018 occurred driving home the need for this project; it flooded numerous other times before 2018, however, the road was under construction when the flood hit in 2018. It completely undermined portions of the road on the first dike, and we lost quite a lot of road section and shoulders.

Randy met with Senator Weber, who is very interested in the project, and with the DNR on site, and with SALA (Shetek Area Lakes Association) a couple of times. They are trying to secure money because they are short on funds for a project of this size. The County Board passed resolutions to move forward with the feasibility study and this EAW for this project, while Senator Weber works on funding.

The process for the project was to start with the EAW after the feasibility study, which included different options for the project. CSAH 13 is the number one worst road for shoulder width in Murray County. It has two twelve-foot driving lanes, with four-foot shoulders, which is the minimal standards that need to be met and no walking area. They are proposing an eight-foot shared-use path with six feet separation from the road shoulder and five feet between the path and the rip rap. It will take 2.3 acres of lake surface with an approximate cost of four million dollars. Murray County hired HEI (Houston Engineering Inc) for the feasibility study and EAW.

Ron Holinka asked about the existing profile and elevations. Randy answered there are two twelve-foot driving lanes and then the rip rap, no shoulders. He added that a lot of rip rap has been lost to flooding over the years.

Kevin Vickerman pointed out the EAW is well written and covers the impacts and mitigation thoroughly.

Ron didn't see anything addressing where the material would come from, the dos and don'ts, and the condition of the material. Randy said the EAW was written by HEI and will be addressed in the construction phase when they get to designing the project. Ron wondered where it would be sourced. Randy stated the area of the project is very sensitive and they might have to do a study to check for artifacts. Adam Ruud said that there is nothing in the report, but it would be part of the future construction phase, along with the requirements for the materials to be hauled on site.

Chair McDonald opened the hearing for public comments or questions.

Mark Engelkes questioned if there will be more culverts for water to run through, and what happens with the bridge on the second dike. Randy said nothing is going to be done with the bridge on the second dike. More hydraulic studies will be done for the first dike to determine the water flow; they don't want water backing on to Lakeview Drive. Randy feels the third dike should have a box culvert to work with wave action from the north to flush the area of the bay on the south side, which would help with water quality.

Ben Humphrey asked if they would be staying within the existing road right of way. Randy said there is no design for the road yet; that is yet to be determined.

Doug Schmitz was wondering if they were going to keep the bridge on the second dike. Randy said they won't be widening the second dike so the path would be on bridge; since the bridge is not up for replacement, there are no funds available for bridge replacement. Doug feels there is so much traffic and so many kids that run on that bridge; the population has doubled around the lake. Doug believes that area needs to be expanded; it will be a bottle neck at the bridge because everyone would be on the road to get around the old wooden bridge. Randy responded that they would have to look at that when they get to the design phase. Doug added that they want to make sure it is done right the first time. Chair McDonald asked what it would cost to replace the bridge on the second dike and why is it not eligible for funding. Randy stated the components are all still too good to require it to be repaired or replaced; it could be replaced with box culverts. He added that there are so many variables like beams versus piers; a rough number to replace the bridge would be \$500-600 thousand.

Randy noted the first dike will be raised six tenths, the second dike four tenths, and the third dike two feet. Extra culverts would be added to the first dike because it was designed for the one-hundred-year flood, and it doesn't meet it. Doug asked if the dikes could be raised more; is the current increase limited due to cost to raise the road. Randy said it is not cost related, but more about meeting the elevation of the islands and the existing roads. Doug stated that roads settle, and he wants to get it high enough when redoing it.

Ron thought if the road is too high and water can't get through the culvert, that would back water on many properties. Randy said the higher you raise the road the more lake you take away and he is trying to balance that and keep the road out of the lake in a flood; you can't build roads to meet every flood.

Trevor Humphrey was wondering about extending the walking path to Highway 59. Randy said he didn't think they were planning on going to Highway 59 maybe to Carlson's. In some areas they would have adequate ROW, like by Barstad's property. Trevor then questioned which side of the road or both. Randy said it would be a single path on probably the south side to minimize the number of times people would have to cross CSAH 13. If people are going west, it is probably for bait; it would be logical for the path to be on the south side of the road, but that can be decided later. Randy pointed out that there is a big campground on the south side of CSAH 13 that generates a lot of traffic.

Lars Johansson, President of SALA, which was set up for preserving and keeping a good environment around the lake, said he has been involved with the DNR, and they have a XP model to give topography of the land and engineering specs for the road. The DNR has concerns about the displacement of water, and wildlife, which get trapped in the riprap. Lars said he is willing to testify to Legislators. Murray County has the lowest tax base in Minnesota, but we have an influx of people from outside the County utilizing our area. He feels engineering should look at bridging the road with a longer span bridge on a couple of the dikes as this would minimize pushing away water and help to satisfy the DNR. Lars also would like to see handicap accessibility for fishing added to this project on the piers.

Tom Kresko, MnDNR, said they sent a letter stating their preferred option is just a single path ten feet wide on one side, and that they encourage a walking bridge; it is the highest traffic area. He added that they would like to see a bump out like the example put in by Mankato; it is a flat concrete platform that raises the area but doesn't take away more space for handicap accessibility. These bump outs could be used by anyone. Tom commended Randy for trying to improve circulation and getting water to move back and forth. The DNR would like the plans to naturalize the dikes with native grasses and wildflowers; maybe the local 4-H groups would help to make this improvement greener and more colorful; it would be a better habitat for wildlife and better filtration for stuff running off the road.

Lars was not in favor of a single path due to the large amount of traffic and kids wanting to be on both sides of the dike fishing; you could avoid a lot of problems by having the two paths.

Scott Bly, also a member of SALA, lives on Keeley Island and moved there 30 years ago. He noted that the population now is not the same as it was 30 years ago. He commented that an ambulance was out there this past summer and needed to stop three times because of pedestrians. Scott added that there was a huge safety concern in 2018 from the flooding. That area brings revenue to businesses and the County; and they are concerned about the safety of the people.

Mark Engelkes questioned if they were going to have lighting on the paths. Randy said nothing planned yet, but that would come up during the design phase and should be considered. Randy commented that they also have to consider when you take the people off the road, the traffic speeds may increase; may need a traffic speed study. Kevin Vickerman wondered if there would be speed bumps, maybe even just temporary ones during the summer. Randy said that could be looked at later. Chair McDonald knows herself how easy it is to go too fast when coming into the dikes area from Highway 59.

Bob Ossefoort asked for the standard width of county ROW. Randy replied it is typically 100 feet. Bob thought all three different designs go beyond the 100 feet; will they have to acquire more ROW based on preliminary designs. Randy said it is proposed about 80 feet, which is within the 100 feet, except when they go past the Bible Camp because that is too narrow.

Brad Hovdet voiced concerns about golf cart/ATV traffic; would they go on the path or the road. Randy said much thought has gone into this project, but they haven't determined how to best handle that. Carolyn wondered if they want motorized vehicles on the path. Randy said paths are for bikes and walkers; it will take a lot of thought, signage, agreements, cooperation, and enforcement. Lars said the County has the right to do rules/regulations and you can put no motorized vehicles on one side and motorized on the other.

Doug Schmitz wondered when the project would happen. Randy said it all depends on if they get funding; more studies would have to be completed, along with designing and permitting, and meeting with landowners for easements. Currently it is not in the county's five-year capital improvement plan because the county doesn't have funding. Randy noted that it would be 2024-2025 at the earliest, if the county gets funding this year from the State.

Dale Vos feels lighting is very important on the dikes, not just for walking but also boating. He feels that should be addressed this year. And he feels the County should consider the clearance of the bridge so boats could pass underneath.

Dave Thiner said the County Board is in support of the project. He spoke with Senator Weber who will present a bill for funding; without the \$4 million funding, this project can't happen. Representative Joe Schomacker was not available to talk with when Dave was at the Capital last week.

Scott Bly asked to see the responses. Jean Christoffels noted the written comments were available as handouts for hearing attendees. The Planning Commission reviewed the comments and the responses.

Dave asked if filling acres of lake the County will have to do a wetland replacement. Kevin asked about using Phase I from the Shetek Area Water & Sewer District sewer system. Jean stated they would have to check with SHPO for using previously completed Phase I Archeological Study, and then she pointed out that regarding Dave's question on the wetlands, that is addressed in Table 2.

The Planning Commission reviewed the following Findings and Conclusions for the CSAH 13 (Valhalla Road) Improvement Project EAW:

5. Decision regarding the need for an Environmental Impact Statement

An Environmental Impact Statement (EIS) is not necessary for the Proposed Action based on the following criteria:

5.1 Type, Extent and Reversibility of Impacts

The EAW describes the type and extent of impacts to the natural and human environment anticipated to result from the Proposed Action. The proposed design for the project includes design features that avoid, minimize and mitigate for the identified impacts. A summary of the proposed impacts and mitigation for the project addressed in the EAW is presented in Table 2.

5.2 Cumulative Potential Effects of Related or Anticipated Future Projects

In accordance with Minnesota Rule part 4410.1700, subpart 7, item B; cumulative potential effects of related or anticipated future projects were reviewed in Section 19 of the EAW. There were found to be no foreseeable future projects that would intersect the scale and timeframe of the proposed project.

5.3 Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority

There are several federal, state, and local permits required to ensure that specific environmental effects are mitigated. The mitigation of environmental impacts (as listed in Table 2) will be designed and implemented in coordination with regulatory agencies and will be subject to appropriate permitting processes. Permits and approvals that have been or may be required prior to project construction are summarized in Table 3.

5.4 Extent to Which Environmental Effects Can Be Anticipated and Controlled as a Result of Other Environmental Studies

The Murray County Highway Department has extensive experience in roadway construction projects. No problems are anticipated that Murray County has not encountered and successfully solved many times previously in road projects. Murray County finds that the environmental effects of the project can be anticipated and controlled as a result of environmental review and experience.

6. Conclusions

1. All requirements for environmental review of the proposed project have been met.
2. The EAW and permit processes related to the project have generated information that is sufficient to determine whether the project has the potential for significant effects.
3. Areas where potential environmental effects have been identified are being addressed during the detail design of the project. Mitigation will be provided where impacts are expected to result from project construction operation, or maintenance. Mitigation measures are incorporated into project design and have been or will be coordinated with county and state agencies during the permit process.
4. Based on the criteria in Minnesota Rules part 4410.1700, the project does not have the potential for significant environmental effects.

Ron stated that after extensively reviewing the EAW and reading the whole study, he feels that if they follow the regular guidelines, this project will not have the potential for significant environmental impacts.

Motion made by Ron Holinka, seconded by Dan Bierma that based on the criteria in Minnesota Rules part 4410.1700, the CSAH 13 (Valhalla Road) Improvement Project will not have the potential for significant environmental effects. Motion carried.

Based on the public testimony, the written comments, and the EAW Findings and Conclusions, Dave Thiner made a motion to recommend to the Murray County Board of Commissioners that a Negative Declaration be made on the CSAH 13 (Valhalla Road) Improvement Project EAW and to not require the development of an Environmental Impact Statement (EIS) for this project. Seconded by Kevin Vickerman. Motion carried.

The CSAH 13 (Valhalla Road) Improvement Project EAW recommendation will be presented to the County Commissioners at their meeting on March 15, 2022.

The Chair continued with the Planning Commission meeting.

Respectfully submitted,

Connie Wieneke
Murray County Environmental Services