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June 29, 2021,

OakLand Middle School

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**Present:** Present: Chairman Dan Kylo, Supervisor Dave Schultz, Supervisor Marian Appelt, Carrie Seifert, Clerk; Viet Hanh Winchell, attorney; Jenny Samec, Deputy Clerk; Ryan Stempksi, township engineer

### **Call to Order**

Chairman Kylo called to order the special meeting of the West Lakeland Town Board at 7:05 PM on June 29, 2021. The purpose of the special meeting is to provide an update, additional information and solicit additional discussion on the 3M Settlement proposal for West Lakeland Township.

### **Current Update:**

Supervisor Appelt noted that the working groups have been meeting over the past three years, with the stated objectives to provide safe drinking water to meet current and future needs under changing conditions, populations and health based values; to protect and improve ground water quality; to protect and maintain groundwater quantity; and to minimize long term cost burdens for impacted communities. The current schedule from the co-trustees is to release a conceptual plan in August and begin briefings with stakeholders and additional public meetings. What was requested of the township leadership was feedback on the proposed solutions. The co-trustees indicated to Supervisor Appelt and Chairman Kylo that sufficient feedback was made available through the current communications including all received communications, public comments, minutes of all meetings and the detailed results of the resident survey.

Mr. Stempksi provided additional information on the resident survey, specifically question 2 and question 6. The results were split. The full results were made available on the township website and provided to the co-trustees.

Ms. Winchell, township attorney, noted that the MPCA and DNR are the decision makers, and referenced the policy statements regarding the 3M settlement from the co-trustees. Any position taken by the town board would be subordinate to that of the co-trustees. Ms. Winchell further noted that any policy statements issued by this board would not be binding on future boards. With regard to the need to disclose any well contamination, Ms. Winchell noted state statute indicates known conditions must be disclosed at the time of sale. No state statute specifically requires testing of the water. There is a specific requirement in Washington County to disclose if a well is in a special well advisory area.

### **Public Comment**

Mr. Paul Edgerton, 2795 Oakgreen Ave N, expressed concern about the sustainability of a municipal water system. He does not believe enough homes will opt to connect to a municipal system and believes that the system will become a tax burden to the entire township over time. He also expressed disappointment that the co-trustees did not attend this meeting.

Mr. Steve Bauer, 909 Neal Ave N, expressed concern about the estimated cost of hook up to be understated. Mr. Stempksi clarified that the \$1,800 estimate is for a connection fee, which is to provide an initial base of funds for ongoing system support, where the cost for physical connection is estimated at \$8,000 to bring the pipe to the home. Both costs would be covered by the settlement funds if the municipal well option is selected.

Mr. Jim Franklin, 642 Midwest Trail, spoke in favor of the municipal water system. The contamination is clearly present, the full impacts on human health are uncertain, and the public water supply would allow for testing and treatment for this and other contaminants.

Ms. Carol Peterson, 13678 Greenwood Trail, asked that all the written comments provided to the survey be shared with the residents via the township website and asked if the written comments were provided to the co-trustees. Supervisor Appelt noted that the full results, and all comments, were provided to the co-trustees.

Mr. Ray Anderson, 15210 15<sup>th</sup> Street, believes that those that irrigate will be negatively impacted. He supports the retention of the current GAC filters with the POETS options.

Mr. Rick Foreman, 887 Norell Ave N, expects that the project will have cost overruns that will become a tax burden to the residents, and requested the co-trustees provide a written guarantee that any cost overruns will not become a tax burden to the township residents. Mr. Foreman also asked about the validity of the cost estimate and system proposal. Mr. Stempski noted that Stantec, a national engineering firm with expertise in PFAS treatment, was hired to review the conceptual design. The review resulted in a number of modifications to the conceptual design, and a final evaluation that the engineering concept and cost estimates were reasonable. The cost estimates include an industry standard 25% contingency for unanticipated expenses.

Mr. John Gozum, 831 Oakgreen Ave PL, expressed concern about the ongoing maintenance of water systems. He believes that a substantial portion of the residents would opt out of the municipal water system, and then have no solution for safe drinking water. He also noted that 3M expressed in a letter to the co-trustees that installation of a municipal water system was outside the scope of the settlement.

Chairman Kylo noted that the negotiation of the settlement funds lies with the co-trustees. The township role, and that of the township engineer, is to ensure that any project undertaken in the township is provide facts, expertise, and ensure that any contractor in the township remains on task, on budget and on schedule.

Ms. Monica White, 12367 18<sup>th</sup> St, asked if the co-trustees have made a decision. Chairman Kylo responded that a decision would not be provided until August, and in his discussion with the co-trustees, they are considering a number of factors in their decision, and indicated they have what they need from the township residents and township leadership. The decision was specifically delayed, and funding provided by the co-trustees, for the survey of the residents to provide community input.

Ms. Deb Leptien, 15141 19<sup>th</sup> St, recommended that any resident with concerns contact the co-trustees directly.

Ms. Lisa Ranum, 13565 4<sup>th</sup> St N, expressed concerns about cost overruns and does not believe the cost estimates provided to be accurate, and does not believe the settlement funds will be sufficient to cover the costs.

Mr. Hans Spitzer, 2654 Neal Ave, asked if there could be public referendum on the issue.

Ms. Tamara Morrissey, 2465 Periwinkle Ave, believes that the response to question 6 on the survey indicated a majority of the respondents would prefer the GAC POETS option. She noted that with a municipal water system, the township staff may need to be augmented.

Mr. Earl Monson, 13645 Greenwood Trail, noted that he will retain his private well, noting that he installed a reverse osmosis system to provide for treatment of his water.

The question was asked if community input might change the decision of the co-trustees. Chairman Kylo noted that a decision has not necessarily been reached, noting the co-trustees delayed the initial decision from March to August specifically to accommodate requests for more information and more input.

Mr. Steve Norenberg, 795 Midwest trail, believes the survey results were biased, and encouraged residents to contact the co-trustees. He believes the costs are understated and only a small number of residents will choose to connect to the municipal water system.

Ms. Dani Ostertag, 2270 Osprey, wants to keep the private well to maintain a rural lifestyle.

Ms. Jaclyn Ostertag, 1495 Oakgreen, supports the GAC filter/POETS option and requested the board to share with the co-trustees the amount of negative feedback to a municipal water system solution.

Ms. Casey Malluege, 1125 Paris Ave N, asked who would cover the costs of any overage should the settlement funds exceeded. Supervisor Appelt noted there are a number of funds within the settlement, some of which could be used to provide for cost overruns and the cost estimates all include a contingency fee for unexpected expenses. Supervisor Appelt noted that the water rate study was run with a 50% hookup rate, with the intent that the water rates provide for the funds to operate the municipal water system. She noted that Lakeland, a smaller community than West Lakeland, is able to sustain a municipal well.

Mr. Nathan Aamot, 14690 28<sup>th</sup> St Ct N, expressed support for the GAC/POETS option as the most cost effective over time. He would like to see a realistic side by side comparison of costs for the GAC/POETS option and municipal water system option.

Ms. Carol Spawn, 2125 Oriole Ave, noted they have had a GAC filter since 2010, and the filter was changed for the first time last year, and the second filter showed no sign of use. For this reason, she believes the cost to maintain the GAC/POET system is significantly less than the municipal water system, noting that approximately half the township homes have a GAC system currently installed.

Mr. Adam Laberda, 1495 Oakgreen, asked how the payment for the hookup would be managed. Supervisor Appelt noted that the current thought is the township would have a contractor to do the installations, with the individual homeowner having the option to hire their own contractor and be reimbursed for reasonable expenses.

Chairman Kylo noted that funds are distributed by the cotrustees to fund identified mitigation projects. Funds are not allocated to a specific residence or use. He noted that when the needs of the township were provided to the trustees, the estimated cost of the municipal water system was increased to accommodate those needs.

The question was asked what would happen if no residents chose to connect to the system. Mr. Stempski suggested this question be directed to the cotrustees.

Mr. Larry Klein, 13145 4<sup>th</sup> St N, suggested residents contact the co-trustees directly. He believes there should be a contract presented between the resident and co-trustees prior to building the municipal water system, so that the number of residents that will connect to the system is understood before any construction begins.

Mr. Bill McLaughlin, 2235 Manning Ave, does not understand why individual wells would need to be capped if the water is not being consumed as drinking water. Chairman Kylo noted that question has been raised to the co-trustees a number of times. There is a clause in the state statute that can

allow the state to direct a well be sealed, and funds are provided through the 3M settlement for that purpose. When asked about exceptions, the co-trustees indicated that would be on a case-by-case basis.

Ms. Brenda Swearingen, 15310 Painters Lane Circle, does not believe the argument that the wells must be sealed to prevent cross contamination is disingenuous if the larger uses such as the golf course, are allowed to irrigate with contaminated well water.

Ms. Annie Benjamin, 12099 22<sup>nd</sup> St, noted that allowing some to keep individual wells is a poor excuse, and believes that the board did not fight hard enough for the residents.

Ms. Kari Aamot, 14690 28<sup>th</sup> St N, asked about the modeling of the PFAS contamination. She believes that modeling may show that the aquifer will be clear of the contaminants. Mr. Stempski noted that the technical committee has been focused on modeling for the past three years. Thus far, they have modeled the particulate movement and water flow. Unfortunately, the ground water modeling experts have agreed that these chemicals will remain in the aquifer, and move from contact point to contact point. It is not possible to model a time and transfer model for these chemicals.

The comment was made that the co trustees are hearing the community, but are focused only on what MPCA wants to put forward.

Mr. Adam Laberda, 1495 Oakgreen, expressed disappointment that the co-trustees were not in attendance at this meeting.

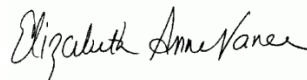
### **Conclusion of Public Comments**

Chairman Kylo thanks the residents for their passion and input on this topic. Chairman Kylo noted that the board is the messenger, and reminded those present that the decision will be made by the co-trustees in August.

### **Adjourn**

Having no further business, supervisor Schultz moved to adjourn the meeting. Seconded by Supervisor Appelt, the motion carried. Chairman Kylo adjourned the meeting at 10:30 PM.

Respectfully Submitted,



Elizabeth A. Vance  
Secretary