

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

July 2, 2014, Board of Managers Monthly Meeting and Public Hearing

PRESENT:

Managers: Mary Bisek, Vice President

Jill Crafton, Treasurer

Perry Forster, President

Ken Wencl, Secretary

Administrator: Claire Bleser

Staff: Joshua Maxwell, RPBCWD

Scott Sobiech, Engineer (Barr Engineering Company)

Louis Smith, Attorney (Smith Partners)

Recorder: Amy Herbert (Amy Herbert LLC)

Other attendees:

Jacie Aiurd, *Chanhassen*, Josh Anderson, *Lotus Lake*; Lydia Anderson, *Lotus Lake*; Michelle Anderson, *Lotus Lake*; Stella Anderson, *Lotus Lake*; Kevin Atkinsen, *Chanhassen*, Carrie Barclay, *Chanhassen*; Gail Beckman, *Realtor representing homeowner*; Bryan Blommel, *Chanhassen*; Dan Boeckermann, *108 Sandy Hook Rd, Chanhassen*; Marilyn Boeckermann, *Chanhassen Realtor*; John Bushey, *EP – Riley*; Dale Carlson, *Chanhassen*; Gloria Carlson, *Chanhassen*; Richard Chadwick, *Chanhassen*; Andrew S. Clemens, *Chanhassen, MN*; Katrina Clemens, *Chanhassen*; John Colford, *Chanhassen, MN*; Todd Elffmann, *Chanhassen, MN*; Susan Erickson, *Chanhassen, MN*; Eduardo Fernandez, *Chanhassen, MN*; Greg Fletcher, *LLCA, Chanhassen, MN*; Anne Fitzsimmons, *Chanhassen*; Carl B. Fitzsimmons, *Chanhassen*; Anne Florenzano, *Eden Prairie, MN*; David Florenzano, *Eden Prairie, MN*; JB Glitly, *Lotus Lake, Chanhassen, MN*; Laurie Hable, *Eden Prairie, MN*; Ron Haines, *Chanhassen*; Beth Halverson, *Lake Riley*; Greg Halverson, *Eden Prairie-Lake Riley*; Debbie Haydock, *Chanhassen*; Alfred Henderson, *Chanhassen*; Frank Hetman, *Chanhassen, MN*; Andrew Hismeister, *Chanhassen*; Linda Hofmeist, *Chanhassen*; Bobby Hortsman, *Chanhassen, MN –LLCA*; Sally Hortsman, *Chanhassen, MN –LLCA*; Susan Huberty, *Chanhassen*; Tom Huberty, *Chanhassen*; Charlie Hurd, *Chanhassen*; Pete Iverson, *Pres- Timber Lake Assn*; Joel S. Jenkins, *Chanhassen, MN*; William Johnson, *Eden Prairie*; Tom Juhnke, *Eden Prairie, MN*; Jackie Kabioca, *Eden Prairie, MN*; Tom Kabioca, *Eden Prairie, MN*; Bill Kirkvold, *Chanhassen*; Betty Ann Kirtland, *Eden Prairie*; John Kirtland, *Eden Prairie*; Ann Kleve, *Chanhassen, MN*; Ron Kleve, *Chanhassen*; Mary Knudten, *Chanhassen*; Rob Knudten, *Chanhassen*; Julie Koch, *Chanhassen, MN*; Larry Koch, *Chanhassen, MN*; Bob Kruempelstaedter, *Chanhassen, MN*; Kressin Krause, *Chanhassen*; Mike Kruse, *Chanhassen*; Bill Lambrecht, *Chanhassen*; John C. Lee, *Chanhassen*; Cheryl Legan, *EP*; David Legan, *Past pres Timber Lakes*; Tom Long, *EP*; Ryan Majikrzak, *Chanhassen*; Jenni Max, *Eden Prairie, MN*; Mike Max, *Eden Prairie, MN*; Scott Mayor, *Chanhassen*; Sharon McCotter, *CAC, Chanhassen, MN*; Tere McGrotty, *Chanhassen*; Matthew McMullen, *St. Paul*; Don Mehl, *Chanhassen, MN*; Frank Mendez, *Chanhassen*; Dennis Mills, *Chanhassen*; Maureen Lord Mohr, *Chanhassen*; Pat Mohr, *Chanhassen*; Molly Montgomery, *Chanhassen*; Nicholas Mustavo, *Chanhassen*; Cheri Nehl, *Eden Prairie, MN*; Marty Noll, *Chanhassen*; Brook Nystrom, *Chanhassen*; Bill Oneill, *Chanhassen*; Lisanne Oster, *Eden Prairie*; Zach Ostor, *EP – Riley*; Dianne Priecler, *Chanhassen, MN*; George Priecler, *Chanhassen, MN*; Sandra Resnick, *Chanhassen, MN*; Chris Rust, *Chanhassen, MN*; Tracey Rust, *Chanhassen, MN*; Scott Sarita, *Chanhassen, MN*; Barb Schoenecker, *Minneapolis*; David Schoenecker, *Minneapolis*; Guy Schoenecker, *Minneapolis*; Bob Shurson, *Mitchell Lake*; Barbara Spilane, *Chanhassen*; Robert Spilane, *Chanhassen*; Janet Stanzak, *Chanhassen*; Michael Stanzak, *Chanhassen, MN*; Liz Stout, *Minnetonka staff*; Laurie Susla, *Chanhassen*; JoAnn Syverson, *Chanhassen*; Marc Syverson, *Chanhassen*; John Tyler, *Eden Prairie*,

Mitchell Lake Assoc., Christa Vassallo, Chanhassen, M. J. Vassallo, Chanhassen, Rocky Waldin, Chanhassen, Fran Warner, Eden Prairie, Gordon J Warner, Eden Prairie, Matt Weight, Chanhassen, Ronald Weight, Chanhassen, Daryl Weispfenning, Chanhassen, Kim Weispfenning, Chanhassen, Bruce Williams, Eden Prairie, MN, Sharon Williams, Eden Prairie, MN, Al Yetzen, Chanhassen

1. Call to Order

President Forster called the RPBCWD Board of Managers Wednesday, July 2, 2014, Board of Managers Monthly Meeting and Public Hearing to order at 7:08 p.m. in the Council Chambers at Eden Prairie City Center 8080 Mitchell Road, Eden Prairie, MN 55344.

2. Approval of the Agenda

Manager Wencil moved to approve the agenda as amended. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

3. Reading and Approval of the Minutes

Manager Crafton requested an edit on page 2 in the June 4, 2014, meeting minutes to change a reference from Mr. Koehler to Ms. Koehler. Manager Crafton moved to approve the minutes as amended. Manager Wencil seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

4. Hearing and Discussion of Matters of General Public Interest

There were no matters raised.

5. CAC

The CAC update was deferred to a future meeting.

6. Treasurer's Report

Manager Crafton moved to accept the Treasurer's Report. Manager Wencil seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

Manager Crafton moved to pay the bills as presented. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

7. Engineer's Report

Manager Crafton moved to accept the Engineer's Report as submitted. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

8. Administrator's Report

Administrator Bleser reported that staff is beginning the 2015 budget process and is looking at projects for 2015. She said that the Board will hold a budget workshop later this month. She introduced Josh Maxwell, the RPBCWD District Technician and asked him to report on what he and the District's Education and Outreach Coordinator have been working on these past months.

Mr. Maxwell summarized the lake and stream sampling that staff has done and explained the purpose and procedure of the sampling. He announced that staff will start zooplankton monitoring tomorrow on three lakes: Mitchell Lake, Lake Riley, and Red Rock Lake. He showed slides of a site on Riley Creek where nearby construction did not have Best Management Practices implemented. He described how staff worked with the construction manager to address the problem and commented on the importance of the watershed working with construction managers.

Mr. Maxwell gave an update on the Briar Ridge slope failure site in Eden Prairie along Purgatory Creek. He commented on recent water levels and lake level monitoring. Mr. Maxwell talked about the education and outreach events that staff have participated in such as NEMO, Ecopalooza, the Mississippi River Forum, and a native plant sale. He provided a summary of July events that staff will be participating in.

9. Board Action

a. Governance Manual

Administrator Bleser stated that staff is looking for a motion for the Board to adopt the Governance Manual and that Attorney Smith has the language for the motion. Attorney Smith explained that the point in adopting this revised version of the Governance Manual is that it supersedes the District's previously adopted manuals, bylaws, and special documents. He said that the motion would be to adopt the Governance Manual superseding all previously adopted policies. There was a brief discussion on language in the manual.

Manager Bisek moved to adopt the revised Governance Manual and that it supersedes all previous policies covered within the manual. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

b. Employee Handbook

Administrator Bleser reported that the Employee Handbook was distributed to managers, comments were taken into consideration and revisions made, and the Handbook was redistributed to the managers. She provided a summary of the purpose of the Handbook and said that staff is seeking Board action to approve the Handbook. Manager Bisek moved that the Board adopt the Employee Handbook. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote].

10. Manager's Discussion

a. Rules

President Forster explained the format for this agenda item. He noted that the purpose of tonight's public comment period is for the managers to listen and receive comments but the managers and staff will not respond tonight. He said that the managers will not adopt rules tonight and will have several weeks to review documents in preparation for the adoption of rules at the Board's meeting on July 28 at 7 p.m. here at Eden Prairie City Center. President Forster described where the rules and rule documents are available for the public.

President Forster explained that the rules are triggered only when a property owner undertakes substantial land-disturbing activity on his or her property, with three exceptions: application of a sand blanket to a beach, taking water from a public water body, or pumping ground water. He said that as explained in the District's SONAR (Statement of Need and Reasonableness), other watershed organizations in the metro area do require buffers on streams and lakes.

He explained that within the District's proposed rules, the buffer rules require for an existing single family home a buffer that is average of 20 feet from the edge of the water with a minimum width of 10 feet and a 12-foot path through the buffer is allowed. President Forster commented that there is no restriction in the rules to prohibit the property owner from entering a buffer area. He noted that the District's proposed buffer rule is based on extensive review of scientific research on the multiple benefits of buffers beyond just phosphorous reduction, such as stabilizing streambanks and shorelines, reducing sediment load, promoting infiltration and groundwater recharge, mitigating impacts from flooding, minimizing the disturbance of steep slopes, and mitigating stream warming.

President Forster stated that the District has a Citizens Advisory Committee (CAC) that is a consistent presence in the watershed district. He said that these rules have been discussed several times at that committee.

He emphasized that the District is committed to assisting property owners with their efforts to comply with the rules. President Forster said that the District Administrator and Engineer will be available to support efforts to comply with the rules.

President Forster asked Administrator Bleser to review the rulemaking materials with the managers and said that after that review the Board will take brief comments.

Administrator Bleser explained that the rule-making packet of materials in front of the managers include the same rules handed out at the rules workshop with a couple of modifications. She said that the Technical Advisory Committee (TAC) recommended that the decompaction be changed to 8 inches for a residential single family home and this modification was made. Administrator Bleser stated that these proposed rules also contain a modified definition of bioengineering.

Administrator Bleser discussed the supplemental SONAR in the packet and that the supplemental SONAR includes a buffer paper. She said these materials were developed to clear up misunderstandings that were communicated in some of the comments the District received on the rules. She said that the packet also includes draft responses to the comments that the District received on the proposed rules. Administrator Bleser said that the packet also contains several resolutions for the managers' review but noted that staff is not asking the Board to adopt these resolutions at tonight's meeting. She explained the resolutions and provided details. Administrator Bleser pointed out that the packet includes the draft meeting minutes of the past TAC meeting and the draft minutes of the CAC meeting. She described what the TAC and the CAC are.

Administrator Bleser said that staff would like the Board to take action to accept the supplemental SONAR and the buffer paper for distribution as part of the rulemaking record. Manager Wencl moved to accept the two materials as final. Manager Bisek seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote]. Administrator Bleser announced that these documents will be posted on the District's website under the permit section, and she used the screen projector to display the District's website and demonstrate how to find this information on the website.

President Forster announced that the Board will now take public comments. He assured the meeting attendees that the Board will consider the comments in preparation for the adoption of the rules on July 28. He strongly encouraged everyone to review the text of the rules and supplementary documents. He asked commenters to come forward, state their name and address for the record, and keep their comments to five minutes or fewer.

Public Comments

John Tyler of 7574 Bell Pass Cove, Eden Prairie, said that he is here on behalf of the Mitchell Lake Association. He handed out materials to the Board members. He remarked that this issue of the watershed district adopting rules is a legal issue and an issue of jurisdiction. Mr. Tyler read aloud from the materials he handed out to the Board members, specifically highlighting language from state statute 103D.355 Subdivision 19. He went through five points, mentioned the City of Chanhassen's zoning ordinances, the City of Eden Prairie's Shoreline Handbook and described what ordinances take precedence under what circumstances. He made the point that the watershed has no legal jurisdiction at all.

Ann Florenzano of 9470 Lakeland Terrace of Eden Prairie on Lake Riley stated that she hopes that the points made by the first commenter render watershed action to adopt rules null and void. She said that she feels this Board hasn't treated her as a taxpaying citizen of Eden Prairie with very much respect. She claimed that it all feels very sneaky. Ms. Florenzano said that she didn't even hear about this rules process until last week. She talked about how she was personally offended that President Forster didn't tell her or her lake association. Ms. Florenzano said that when she first saw the rules she laughed because they were so onerous, and they seem to be written without any regard to citizens or homeowners. She said that the tone of the rules seems to suggest that she, the lakeshore owner, is doing everything wrong and everything about her lakeshore is hurting the lake and by inference that she doesn't care about the lake. She said that she cares deeply about the lake and its health. Ms. Florenzano said that she would be the first to adopt buffer rules if she really thought it would help the lake, but from her brief acquaintance with these rules it is clear that the District has cherry picked information and assigned these rules and has not fairly represented them. She said that it sounds like buffers in urban areas have at most the chance of improving lake water quality by 1%. She said that she doesn't know where the District got the science from that is discussed in the SONAR and the rules. Ms. Florenzano claimed that buffers in urban areas are not effective. She mentioned "The Wisconsin Study," saying it showed that buffers in urban areas do not do the same job that they do in maybe farm areas. She challenged the Board to show where there are other urban areas where watersheds are requiring single family homeowners to create these buffers. Ms. Florenzano said that it sounds to her that even if all of us put in buffers it wouldn't work. She listed all of the activities she and her husband have done on their property for the good of the lake such as not using phosphorous on the lawn even before it was prohibited and removing the septic system. She continued on saying that she thinks the rules are onerous and don't treat her with respect and she would like the Board to please consider actual citizens' input on these rules.

Frank Mendez of 7361 Kurvers Point Road in Chanhassen shared that he was part of the stormwater design committee and the stormwater steering committee. He stated that he concurs with Mr. Tyler and said that he was totally accurate. He described the process that the stormwater steering committee went through. Mr. Mendez said that he agrees with Ms. Florenzano that ends don't justify the means. He said that the Board has to see that these proposed rules isn't what the public wants and that it would be a travesty for the watershed to move in this manner. Mr. Mendez said that he would like the Board to take

the rules off the table and move in another direction that would be beneficial for the environment.

Bob Kruempelstaedter of 9119 Lake Riley Boulevard in Chanhassen gave an illustration of how impactful the rules might be. He described purchasing his home two years ago and a bluff on his property held up by railroad ties. He described reaching out to the District to find out how he could shore up that bluff while protecting the lake. Mr. Kruempelstaedter said he got an estimate back from an engineer that the District recommended and that the estimate for remediating one-quarter of his bluff was more than \$45,000. He estimated that remediating the full bluff with the requirements in the District's proposed rules could cost him one-third to one-fourth of his home value. He commented that he received notice about these proposed rules only two days ago. He also remarked that he is puzzled about the native plant requirements and how it meets the runoff or buffer requirement. Mr. Kruempelstaedter said that he hopes there is an opportunity to revise the proposed rules based on these public comments. He added that to him the mandates stipulated in the rules document are similar to regulatory seizure and taxation without representation. He said that he hopes the Board will consider Mr. Tyler's comments.

Frank Ledman of 7401 Dakota Avenue in Chanhassen said that he has heard that if the rules are adopted that property values could drop 10% to 20%. He said that this would result in a drop in property taxes, which would result in the City's annual revenue and which is something that not any of us want to deal with. He said that we do perhaps need buffers sometime but we don't need a buffer between the District and the residents. Mr. Ledman asked that the Board give the residents an opportunity to be comfortable with what is going on and to understand it.

Scott Johnson 9235 Lake Riley Boulevard in Chanhassen asked if a cost-benefit analysis has been undertaken. He commented on the lack of specifics on what the buffer rule will accomplish. Mr. Johnson talked about the practice he undertakes in his business about contacting stakeholders about projects and said that the District's legal notice was the minimum requirement

Beth Halverson of 9536 Lakeland Terrace in Eden Prairie on Lake Riley said that she is the current vice president of the Lake Riley Association. She said that the Lake Riley Association held a meeting six weeks ago and an item of this magnitude should have been on the agenda. She said that the stakeholder management on this subject has been completely inadequate. Ms. Halverson commented that the proposed rules are trying to solve a problem that doesn't exist and that governance is in place and does not need to be added to.

Nicholas Mustavo of 6669 Osha Curve in Chanhassen said that he wants to reiterate the comments of every one of the previous speakers.

Carrie Barclay of 6545 Grey Fox Curve in Chanhassen said that she is very passionate about this and she is not a lakeshore owner but these rules impact her house because she is adjacent to wetland. She said the rules impact her home because if her home caught on fire and she needed to make any development to maintain the existing property she couldn't do it if this rule had been in place because her property is so small. She said her entire back yard would be taken up to do a buffer the way the rules are now. She went on to say that if these rules went through, she couldn't store a canoe on her property, would have to tear up all of her grass, and would lose 10% to 20% of her property's value. Ms. Barclay talked about her interpretation of the rules. She said that she hopes the Board rejects these rules because it has no jurisdiction, and she said the rules impact her entire neighborhood.

Tom Juhnke of 8065 Timeberlake Drive in Eden Prairie said that no one has put a dollar amount to what

this buffer is going to look like. He said that around his lake they have done restoration work of 150 feet by 30 feet and they got a grant to do this. Mr. Juhnke provided details about the restoration project. He said that it will cost \$20,000 to put in a new buffer correctly.

Manager Wencil called for a brief recess.

Pete Iverson of 8002 Island Road and president of the Timberlake Lake Homeowners Association. He thanked the District for recording this meeting so that there could be a reflection of the meeting. He wanted to go on record as the president of the Timberlake Homeowners Association to say that the Association doesn't see the need for the changes discussed. He said that he sees tonight as a fruitful meeting and that he hopes that after contemplation of the comments that have been raised tonight minds will be changed.

Andrew Hismeister of 6653 Merry Place on Lotus Lake in Chanhassen remarked that the Board has the public's attention. He said that the problem that the rules address is ill-defined and he would like a much clearer definition of what problems are being addressed and the costs involved in solving them and what alternatives have been considered and rejected for the same amount of cost. Mr. Hismeister said that he thinks it is important to let the Board know that he doesn't think this is going to fly and we could make this productive if we wanted to. He said if it turns into the jam down that it is feeling like now, jurisdictionally he thinks that there will be a challenge in the court and that a court case would prevail and if it doesn't, then there is a political solution, which is to shake up the court. Mr. Hismeister commented that now that the District has the residents' attention, it is time to have a productive conversation about the problem and alternatives.

Matt McColan said he is here on behalf of his clients Guy and Barb Schonecker of Lakeland Terrace in Eden Prairie. On their behalf Mr. McColan provided a procedural objection to the proposed rules.

Maureen Lord Mohr, resident of Chanhassen on Lake Lucy, said that it is important that the Board hear from other neighborhoods and Lake Lucy doesn't want you to adopt these rules. She asked her Lake Lucy neighborhood friends to stand up. Ms. Lord Mohr said that the triggers will result in people not fixing their houses or keeping them up to maintain their property rights. She asked the Board to please rethink this and not implement these rules.

Al Ytzen of 9211 Lake Riley Boulevard of Chanhassen stated that three years ago he applied and received from the District a grant to put in a rain garden. He remarked that he would like the Board members to know that any time they try to capture an area of our land there is a law called eminent domain and you have to reimburse them for what they are taking from us.

Robert Spilane of 6681 Horseshoe Curve on Lotus Lake said that he wants to make sure that each and every Board member understands completely the make-up of Lotus Lake. He noted that he lives on the Northeast corner of the lake and described the steepness of his property and the number of stairs on it. He said that there is no way to put a buffer in on the steep slopes. Mr. Spilane said he hopes that the managers have each had an opportunity to travel around each of the lakes so that they know the impact that the rules will have on each and every homeowner and how the rules will possibly change the home values.

Laurie Hable of Eden Prairie described her property on Lake Riley, the work that she and her husband did to investigate what they could do on their property to be good stewards of their lakefront. She said

that they took advantage of the District's program with the Carver County Soil and Water Conservationist who came to their property and spent one and a half hours talking with them and looking at their property and other than some buckthorn they were advised that there is nothing more that they can do on their shoreline, it is good and it is established. She noted that the proposed rules weren't mentioned that the District's Evening with the Watershed in April and added that she can't be informed if word doesn't go out.

John Bushey of 9000 Riley Lake Road said that according to the District's website, the Board's stated goals are to serve its citizens and educate the public. He stated that he is really disappointed that this action has gone this far. Mr. Bushey said that something of this importance should have more notice and not just the legal minimum requirements. He said that the District should be getting this out for public comment. Mr. Bushey said that he hasn't seen any specific, measurable goals. He said that if these buffers are put in will the District be able to measure the cost of this to the stakeholders is actually worth it. Mr. Bushey recommended an independent review of these rules and to compare the rules with those of other watersheds, look for measurable goals and see if they are achievable.

Ryan Majikrzak of 9001 Lake Riley Boulevard talked about his property, the landscaping that he has had put in, the likelihood that he wouldn't have purchased the property if the rules had been in place due to the cost of putting in a buffer, meaning that demand for the property would have gone down, lowering the property values of his neighbors' properties. Mr. Majikrzak said that when 100 people come into a room to say they don't get the benefit of this, it means the work that has been done to assess the benefit either hasn't been done adequately or hasn't been communicated adequately. He said that if the property owners can be convinced that this is a good ruling, then the District has been successful because there is no one more committed to the quality of the lakes than those who live on the lakes to enjoy the quality of the water.

Scott Mayer of 7506 Erie Avenue in Chanhassen on Lotus Lake introduced himself and mentioned his participation in the CAC and the Lotus Lake Clean Water Association. He said he came to the previous Board meeting and commented that he hadn't seen any cost-benefit analysis and he still hasn't. Mr. Mayer said that if it is true that only 1% of the water that enters the lake comes from lakeshore property, it seems like a pretty small amount. He says that he is hearing the managers tell people that it is likely that the property owners won't need to put a buffer because such a big disturbance needs to be undertaken to trigger the rule. Mr. Mayer said that if it's not likely that property owners are going to trigger the rules and only 1% of the water enters from these properties to the lake, then where is the benefit. He said that the property value decrease is immediate. Mr. Mayer said that he hopes that the Board members are listening to the comments. He said that last month he commented that people don't know about these proposed rules and he hopes that on July 28th there are 500 people here.

Richard Chadwick of 9530 Foxford Road in Chanhassen on Lake Riley described his participation in the lake association and in watershed district meetings. He said that he only learned of the proposed rules this week. He said his primary concerns are Rule D and Rule J. Mr. Chadwick said that he hopes that the District will reconsider the rules. He added that he thinks there is a legitimate issue with jurisdiction. He said that he already pays the City of Chanhassen quarterly for stormwater management. Mr. Chadwick stated that the City has an ordinance in place and he is taxed by the City. Mr. Chadwick commented that he thinks that most of the lakes in Chanhassen are designated recreational lakes, which has to be taken into consideration. He agreed that a cost analysis needs to be done if it hasn't already been done. Mr.

Chadwick communicated that the people here don't feel that their equities are being properly protected by this attempt by the watershed to impose these rules, particularly rules D and J. He said that his lakeshore association has had speakers come in such as from the University of Minnesota. Mr. Chadwick explained that these speakers indicated that 80% of the phosphorous is already in the lake and very little is being pushed into the lake from the surrounding lakeshore. He said that property values are going to have a big impact and taxes will be reduced. Mr. Chadwick said that this certainly snaps of inverse condemnation of the property values of the properties around the lakes. He said he be one of others that would lead a charge to bring suit for inverse condemnation against the Watershed District for taking any of our property and the reduction of our property values. Mr. Chadwick said that he would be involved in doing whatever he could politically to have any Board member who would vote for these rules at this time removed from the Board some way or another and a new Board put in that would reverse anything that you put in that would be contrary to the best interests of the citizens of Chanhassen. He asked the Board to at the first opportunity table these proposed rules and to the best of their ability to remove Rule D and Rule J from what the Board is considering.

Lori Susla of 7008 Dakota Avenue of Chanhassen said that she would like to say that most people here are addressing two rules. She said that overall she thinks the rules are good and the Board just needs to go back and tweak a couple as the Board is hearing tonight. She mentioned that since January she asked the Board to send a postcard to people to let them know that this was happening. She said it is better to communicate. Ms. Susla clarified that the District received 175 comments but there weren't 175 commenters. She said that we have asked for a long time to look at the science behind things and for the District to tell us what will happen to our lakes, but this still hasn't happened. Ms. Susla said that her lake association did a study to the best of its ability, and she provided the results of that study including that internal load on her lake association's lake is 63% and untreated lakeshore runoff is 1%. Ms. Susla noted that she is not a scientist or an engineer and apologized if the data is inaccurate and said she did the best she could using publically available data.

Ms. Susla said that the accusation that there have been a lot of misleading statements made by people is possibly due to the complexity of the rules. She said she thinks it would be a good idea to take a pause, revisit this topic, listen to the folks here, and go forward. Ms. Susla said that there have been some rather misleading statements by the District, one being that other metro watersheds buffer single-family homes. She said that it isn't true. Ms. Susla stated that Brown's Creek Watershed District is way out on the east, and although it is officially classified as being in the metro it is a primarily rural-farm district. She said that in that district the buffer rules only apply to land adjacent to Brown's Creek and has been subdivided or rezoned, not single-family homes. She brought up the Carnelian-Marine-St. Croix Watershed District and stated it is way outside the metro and is a rural watershed district. She said you cannot compare these watershed districts to a developed, in-town watershed. Ms. Susla read aloud the buffer rule of the Carnelian-Marine-St. Croix Watershed District. Ms. Susla spoke about the Valley Branch Watershed District and said it has a northwestern corner that touches on Maplewood but is nearly all rural. Ms. Susla also read the buffer rules of this watershed district. Ms. Susla said that she is sure that the District didn't intend to mislead people but it is misleading to say that other watershed districts impose buffers on single family homes. They don't do it, she said.

Ms. Susla remarked on the comment that the rules were changed based on citizen and resident comment. She listed comments that haven't been addressed like the rules are too onerous and there isn't a cost-

benefit analysis. Ms. Susla said that Terry Jeffery of the City of Chanhassen says that 75% of the people in Chanhassen will be affected by the stormwater rule so what will happen when 75% of people in Chanhassen find out about this.

President Forster said that Ms. Susla met her five-minute time limit. Someone shouted to let her speak. President Forster apologized but said he established a rule at the onset of the comment period to allow time for everyone who wished to speak. A man gave up his five minutes so Ms. Susla could continue her comments.

Ms. Susla mentioned the supplemental SONAR and again mentioned that she is not a scientist or an engineer but said that it really glared at her with the supplemental SONAR that you could really make data show what you want to say. She commented about something she heard on Minnesota Public Radio on Monday about medicine and misleading advertising, and she stated that there is a bit of that in the supplemental SONAR. She brought up the issues that specifically bothered her with the supplemental SONAR. Ms. Susla spent time reading aloud from data that she brought regarding buffers. Ms. Susla displayed two photos that she said illustrated her point that stormwater runoff and gullies are the problems, not the lakeshore owners. Ms. Susla read aloud more information and defined eutrophic state and mesotrophic state and defined each of the district's lakes in these terms and said that according to this data none of the lakes in the district would benefit from buffering. She said that she hopes the Board will listen to what people are saying tonight and not dismiss it the way it has been dismissed in the past. Ms. Susla said that we are not cretins and we have the ability to understand the rules if we are given time to read them. She said that we are not misunderstanding the rules, we are disagreeing.

John Colford of 7470 Chanhassen Road on Lotus Lake noted that we are all on steep slopes, there are no flat levels. He said that if he plants those plants there, they will die. He described the difficulties of restoration on a steep slope. He described the amount of time he needs to put in to do the weeding ó he said it is a couple of hours a couple days a week. Mr. Colford said that he would have to put in 15 hours a week for two to three years to get the plants established and for what benefit. He said the District should do a cost-benefit analysis and include the labor that the property owners would need to put in. He commented that taking away future property rights is just as bad as taking away current property rights.

Bill Oneill of 9550 Foxford Road in Chanhassen and 7361 Highway 101 said that he doesn't think that anyone in this room needs more government intrusion in their lives. He said that we don't need your rules and regulations. He requested a lot more talk and a little less action.

Mark of Chanhassen said that the District went a little too far and people here are saying so and for the Board to please talk to the people about this.

David Florenzano of 9470 Lakewind Terrace on Lake Riley said that he appreciates what the Board is trying to do but not the way the Board is going about it. He said that he doesn't want to read a 70-page report, he wants to know how this is going to affect him. He said that he would love to have a question and answer period and to be educated about this with real, down-to-earth language.

Larry Koch of 471 Bighorn Drive said that this is his third or fourth time coming forward with comments. He said he lives on Lotus Lake. Mr. Koch said that he knows based on his knowledge of the rules that some of the things that people saying they may have to do they will not have to do. He said the point is that the rules are extremely complex. He has repeatedly asked and suggested that the District put together a list of frequently asked questions so people can look at them, read it, and know if they can do it

or not. Mr. Koch said he received no response to his suggestion and this has been the approach taken with his comments. He said there has been a lack of communication, a lack of information, and a lack of disseminating information to people. Mr. Koch remarked that as far as he knows the District did not spend one dollar contacting people about these rules.

Mr. Koch said that he is a member of the CAC and that it is not accurate to infer that the CAC has had anywhere near an adequate amount of time to review the rules, comment on the comments, and have a discussion with either staff or the managers. He said that he hopes that no one thinks that the citizens committee has passed on these rules and approves them.

Mr. Koch said that the proposed rules seem like one-size fits all, but he thinks that the lakes and surrounding neighborhoods are too diverse for one-size fits all. He said that he shared many suggestions on how to have rules that are flexible and amenable to address a problem in the least obtrusive and expensive way, but he received not one response back with regard to those suggestions.

He continued by saying he read enough to have serious doubts about statements being made as to the benefits, pros or cons, of buffering. He agreed with the idea of having an independent evaluation resulting in an honest report showing the pros and cons. Mr. Koch encouraged the Board to evaluate what has been done so far and what is really in the best interest of the citizens, to apply good science, get good data, get our citizens involved, and if we are going to have rules, let's have rules that make sense and have a benefit to these lakes.

Kevin Atkinson of 7404 Frontier Trail in Chanhassen noted that he spoke at the last meeting. He said he presented a paper on buffers at the last meeting. Mr. Atkinson described the paper and said that he thinks that this paper is very material. He read several of the summary statements from the paper and said that the data from the paper doesn't correlate with what he has heard about buffer zones being good because they reduce phosphorous injection. Mr. Atkinson said he thinks it is important to let science dictate the course. He asked the Board to consider doing some sort of scientific study to try to convince us that this buffer zone and native vegetation really will impact the phosphorous loading. He said that he would be more than happy to be part of the study.

Chris Rust of 7500 Chanhassen Boulevard in Chanhassen stated that he and his wife both are licensed engineers and he works in construction every day. He encouraged the Board to look at other options besides buffering such as carp removal and to look at other avenues that would have great effect.

Ron Kleve of 7307 Radio Drive in Chanhassen brought up sand blankets and said that he is part of the Sunrise Hills Lake Association, which has shared a beach lot since the early 1960s. He said that if the Association was only allowed two sand blankets going forward, it would destroy what we have going down there. He said that if we can't recoat that it would be an impact on future generations.

Michelle Anderson of 6470 Foxpath in Chanhassen and noted that her daughters were here with her. She said she wanted to speak on behalf of all of the public spaces in our communities that will be impacted by this - all of the parks, all of the recreational areas. She asked the Board to take a good look at what it is doing and to consider all of the people that will be impacted.

President Forster announced that the Board will take these comments back, look at them, and will schedule a meeting to talk about them and the plan going forward. He thanked everyone for coming tonight and for their comments.

11. Upcoming Events

- **Family Fishing Event**, Wednesday, July 9, 2014, 6:00pm Bush Lake
- **Workshop on the Water**, Wednesday, July 23, 2014, 5:00pm
- **Wild Ones – Native Plant self-guided Garden Tour**, Tuesday, July 27, 2014, 11:00am ó 4pm
- **Board Meeting**, Wednesday, July 28, 2014, 7:00pm

12. Adjournment

Manager Wencil moved to adjourn the meeting. Manager Crafton seconded the motion. Upon a vote, the motion carried 4-0 [Manager Yetka absent from vote]. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Ken Wencil, Secretary