



REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 P.M. WHITE BEAR CITY HALL
MINUTES of March 15, 2016

APPROVAL DATE: 4/19/16

1. CALL TO ORDER The March meeting of the White Bear Lake Conservation District was convened by Chair Jane Harper at 7:00 pm in the Council Chambers.

2. ROLL CALL Present were: Chair Jane Harper, Vice Chair Bryan DeSmet, Directors Mike Parenteau, Pat McCann, George St. Germain, Gene Altstatt, Susie Mahoney, Mark Ganz. A quorum was present. Absent were Diane Longville & Scott Costello (both excused).

3. AGENDA

Parenteau – Add item 8b2. “McCommas proposal”

MOTION #1 (Parenteau/St. Germain) Move to approve agenda with addition above. All aye passed.

4. APPROVAL OF MINUTES

MOTION #2 (Parenteau/St Germain move to approve minutes of February. All aye passed

5. PUBLIC COMMENT TIME

none

6. NEW BUSINESS

none

7. UNFINISHED BUSINESS

none

8. REPORTS/ACTION ITEMS

8a. Lake Level Resolution Committee

8a1. Update on Race 2 Reduce: Students are collecting water data from City and developing survey that will be done community wide this spring.

8a2. The City of WBL is hosting a conservation expo again on May 7.

8b. Lake Quality Committee

8b1. Level 921.91; 9 inches higher than last year this time. Over 3 feet higher than the all-time low. (923.49 is average)

8b2. Proposal from McComas for EWM survey is \$3000. This was budgeted for.

MOTION #3 (Parenteau/Ganz) Move to approve McComas survey proposal.

Discussion

Altstatt – what is this survey?

Parenteau – Delineates areas in need of milfoil treatment. Survey goes to the DNR for approval prior to treatment. The applicator uses it to locate weed beds.

MOTION #3 Vote

All aye passed

Parenteau – McComas also offered to examine source water for potential contamination prior to any possible augmentation. Would like to talk with him about parameters. We'd have our own independent testing and information which can be valuable.

Discussion was held over how this would integrate with other studies and with what the DNR will be testing for. Also it was noted that the ice will be out soon and sampling will be starting. If we want the DNR to test for additional items they should be notified asap. It was decided Mike will talk with Steve and find out more.

EWM treatment grant – No grant was received for this year. Less funding was available, and what existed was gone in less than 48 hrs. Our grant application was turned in within 72 hours of the date. With higher lake levels this year, it will help – we'll likely treat less acres.

8c. Lake Utilization Committee

8c1. Black Bear Yacht racing schedule

MOTION #4 (Ganz/St Germain) Move to approve Black Bear Yacht Racing permit. All aye passed

8c2. WBYC

MOTION #5 (Ganz/St Germain) Move to approve WBYC racing schedule permit. All aye passed

8c3. Tallys

MOTION #6 (Ganz /St Germain) Move to approve Tally's permit for 2016. All aye passed

8c4. Docks of White Bear

Change from last year. Dock on far north is right along property owners line, previously wasn't there. Committee denied because it doesn't conform to ordinance setback. Applicant is doing this to prevent traffic at south side of gas dock. He is concerned the boats are churning up bottom there and making area unusable.

Ganz – we have ordinance that requires 10' clearance between structures on lake. This works in residential areas. Feel we need to follow ordinance or we'd have to reengineer commercial bay. We can't tell one person you can be at line, others you can't.

McGoldrick – This layout is consistent with what's being allowed at other locations (city).

St Germain – the present dock by berm has slips on 2 sides, if you move it will only have slips on 1 side.

McGoldrick – can't get into slips on that side because of berm

Discussion was held over footage and property lines. It was noted that the way the ordinance reads, structures must have 10' of clearance between them. By moving the dock over as proposed it will be in violation. It also blocks the gas dock to the north.

Parenteau – If you move 10’ off the line can you still do it? Use same configuration? Tally’s rents/leases street end to have clearance there.
McGoldrick – maybe yes. Would like the same rules
St Germain – Wants to move dock there to prevent boats from churning bottom
Harper – if no action is taken tonight, then is permit approved same as last year?
Ganz – Needs approval of variance, this current variance not approved in subcommittee.
Kantrud- Board has to act on what’s in front of you. Approve or deny within 60 days.

MOTION # 7 (St Germain/Ganz) Move to deny application and request new plan.

Discussion

Mahoney – concerned about timing with season coming up
Harper – he’d have no permit for 2016. Would have to come back with revision.
DeSmet – option is to approve contingent on north dock being moved in
St Germain – could approve same layout as last year
Ganz – ordinance is about 10’ of navigable water
Parenteau – if there was 10 of clearance this would not be an issue
St Germain – property lines are used as guide

MOTION #7 Amendment: Parenteau – follow ordinance and move dock 10’ over.

St Germain – need to draw out
Altstatt – moving over 10 feet still makes it impossible for Tallys to use gas dock
Kantrud – you can approve part of it if he’s willing.
Harper – concerns over new dock location. Take that dock off application so we don’t delay business
DeSmet – south 2 docks would be same as last year

MOTION #7 Vote - 3 aye, 4 nay. Motion failed

MOTION #8 (Ganz/Altstatt) Move to approve application with only the south 2 legs of dock with “T”.

Discussion

Ganz- next month we can discuss the north dock and bring for approval as amendment
St Germain – approving these 2 docks as a variance. If he wants more he needs to come back with another request

MOTION #8 vote - All aye passed.

8c5. City of White Bear Lake

Applied for pre-approval for new dock order for 2017 installation
LUC had split vote after review. 2-1 denied

St Germain – the City is not at code in many areas, marina was grandfathered in to accommodate. Now with new docks have to bring up to code. City has ordinance on how many boats should be at marina, they’ve exceeded
Michaud – overview of handout. Site does not meet the setbacks from WBLCD ord 5. In the early ‘80s WBLCD worked with stakeholders in commercial bay – Johnson & DWB to eliminate buoys. Ran docks out along property lines. Since then 3 others have added to the mix. In ‘90s Tallys requested adding slips, worked with City of WBL to ensure no violations occurred. City had criteria of 1 slip per 4 feet of shoreline which was enforced. In 2009 issue was brought up and put resolution in place saying no more boats. Issue of fairness came up, then the lake

levels went down. Now with complete rebuild request, board can look at area. Without variance from city, layout goes against their own ordinance. Going to 1 boat for 2 feet of space. Setbacks don't meet, length exceeds max allowed for adua. Currently request 160 slips, haven't been able to rent that many, haven't paid for. City ordinances should reflect 84 slips. 1 boat per 4'.

DeSmet – why was it voted for in committee?

Ganz – do we want to re-engineer that entire bay? Was on committee in 2009 when we looked at this. If neighbors don't have an issue with, our ordinance allows, can't see why we shouldn't.

DeSmet – if they built this way what is danger in future?

Michaud – if approved, city will put funds into infrastructure and can claim hardship in the future. All of you have input in this. If this site goes back to use within ordinances of City and WBLCD some issues in this area go away.

Everyone would be treated fairly

St Germain – lots of public pressure in past

Mahoney – how many slips are here currently?

Michaud – 160

Ganz – if we enforce city ordinance of 1 per 4 feet, would take away from all sites 97 boats total

Parenteau – there's the setback issue of 10' clearance. They've had variance for that. Issue is following land issue of their own ordinance. That is stated on our application

Altstatt – what about grandfather clauses?

Kantrud – board has honored use in the past. Michaud is correct once you start over grandfathering rights go away. Fresh start for site. Zoning is likely there for parking.

Harper – in regards to the parking issue, we discussed we would not use our process to enforce city code.

Parenteau – lake use study said commercial bay is full at 436 boats. No more. If we reduce pressure to add will come when water comes up.

Mark Burch, City WBL Engineer – City purchased site with 160 slips. Old docks need to be upgraded. Demand has been down with water level. Would like to replace in 2017. Takes 1 yr to construct this order. 288 is length of dock from header dock out. Different is how they attach to shore. Header dock connects to shore & docks. Will be open to public. Slip docks to clients only. Drawing shows docks are set back 2 feet from property line. Adjacent docks are more than 10' away, all traffic within dock system. Addressed parking with ramp. Need to order in April for installation in 2017.

Harper – length?

Burch – 288 from header out, 30' from header dock to shore which is adjustable depending on water level.

Altstatt – why 3 connectors?

Burch – 2 are stairs, one is accessible ramp, line up with steps in boardwalk

DeSmet – occupancy levels?

Burch – fluctuates with water level

St Germain – city of WBL hasn't paid for full marina since they took over.

Johnsons paid.

Harper – total length 324' which is longer than our ordinance allows. If you reduce length by 24' how many slips would you lose and when water comes up can you add to length?

Burch – as water comes up ramps would be shortened. Every year it will be adjusted. Distance would change from header dock to shore. Variable. Shorter with higher water. Posts are retrievable.

Kantrud – we grant a conditional use permit. If more boats than 1 per 4 ft, city would have grant their own variance. City issue.

DeSmet – deadline date?

Burch – April

DeSmet – can we table until April ? Investigate?

MOTION # 9 (Parenteau/DeSmet) Move to table application and ask for more information

Send letter with list of questions:

Explain justification for docks based on conformity with city codes

Detail dock construction

Look at pulling in on sides, shrink width of system

Length with header dock, length from shore. Know exact total for each run

Sailboat turning radius

Discussion:

Michaud – configuration to north and south vs navigable water between fingers of application. Configuration takes away from neighbor's navigable water. Fairness issue

McCann – this is within the same footprint. So where's the take away?

MOTION #9 Vote: passed. 4 aye, 3 nay

Julie to send letter with questions

8d. Lake Education Committee

Lake clean up report was March 12, did not go on ice due to conditions. Scouts picked up trash in local parks instead.

8e. Joint Powers Task Group

Jane Harper provided an update on the task group. (Notes attached to meeting minutes.)

8f. Treasurer's Report

MOTION # (Harper/Parenteau) Move to approve Treasurers report and pay checks 4343 - 4345. All aye passed.

MOTION # (Harper/Altstatt) Move to approve 2015 year-end Finance report. All aye passed.

8g. Board Counsel Report

Monitoring legislative action. Should have more information next month

8h. Administrative Staff Report

Bid requests for our 2015 audit have been sent out. Will have proposals in April.

Items included in packet this month:

- Agenda
- February draft minutes
- Dock Permit applications : 3
- Event permit applications : 2

- Task group March update
- Finance report

9. CONSENT AGENDA

MOTION # (McCann / Ganz) Move to approve. All aye, passed

10. ANNOUNCEMENTS

none

11. ADJOURNMENT

MOTION # (St Germain / Ganz) Move to adjourn. All aye, passed

Meeting adjourned 9:28 pm

ATTEST:

Administrative Secretary

Date

APPROVED:

Board Chairperson

Date