WBLCD

White Bear Lake Conservation District/4701 Highway 61/White Bear Lake, MN 55110

REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 P.M. WHITE BEAR CITY HALL
MINUTES of February 17, 2009

APPROVAL DATE: __3/17/09_____

1. CALL TO ORDER The February meeting of the White Bear Lake Conservation District was convened by chair Tom Hoffman at. 7:05 pm.

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

3. AGENDA

Add items: 6c Governor's Fishing Opener, 8b. Mayor of Birchwood, 6d. Board Counsel Appointment, LEC Clean up.

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

4. APPROVAL OF MINUTES

MOTION #2 (Parenteau/ Michaud) Move to approve January meeting minutes. All Aye, PASSED

5. PUBLIC COMMENT TIME

none

6. NEW BUSINESS

6a. Nomination of Officers for 2009

Nominate Diane Longville for Treasurer (Norwick/Stawnychy)
Nominate Luke Michaud for Vice Chair (Stawnychy)
Nominate Tom Hoffman for Chair (Michaud)

MOTION #3 (Michaud/Danks) Move to accept slate as stated. All Aye, PASSED.

6b. Governors Fishing Opener

MOTION #4 (Michaud/Parenteau) Move to approve event permit for Governors Fishing Opener.

Bill Fousard – First time opener will be held in metro area. Excellent opportunity to showcase WBL. Community events will begin on Thursday. Volunteers are needed, let him know if interested.

Motion Vote
All Aye, PASSED

6c. Alan Kantrud has changed law firms**.**
***MOTION #5 (Hoffman/Stawnychy) Move to reinstate Alan as Board attorney at his new firm*.**
Discussion
Norwick – We should do an RFP for consultant attorney on occasion
Motion Vote
All Aye, PASSED

6d. Docks of White Bear EAW Findings of Fact
Kantrud – decision was made at January meeting that an EIS was not necessary. Would like Board approval of the "Findings of Fact / Record of Decision" document.
MOTION #6 (Norwick/Danks) Move to approve the Findings of Fact Record of Decision document.
Discussion
Michaud – question over extend of environmental impacts – not ready to say there are no impacts.
Norwick – Board and other reviewers felt impacts were not great enough to call for EIS
MOTION Vote
All Aye, PASSED

7. UNFINISHED BUSINESS
none

8. REPORTS/ACTION ITEMS

8a. Lake Quality Committee
Rocks off Ordway point – DNR will not allow them to be moved. Mike will look at options

8b. Lake Utilization Committee
8b1. Black Bear Racing Schedule
MOTION # 7 (Michaud/Parenteau) Move to approve Black Bear schedule for 2009.
All Aye, PASSED.

8b2. WBYC racing schedule
MOTOIN #8 (Michaud/Parenteau) Move to approve WBYC schedule for 2009.
All Aye, PASSED

8b3. Chateauguet Condo Association
MOTION #9 (Michaud/Parenteau) Move to approve application for Chatearguet.
All Aye, PASSED.

8b4. Sampair Co Inc.

MOTION # 10 (Michaud/Parenteau) Move to approve Sampair Inc application, no change from last year. All Aye PASSED.

Note in file there was discussion over ADUA overlap with City of WB property.

8b5. McCartney Estates

MOTION # 11 (Michaud/Stawnychy) Move to approve with proof of insurance.

Discussion

Danks – no frontage figures or dimensions on dock drawing. Would like to have this information in the future.

Motion Vote

All Aye, PASSED

8b6. Mary Wingfield, Mayor of Birchwood

Birchwood will have public hearing on Tuesday for dock association applications. Would like feedback from Board to be sure there is consensus and the WBLCD is supplied with what is needed. There will be some changes – would like input.

Hoffman – Dellwood easement has always been topic. What is board feeling on what will work at easement? In past 12 boats. We are asking city to take control of situation, trying to make it work on first round.

Michaud – not reviewing app tonight, this is conversation with mayor and Board.

Norwick – this should have been at open comment time. Impressed with Birchwood's ability to have lake access. But will not support boats encroaching others ADUA's. Will not have blatant abuse of neighboring properties. Options to work things out – boat size? Canopies? That all could agree on.

Mary – ongoing process

Hoffman – will support 8 boats or less, configuration that does not abuse ordinance, no canopies.

Danks – there been discussion with neighbors trying to find consensus or compromise

Michaud – thank you for coming. Tough position. Dellwood has always claimed easement to the east. Now no longer exists according to courts. May be under appeal, but will not consider for this year as it's not a fact. Ord. states no permits that encroach into ADUA. If we permit boats that cant leave dock without going into ADUA that's a problem. Folks think they have rights, but they are privileges.

Norwick – This wasn't on agenda. Neighbors aren't here. Should have been open comment time.

Stawnychy – there will be public comment when permit is up for review

8b6. Docks of White Bear

Michaud - same application as presented in January. Committee did not discuss. Last month discussed, tabled.

Stawnychy – wanted clear application, that's why tabled.

Norwick – Is there a moratorium? Does it mean nothing? Can we overturn? Do we need further action?
Kantrud – not clear where board is on application or moratorium. Hasn't seen lately. Should be re-authorized from time to time.
Michaud – moratorium was based on lake use report originally. Can reference we had one in past, but legally have to look at this permit
Hoffman – how does this compare to what was approved in 2008?
Michaud – from 200 slips to 290 total. Boat rentals new. Boat services new. Extension of 35 feet for each dock from 300 to 335feet. 100 parking spaces now 700 parking spaces. No pumping now. No satellites – bathroom in restaurant. Lake looses one of it's launch points. Private property, but was public service, what pressure will it put at Ramsey co. beach? Single dock on north crosses into ADUA (Whitacker). South crosses Lions Park ADUA. Maybe go and stake out on ice to get feel for where this is. Winter storage would be outside protect area
Norwick – maybe reallocation rather than net increase if there are issues. Look at boats per sq. foot. Need larger overview of what bay can accommodate. What criteria to analyze?.
Stawnychy – docks are in excess of what we allow. Ord says max 300'. Current configuration not right. Homeowners are having issue now, if more will block their access.
Parenteau – site owner not correct on app. Trach Co. is owner. DWB lessee. Rentals, storage, service, restaurant, - is that all there for sure? Not at site right now. Dock length? Claim 700 parking, but commercial businesses needs spots too. Bathroom in restaurant issue. ADUA exceeded, violation.
Jim Gasparini, Attorney for DWB - was this discussed in committee?
Norwick – there was a permit approved tonight and footage wasn't on app.
Parenteau – that was a "no change app".
Norwick – not consistent
Parenteau – those are the items I have concerns with.
Norwick – stick to rules, not pick and choose what on app is not complete.
Hoffman – do not think parking is relevant, no indication of issue. Will vote against because there are too many boats in area.
Norwick – will support until we determine who can have what. Why are they singled out?
Hoffman – at what point does an app. push the limit for a site?
Norwick – wants bigger study
Michaud – option right now is this permit. In future slips and allocation can be studied. What has existed there fine for x years. Our consultant for past years stated commercial bay was at capacity. No option to go reallocate slips right now. Task force can be organized. Option tonight is based on history, based on responsible use, based on area. Yes or no.

MOTION # 12 (Michaud/Longville) Move to deny application for Docks of White Bear as presented.

Discussion

Stawnychy – Can only go by what is here on the application. Has concern for homeowner in bay area.
Gasparini- Asks Michaud to remove himself from voting on this due to personal considerations. Riparian boundary issues can be addressed via dock spacing. Boat storage – (handout from Ken Johnson) – states there is room for current plus 75 more in front of DWB. Riparian boundary handout (2nd one). 15 slips are transient that city wanted - can be removed and approve 275 instead of 290. Research on riparian rights indicates others in bay do not have rights, would have to be dealt with for all. Board can reallocate slips in whole area if max number is determined.
Norwick – no riparian rights for others?
Gasparini – yes, can provide information. Tallys has none.
Stawnychy – where did length figures come from? They are incorrect I measured today.
Gasparini – Did you check others docks?
Stawnychy – Ord says 300 feet, we are reviewing this one tonight, not other docks.
Gasparini – want to be treated fairly.
Don Mooney, Cottage Park Rd
Resident for 32 years. Was anyone watching area? 3 feet of silt/mud in Lions Park. How many boats go in a certain area? Lower water level, area is filling in with silt. Can't believe EAW comments of no impact. 100 extra boats spilling fuel, stirring up silt, milfoil… Lions park – why does anyone have right to store docks at Lions Park? Private business making $ over state water, will push boundaries. 15 slips in Lions Park? Are these slips for restaurant? Can't put at park. Need oversight to control this. Look at whole bay with dock layout to see impact. Riparian v.s. site rights. People pollute, we pick up trash. Moratorium should stick. Over crowded, unsafe, congested, board has control over. Winter storage, photos were sent showing situation. Look at view in front of place, no egress, moves silt around. Has board given permission to do that?
Harley Andersen. Neighbor, Cottage Park Rd
Resident since 1972. Area is overcrowded. 100 should come out, not be added. 700 parking spots can't be with local business needs. Winter storage horrible. If all other cities had docks like that Lake would be ruined. No more docks.

MOTION Vote
All Aye, 1 no (Norwick) Application is denied.

8c. LEC report

8c1. Lake Clean up will be March 7. Let Doug know if your planning to come.

8c2. LEC meeting was tonight at 5:00. Discussed past work plans. Are looking at hosting boat tour in June.

8d. Treasurers report

MOTION #13 (Longville/Parenteau) Move to approve Treasurers Report of January 2009. All Aye, PASSED

MOTION #14 (Longville/Parenteau) Move to approve Treasurers report from February 2009 and pay checks. All Aye, PASSED

8d3. Annual Financial reports - December year end report to be sent out to Cities and State Auditor

MOTION #15 (Hoffman/Parenteau) Move to receive 2008 financial report. All aye, PASSED.

8e. Board Counsel Report

Thank you for reinstating

8f. Administrative Staff Report

none

9. CONSENT AGENDA

MOTION #16 (Michaud/Parenteau) Move to approve consent agenda. All Aye, PASSED

10. ANNOUNCEMENTS

-Hoffman will not be at March meeting.
-LUC Workshop will be March 5 at 6:00 pm. Subcommittees are to come with recommendations.
- George is feeling ok and will be at the next meeting
- Michaud has 6 tickets to ice fishing event in Somerset. This group would like to do an event here and is inviting us to see how it's run.

11. ADJOURNMENT

MOTION #17 (Michaud/Parenteau) Move to adjourn. All Aye, PASSED

Meeting adjourned at 9:15 p.m.

ATTEST:

_____ _____

Administrative Secretary Date

APPROVED:

_____ _____

Board Chairperson Date