



REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 P.M. WHITE BEAR CITY HALL
MINUTES of January 20, 2009
APPROVAL DATE: 2/17/09

1. CALL TO ORDER The January meeting of the White Bear Lake Conservation District was convened by chair Tom Hoffman at. 7:15 pm.

2. ROLL CALL Present were: Chair Tom Hoffman, Vice Chair Luke Michaud, Directors George St. Germain, Mike Parenteau, Sue Cernohous, Doug Danks, Mike Stawnychy, Yale Norwick, Diane Longville. A quorum was present. Recording secretary was Julie Yoho. Absent was John Steinworth (excused).

3. AGENDA

Remove item 8b8 Governors fishing opener – table. Remove item McCartney Estates – table until Feb, need more information. Add items: 8b14 Periscope Red Bull Pond Hockey, 8d3. Resolution to designate funds, 8c3 Next LEC meeting.

MOTION #1 (Cernohous/Parenteau) Move to approve agenda as amended. All Aye, PASSED

4. APPROVAL OF MINUTES

MOTION #2 (Parenteau/ Stawnychy) Move to approve October meeting minutes with 1 correction on the second for motion 10. All Aye, PASSED

MOTION #3 (Parenteau/Stawnychy) Move to approve November meeting minutes. All Aye PASSED.

5. PUBLIC COMMENT TIME

none

6. NEW BUSINESS

none

7. UNFINISHED BUSINESS

LUC workshop was held 1/6/09. Subcommittees need to meet prior to full workshop. Next workshop date likely first week in March.

8. REPORTS/ACTION ITEMS

8a. Lake Quality Committee

no report.

8b. Lake Utilization Committee

8b1. Docks of White Bear EAW

Kantrud – comment period is over. Comments received do not indicate an EIS is needed. Board has to determine if EIS is needed - have 30 days to declare. Deadline is 2 days prior to our next Board meeting.

Discussion

Parenteau – comments from city of WBL were just received tonight

Brian McGoldrick – have agreed with city to eliminate some end slips, thereby not increasing size and alleviating concerns of the city

Hoffman – most critical comments came from DNR - they stated no EIS

Norwick – agrees DNR comments mean a lot

Kantrud – officially city of WB gave comments after deadline, memo was dated January 8, letter was dated January 16.

Brian – was at city council meeting, many of these comments in the letter were not brought up

Stawnychy – typo in EAW states 300 docks, not slips.

Kantrud – can correct worksheet. Recommend calling meeting next week to review letters and address and write legal finding of fact. Need to address comments in our finding of fact.

Hoffman – will you accommodate 1 day extension to allow board review of comments?

Kantrud – Would Board like more time to decide if these warrant full EIS? Or are majority of concerns worksheet errors?

Norwick – doesn't see EIS need, but EAW has errors

Kantud – would like written resolution supporting findings

Michaud – by deciding on EIS need, we are not stating we approve permit

Kantrud – nothing to do with merits of project or permit application. Only EAW

MOTION # 4 (Norwick/Hoffman) Move to approve negative declaration for EIS and accept comment letters as submitted. Written findings of fact to be drafted by Kantrud and brought to next meeting.

Discussion

St Germain – not enough time to review all comments

Norwick – agree, there are issues, but not related to need for EIS

Kantrud – only have to respond to focused comments that address the issues.

Michaud – friendly amendment to approve at next meeting to allow to review findings of fact - Amendment Withdrawn

St Germain – concern over waste water run off

Alan – specific items of concern can be addressed in the permit process

Vote

All Aye, PASSED

8b2. City of White Bear - Matoska Park

MOTION # 5 (Michaud/St. Germain) Move to approve Matoska Park permit conditional to confirming insurance information. All Aye, PASSED

8b3. City of White Bear – Veterans Pier

MOTION #6 (Michaud/St. Germain) Move to approve permit and waive fee since it is public structure, conditional to insurance information. All Aye, PASSED

8b5. Alicia Heights. Same as last year.

Would like letter from neighbor to the south affirming dock.

MOTION # 7 (St Germain/ Parenteau) Move to approve Alicia Heights permit and as favor would like letter from neighbor to south to address ADUA encroachment.

Discussion

Hoffman – map shows 15’ land, boats encroach into ADUA always. Breaks ordinances. In future years letter will be requirement, need more formal agreement with neighbors.

Norwick – would like equal requirement to be applied to all

Pat McNamara – Alicia Heights Dock Assoc.

Neighbor received notification and request. “No response” is her official standpoint. If letter is needed, she wants one drafted and reviewed by her attorney for her to sign.

St Germain – ordinance prohibits this encroachment, that is our concern. Some board members feel we should be more consistent around the lake.

Norwick – want documentation on why this is allowed for future decisions

Vote.

All aye, PASSED

8b6. Tallys Dockside

Concerns raised in LUC meeting relating to parking and gas tank. Application drawing is same. Question over slip numbers.

Keith Dehnert, Tallys

42 rental slips. 12 tie on in water for rental – 8, 4 transient. 11 dry dock. 16 = service work, company use, rental boats. Not all on water. 6 pontoons, 2 row, 8 row on water.

Luke - 2 service, 1 company, 4 transient, 11... map shows 5 transient.

Keith – all pontoons are rental.

Luke – have not charged rental boats in past,

St Germain - because public can use boat, board doesn’t charge

MOTION # 8 (Michaud/St Germain) Move to approve 2009 permit for Tallys.

Discussion

Norwick – review slip fees for rental boats in future. Looking at density as per foot of shoreline

Parenteau – permit for gas tank? End of public street, parking issues.

Keith – tank was approved by Fire Marshall, letter is on record. Lease street. Parking is ongoing issue. Has been working on it, city has given letter allowing.

Parenteau- maybe current letter is needed for the gas tank, to state it is adequate.

Hoffman – how are conditions followed up on?

Michaud – hold permit until letter is received.

Hoffman – would like letter to be specific

Keith – slips for rent. Slips for public rental boats. Different.

Hoffman – see 65 total, even if different

Tony Feffer, WBL resident, 2004 – 2007 WB city council member

Gas tank is on other persons property according to survey. Not sure if Whitaker street end includes ADUA. Questions on riparian use. Question over 42 vs 65 boats. City council doesn't see application so didn't have exact numbers when approved parking. Parking is issue. Need proper information. There is time to look at information before making decision. Would recommend postponing to get answers, consult with city. Gas tank can't be ignored

Jim Gasparini – Docks of WB attorney

No riparian rights to south 40' of property. Exclude gas tank from approval – no insurance.

Brian McGoldrick - Gas tank is over property line, in public right of way. Insurance won't cover leak or business interruption. (auto owners). Should be moved across street with city help in compliance. Issue with parking. Tax unfair.

Norwick – we do not have staff or expertise to address land, civil court issues, property lines.

We could get more info from city re these issues – gas, parking. They are more equipped. We stick to surface water and safety.

Michaud –

MOTION Amendment

Approve conditional to getting letter from city indicating parking requirements are met as per slips on permit, Clarification of safety, integrity, and certification of gas tank.

All Aye PASSED

8b7. Docks of White Bear – change from 2009

Jim Gasparini, Afton Law & Brian McGoldrick, DWB

Dock spacing can accommodate 300 slips. Application has just been modified to 275 by removing the slips by Lions Park. Tax information shows disparity with amount DWB is paying. Parking issue – not enough parking space for Tally's or city slips. People are parking on their asset. LMCD commercial codes for marina require need 40' separation between docks.

Based on this, all others out of compliance. Trying to find out what is fair. App was amended to address issue with Lions Park by taking out those 25 slips.

Discussion

Parenteau – if no docks taxes would be same

McGoldrick – no, value driven by what asset produces, revenue stream

St Germain – if taxes are not equal to revenue stream court can decide

Michaud – WBLCD can't do anything about taxes. Mute point. Boat slip parking is issue this board can address. If proportionate, additional slips will result in more taxes. Have landowners there had summit to determine how slips in area should be laid out?

Gasparini – no

Michaud – 325' dock length needs to be brought back to 300', ordinance prohibits beyond 300.

Owner of site or lessee needs to apply – we'll want letter/release from Mr. Trach. Dock is angling to north into ADUA of Whitaker property/Tally's.

McGoldrick – can substitute new drawing to move dock a few feet. Lions Park dock will be gone, there is room to move.

Norwick – would like clarification that it would be within ADUA

Michaud – property line of Lions Park would take out nearly all docks in marina triangle

McGoldrick – drawing in packet is revised with exception of north dock

Danks – property line by Lions Park. Clarify where ADUA is. Looks like intrusion into ADUA

Gasparini – riparian rights explanation

Michaud – assume others have it until proven otherwise

McGoldrick – worked with city by lions park

Danks – we need to permit within our ordinances, trying to determine what is needed here to make decision.

Hoffman – just approved app. for 15’ piece of land. Trying to balance competing objectives, different circumstances.

Norwick – trying to be consistent. Frontage, clearance between, square feet – all seem reasonable based on these and what others have.

Hoffman – when would these additional slips be used?

McGoldrick – economy will dictate

Michaud – permit should indicate what will go in this year. Currently moratorium on boat slips in commercial bay as per lake use study.

Parenteau – 99, 2000, 2005 moratorium was recommended and voted on by Board. Consultants say bay is full - here in black & white by professionals. Moratorium until next lake use study. You’re asking for re-allocation.

McGoldrick – boat launch would be used seasonally to get boats in, then close launch after docks are in. One dock may be transient.

St Germain – transient slips are looked on favorably, for public use

Stawnychy – no insurance?

Michaud – complete application of what will be in marina for 2009 season. Remember it’s a one year permit. Docks need to be at 300’, we need lease copy from owner. Then Board can review and vote on in Feb. Board can look at moratorium.

Norwick – is it problem to table until feb?

Jim – want fairness, re-allocation

Michaud – never treated change in commercial docks differently, treated the same

McGoldrick – thanks for taking seriously

8b9. Frisbee golf on ice at VFW

Applied without paying fee, request waiving for charity.

Michaud – charity for veterans? For VFW operations or is portion for needy vets? Is there entry fee? Prizes?

Joe (?) - yes, yes, money goes to prize money

MOTION #9 (Michaud/Parenteau) Move to approve permit contingent on receiving payment and insurance information prior to event. All Aye, Passed

8b10. Softball on ice at VFW.

MOTION #10 (Michaud/Hoffman) Move to approve permit contingent on receiving payment and insurance information prior to event. All Aye, Passed

8b11. Horseshoe on ice at VFW

MOTION #11 (Michaud/St. Germain) Move to approve permit contingent on receiving payment and insurance information prior to event. All Aye, Passed.

8b12. Kids Pro Ice kitty kat races at VFW

MOTION #12 (Michaud/St Germain) Move to approve contingent on receiving application fee and sheriff permit. All Aye PASSED.

Non profit org, can fee be waived?

MOTION # (Norwick/Cernohous) Move to waive fee for event. All aye, PASSED.

8b13. WBLCD clean up March 7

MOTION #13 (Michaud/St Germain) Move to approve, contingent on sheriff permit. All Aye PASSED

814. Periscope / Red Bull pond hockey.

Red Bull hosting pond hockey at various lakes throughout the state. Free to public. Tundra pulls trailer/warming house. In front of VFW - 2 rinks. No fee to play. Age categories – 16-29. Rules are in place and waiver is signed before playing. Not selling, free product. Concern over satellite toilet.

MOTION #14 (Michaud/Danks) Move to approve permit contingent on 1 satellite provided for use at the event. All Aye, PASSED

8c. Lake Education Committee

website revisions have been done on homepage – mission statement added

Lake clean up March 7

LEC meeting will be held Feb. 17 at 5:00 in chamber

8d. Treasurers report

MOTION #15 (Longville/Hoffman) Move to approve December treasurers report and pay checks 3877 – 3881. All Aye PASSED

MOTION #16 (St. Germain/Parenteau) Move to approve January treasurers report and pay checks 3882 – 3885. All Aye, PASSED

MOTION #17 (St. Germain/ Stawnychy) Move to approve resolution to designate the depository for 2009. Add Premier bank to list.

. 8e. Board Counsel Report

Norwick – have we found statutory language regarding sheriff's requirement to patrol lake?
There is state language describing / identifying sheriff requirements.

Kantrud – will look up

8f. Administrative Staff Report

none

9. CONSENT AGENDA

MOTION #18 (St Germain/Michaud) Move to approve consent agenda. All Aye, PASSED

10. ANNOUNCEMENTS

Hoffman will not be at March meeting.

11. ADJOURNMENT

MOTION #19 (St Germain/Parenteau) Move to adjourn. All Aye, PASSED

Meeting adjourned at 10:00 p.m.

ATTEST:

Administrative Secretary Date

APPROVED:

Board Chairperson Date