

March 17, 2014

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## POND AERATORS & POND DREDGING

Throughout Jonathan's neighborhoods and common areas are located a number of ponds, and these bodies of water come in all shapes, sizes, and...depths.

With the exception of Lake Grace (a man-made lake) most of Jonathan's neighborhood ponds are the handiwork of Mother Nature. As Mark Perry, Association Board member 2009-2014 has previously stated in the summer issue (2012) of the ***Jonathan Neighbors*** newsletter: "These ponds are natural groundwater collecting areas; the water collects and disburse as nature intends and needs it to flow."

While beautiful in their own way, the ponds don't come with a guaranteed specific depth or permanent shoreline. The weather, rainfall or snow melt play a major role in the life and "personality" of these ponds. While some Jonathan ponds seem to go on forever with the same basic overall size and depth, other ponds are much more susceptible to periodic heat waves and fluctuating rainfall levels. Thus, some Jonathan ponds appear to dry up (or fill with cattails and reeds) and "go away."

### **Should the Board Give its "okay" to Pond Dredging?**

Jonathan homeowners have at times in the past requested (or demanded) that the Association make an effort to dredge out and "restore" the ponds in their neighborhoods, in hopes that a deep hole full of rippling water will again return to the scene. However, this is NOT the policy of the Jonathan Association...NOR is it an approach that would be haphazardly condoned or casually overlooked by the Minnesota Department of Natural Resources (DNR).

**BASIC RULE:** the natural cycles of the local environment will determine the present and future status of each individual Jonathan Association pond. ***Since all Jonathan ponds are essentially part of the wetland topography of Carver County and the Lower MN River Watershed, the DNR will not look favorably upon human (i.e. Jonathan Board of Directors & Management Company) efforts to "dredge out a filled-in pond" without government approval first.***

Prior to any dredging of any pond or wetland drainage area anywhere within the Association's boundaries, the Jonathan Board of Directors and its Management Company representatives

must first gain approval from local government authorities for the potentially nature-destroying actions related to dredging.

Other important factors: COST and LIABILITY!

1. Across whose property will the trucks and earth-moving equipment traverse?
  - Will there be need for “right of way” or “easement” permission to be obtained?
  - What financial compensation amounts will be negotiated, and by who?
  - By what official legal standards will compensation amounts paid to “right of way” property owners be determined?
2. What consideration of financial fairness and equity will be considered before the Board authorizes financial compensation for “right of way” or “easement” rights?
  - What will be considered to be “affordable” for the rest of the Association’s members, specifically those many other Jonathan homeowners whose property doesn’t border the pond in question?
3. At what authorized dump site will the dredged-up material be deposited?
  - What will be the projected cost of said dumping?
4. What licensed, bonded, and insured pond dredging professional vendor will be chosen, and will the Board conduct a “due diligence” evaluation of at least 3 competing bids?
  - What will be the impact upon the Association’s liability insurance coverage for this project?
  - Does the Association’s liability insurance coverage even provide any amount of protection for such an activity as this?
5. How many of the ponds throughout the Association will need dredging? How often?
  - Does the current **Reserve Study** indicate whether or not pond-dredging is a necessary cost benefit to the Association?
  - Does the Jonathan “**own**” the ponds (bodies of water, wetlands, etc.) located throughout the Association? If yes, who says so...the **Reserve Study**?

**Prior to authorizing any “dredging”** the Jonathan Board of Directors should thoroughly address the following issues as they pertain to each individual pond project:

1. Storm water flow pattern analysis
2. Drainage regions identification
3. The amount of storm water volume
4. Soil erosion measurements
5. Volume and flow of storm water
6. Existing water flow and site analysis
7. Surface water analysis
8. Storm water runoff and retention
9. Flood impacts summary
10. Flood forecasting
11. Detailed surrounding culvert analysis
12. The exact amount and calculation of storm water generation
13. Preliminary percolation test
14. General soil structure assessment
15. Professional expert analysis of current natural habitat
16. Professional expert projection of impact on current natural habitat (topography changes via pond dredging & hauling out dredged materials)

### **POND AERATORS**

The pond aerators that Jonathan has installed in some Association neighborhoods will remain only as long as the ponds have the depth to support an aerator. If a pond becomes too shallow to support an aerator, Jonathan will remove the equipment and monitor the pond’s depth.

At this time, most of Jonathan’s current aerators are located in the Autumn Woods neighborhoods. The Mill Pond neighborhood is also currently benefiting from the installation of a Jonathan-owned aerator. In the Clover Ridge neighborhoods there exists a large wetlands-designated area and, because this is protected by the Minnesota DNR, the Jonathan Association will not be installing any pond aerators into this large body of combined marsh and open water.

The Board has the fiduciary duty to maintain common areas affordably and legally. This duty includes ponds, wetlands and natural watershed areas. The Board (and Management Company) must **NOT** be swayed or bullied by “community organizers” into violating fiduciary responsibilities by committing illegal pond dredging or aerator installation activities.

**NOTE:** The bylaws require the President to present a written report at the Annual Meeting explaining how every project/cost incurred by the Board during the previous 12 months follows the Reserve Study directives for that year. Pond dredging and aerator installation not specifically called for by the Reserve Study might make for some very interesting reading!