



REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 P.M. WHITE BEAR CITY HALL
MINUTES of April 20, 2010

APPROVAL DATE: 5/18/10

1. CALL TO ORDER The April meeting of the White Bear Lake Conservation District was convened by Chair Mike Stawnychy at 7:08 pm.

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

3. AGENDA

Parenteau – move ord 5 to end of agenda as item 7a unfinished business.

Norwick- add law enforcement update to 9d.

Steinworth lake quality committee handout as addition to the agenda.

4. APPROVAL OF MINUTES

MOTION # 1 (Stawnychy/ Michaud) Move to approve minutes of March. All aye, passed

5. PUBLIC COMMENT TIME

none

6. NEW BUSINESS

6a. Committee appointments. All committee chairs will be standing. Diane asked to be removed from Lake Quality Committee.

MOTION # 2 (Stawnychy/Parenteau) Move to keep committee appointments as they stand. All aye, passed.

7. UNFINISHED BUSINESS

moved to end of agenda

8. REPORTS/ACTION ITEMS

8a. Lake Quality Committee

8a1. Committee work to date. LQC has met 6 times this year. No easy answers.

8a1b. Recommendations for 2010 EWM management, Beth Nixon. Short term plan only for EWM. There are 5 species of invasives, we are focused on EWM for this year. Concern with low water that there is more potential habitat. High risk time. Slide show presentation follows First step is to update map, populations can change from 1 season to next. Focus on red map areas. Control heavy density areas early.

Q&A

St Germain – does amount of area we can treat include what private owners do at their lakeshore?

McComas – yes total acres allowed to be treated includes all, wblcd + private landowners. Historically around 20 acres are permitted to be treated.

Danks – are targeted areas all monoculture EWM?

McComas – areas 1, 2, 3... area 1 was nearly monoculture, 95% or more. North part of 1 was around 80%. Area 2 was monoculture on fringe. Inner had some native plants. Areas 3 had 50/50 mix of natives – coon tail, flat stem pondweed, flat stem pondweed big 3.

Danks – any conclusive info of trichlopyr on natives?

McComas – best info indicates there is little unintended impacts, but there is some. Targets dicots, broadleaf plants. Pondweeds are monocot.

Danks – Minnetonka evidence of residual effects, could it happen here?

McComas – few water lily's here. Could be some unintended impacts, but not an elimination of a species.

Danks – does applicator determine what is appropriate?

Nixon – DNR, LQC will work with applicator. Will be highly controlled. Will monitor outcome to learn from.

Danks – Minnetonka has altered application rates this year based on last years. Could be helpful to learn from them as well.

Nixon – absolutely. Envision meetings to determine best way

Danks – private shoreline residents can they use 24d? Is there concern about co mingling of the 2nd hand effects?

McComas – yes they use 2-4d. Accelerate growth and makes plant crumble. Both herbicides have same effect, little co mingling.

Nixon – homeowners typically treat later also

Danks – WA state has extensive studies around trichlopyr. Close chemistry. Concern over toxicity changing if they mix

Nixon – studies all over country. 2-4d is not a preferred herbicide to use. Important we have our own database of info. Many anecdotal stories of what works, etc. want to get away from that and monitor the science.

Steinworth – when we pull our permit we can check with DNR on other permits pulled in lake.

Norwick – appreciate questions and concerns coming up here. Seems LMCD was doing entire bays. Here we are doing areas of near monocultures due to \$ limits.

Nixon- chemistry of lake water varies and has huge impact on how treatment works. Closest comparison lake with similar bio-chemical

attributes would be closer to northern WA county lakes due to water shed size and quality. Can't compare WBL to Minnetonka.

Michaud – mapping, is additional necessary for this year?

McComas – yes, growth locations can vary by 50%. Old map is good to work from, but need to verify.

Michaud – cost of mapping? Does it slow process down?

McComas – included, done every year.

Steinworth – DNR will come out and verify what we have found prior to granting permit. It does matter what is there this season. Should be done as soon as there is growth.

McComas – temps are around 60. Likely mid-may. A bit early this year.

Too early we miss plants. Treatment likely mid to 3rd week in may.

Michaud – so as board we need to deal with tonight.

Steinworth – yes, new approach this year for early season hit.

Michaud – ever exceptions to the 15% rule?

McComas – with lake vegetation management plan signed off on by the DNR. That is only way to get variance.

Nixon – high density areas fall under percentage. If looking at more, different management strategy.

Michaud – can homeowners treat together with trichlopyr? Could lower cost?

Nixon – highly regulated, not sure possible

Steinworth – private applications not exclusively targeting milfoil, eliminating all growth.

Nixon – would have to talk to contractors about that.

Allaben – if board goes with recommendations, how does it play out?

Nixon – that will be discussed as next phase

McComas – use of treatment/permits follows low lake level dips. When levels are down, more activity

Nixon – there are other factors beyond lake levels that play into high growth

MOTION # 3 Steinworth/Parenteau) Move to authorize LQC to proceed with 2010 EWM Management as presented, 2010 mapping, obtaining DNR permit for nuisance Aquatic Plant Management, and procuring licensed applicator bids. All aye, passed.

8a2a. DNR grant update, Steinworth. Grant amounts should be similar to last years availability. Not posted yet, but coming. Expect \$11,000 thru grant

Parenteau – walk thru account spreadsheet info (handout) for funding options. Show line item as overspent but not overspend budget.

Homeowners are also contributing.

Mike Crary, WBL Homeowners association

Thanks to committee for working on. Hope new product will be more effective. Many homeowners have offered to help out. He has pledged \$10,000 for treatment. Believes more donations will come once board takes action. Would like resolution from board to work with. Homeowners would receive checks, pass on to district. Need receipts, cashing of checks, updates/notifications/accountability. Not intention to manage

committee. All seem to be on same page for treatment areas. Consider this resolution so they can raise funds.

Michaud – is there a homeowners association? We accepted balance of funds a yr or so ago.

Crary – yes. Last president contributed money to wblcd and allowed to lapse since no problems. Association has been reformed now.

Michaud – how is it tax deductible?

Crary – deduction for legal purpose to a city , checks have to be written to wblcd.

Steinworth – written to wblcd?

Crary – yes. Already have mailing list for residents. Letter can go out as soon as details are worked out. Homeowners assoc. would send out notices when treatments are going to happen.

St Germain – appreciate this, hope it works out this time. Didn't work out last time, issues over control.

Crary – better this time

Steinworth – agreement between the 2 parties, have you sought input from attorney?

Crary – your allowed to accept fund for a purpose

Kantrud – governing body accept by resolution. Caution against too specific, as hard to account for. Don't accept gifts that put you on the hook for extremely specific requests. Board can determine if too much responsibility. Discretion has to be with board using input from experts, not at direction of homeowners.

Stawnychy – are certain homeowners going to be expecting their area to be done.

Stawnychy – plan has targeted the right areas. If you follow thru on this plan, it will be ok. Over 250 need receipts.

Norwick – do 2 board members have authority to meet and draft agreement? Are we at point to do tonight?

Kantrud – yes, we could draft tonight. As long as funds are committed to plan as presented, that is only condition.

Stawnychy – need something so he can start raising money.

Kantrud – we can do formal adoption of resolution next month.

MOTION # 4 (Michaud/Parenteau) Move to direct Alan to draft resolution to accept funds from public specifically for treatment of milfoil as presented in plan adopted tonight.

Norwick – Would mike and john participate in developing agreement?.

Crary – would like to know what product is being used (already in plan). Be sure there is evaluation done by more than 1 party, not just applicator. Be sure its tax exempt. Timing of treatment.

Norwick – need to say here is \$, follow plan to best of ability

Crary – august 15 deadline for treatment

Michaud – too many conditions will stop

St Germain – last time killed because of too many conditions

Stawnychy – if too many stipulations can return.

Vote

All aye, passed

Mr Morgan, Snyder's bay
What happens after plants are dead? Where does it go? More muck?

Nixon – good question. Can take your name and have you come to next meeting.

MOTION # 5 (Steinworth/Parenteau) Move to authorize to spend up to \$10,000 for EWM management.

St Germain – remember we are already deficit spending this year
Steinworth – this is coming from already allocated funds.
Danks – are we required to maintain lake use study under our management plan? Would like to know
Steinworth – recommendation from board and committee to do study every 2 years
Danks – even in low water year, it is valuable to maintain database of that. Favors maintaining activity on lake.
Parenteau – treasurer will pull from account
Norwick – ok with using prof services account.

All aye, passed.

Would like to authorize McComas to attend future LQC meetings if needed. 3 are in contract, would like to include as needed.

MOTION # 6 (Steinworth/Danks) Move to authorize the LQC to include Steve McComas in additional LQC meetings if needed. All aye, passed.

LQC will meet at 7 next Tuesday, later as needed.

Parenteau & Steinworth to meet with homeowners assoc.

8b. Lake Utilization Committee

8b1. Park Ave Mahtomedi dock placement
Michaud - The Order drafted last month was not real specific. Site visit today, many docks are in but the easement dock is not. Keller dock, Schoeller dock are angled to south. Other dock angled same way (Hodgson). Norwick/Michaud will go to site and measure docks. Will come back with measurements to next Board meeting.
Terry Fruth, attorney for Roxanne Hodgson
Would like to renew request that board act to establish a site plan for the bay. Consensus attempts over years have not been effective. Abandon consensus, draft plan and rules that are legally binding.
Norwick – concur. Will do site plan, would have preferred to have professional draft 1 year ago. We are going to have to determine where docks go.

8b2. Lions Club pickle boat races event permit
Manitou Days event

MOTION # 7 (Michaud/St Germain) Move to approve permit for pickle bucket boat races. All aye, passed.

8b3. McCartney Estates dock

Michaud – there were questions over exact measurements. Committee recommended approval conditional to dimensions being provided

MOTION # 8 (Michaud/Cernohous) Move to approve McCartney Estates permit conditional to receiving measurements / dimensions on drawing. All aye, passed.

8b4. Docks of White Bear Lake

Michaud - Change to less slips (135) due to low water level. Eliminate 1 dock, extend others. Final extensions could vary from this drawing due to water.

MOTION # 9 (Michaud/St Germain) Recommend approval for Docks of White Bear 2010 permit same as last year, with a variance granted for 2010 for the layout drawing in front of us. Conditional upon final drawing of what is actually there.

Danks – what is length of time of the variance?

Michaud – this season (2010) or until water comes up

Stawnychy – don't want to block Lions Park access with extensions

McGoldrick – that is why moved that end dock

All aye, passed.

8b5. City of WBL municipal marina

Account not in good standing, will board entertain application?

Stawnychy – spoke with attorney and city manager. Advice was to move forward with this years application. We will deal with payment dispute as we go forward.

Kantrud – conversations with manager, working on

MOTION # 10 (Stawnychy/Cernohous) Move to approve 2010 permit for Municipal marina.

Norwick – there is a change with extensions. Are they already in? largest funding source. Disappointed on how it transpired, everyone else followed rules, sorry it hasn't been resolved yet. Understand moving forward.

Danks – is there proposed timeframe for outstanding balance?

Stawnychy – not a date, trying to resolve asap. Legal implications have to be addressed

Allaben – on p 5 regarding balance due in April..... if we approve this what payment is expected, is it a problem again?

Stawnychy – all part of discussions

Michaud – in site information parcel 1, parcel 2, etc....? What is that?

Mark Sather

Application for boat works is for parcel 2 shoreline of 354'

MOTION Friendly amendment (Michaud/Stawnychy) Move to approve permit same as last year with variance to reflect changes made for this year.

Tony Feffer, White Bear Lake

Amazed that board will approve this application. Shocked at how irresponsible this is. They have not paid fees, and you're going to approve. You would not do for anyone else. What are legal implications you won't share with public? What is Mr. Kantrud talking about? Norwick – expressed disappointment already. Will not support motion to approve. Can I request Mr. Kantrud tell us so that we can vote accurately? There have been comments regarding legal issues with application... is there info we should know prior to vote?

Kantrud – if you disagree with fees not being paid vote no. Issues are the cities issue, not the boards. Not trying to treat differently, they are different entity. On principal, if you can support then vote no. People are anticipating using slips.

Norwick – don't want to stop everything, understand there are other ways to do this.

St Germain – comfortable to grant permit under condition they pay bill. No problem with application.

Kantrud – have \$ put into escrow.

Sather – did not intend to speak but comments made were irresponsible.

Back when water was low in past at Matoska, wblcd charged only for what was used. Plan was adopted then for ½ payment early, ½ in end of august. Last year docks went in early for fishing opener. Slips were out of water because they couldn't move out past 300'. There is a law that cities are not allowed to be paying for things they do not receive. Did not receive use of slips, asked for adjustment. We were told policy changed. Agree to work it out. Before May meeting it should be worked out. Problem relates to the city's ability to pay for something that was not received.

Norwick – understand pay for what you use. Did not think it was big deal to go back and recount. But this was on the agenda months ago, decision was we need to receive payment prior to permit. That was time to speak out. Now is poor timing and doesn't feel right to now just change mind. Should have been addressed in past.

Parenteau – motion on table right now. Not fair to hold people hostage who want to rent slips. Think we can work it out.

Danks – there were other parties asking for relief also. Have they paid?

Stawnychy – yes, others have paid

St Germain – all others have paid?

Steinworth – all others have paid. What is fair?

MOTION vote

6 aye, 2 nay (Norwick, Steinworth), 1 abstain (St. Germain) Passed.

Pete Sampair

Couldn't rent slips due to low water. Will have to extend. Does he need to come back for variance?

Michaud – Mr. Sampair fill out variance application for next meeting.

Submit new drawing of docks and that will be variance. No fee.

8b6. Birchwood - Ash dock assoc

MOTION # 11 (Michaud/Cernohous) Move to approve permit for Ash Dock Association.

Danks - will abstain.

Greeley – how long is dock?

Michaud – 100'

Motion Vote

8 aye, Danks abstain. PASSED

8b7. Birchwood - Birch Beach dock assoc

MOTION # 12 (Michaud/St Germain) Move to approve permit for Birch Beach.

Dick Galena, Birchwood

Object to Birch Beach dock and the number of canopies there. 10 boats with canopies, unable to see thru. (Passed out photo). City council did not take up issue on belief that wblcd would be taking up issue and taking action to limit number of canopies. Ask board to restrict canopies on this dock.

Allaben – canopies are not in current ordinance?

Michaud – correct

Stawnychy – no grounds at this point to restrict canopies

Galena – there are grounds, also on agenda is discussion relating to larger style of canopy on basis that they interfere with view of lake. Ord 5 does give you right to restrict.

Motion vote

All aye, PASSED

8b8. Birchwood - Dellwood dock assoc.

Platform on east side will be moved to west side so that “T” will become an “L”.

MOTION # 13 (Michaud/Cernohous) Move to approve Dellwood dock association permit with change of dock “T” section. Platform on east side will be moved to west side so it becomes an “L”.

Norwick – took extraordinary measures last year. Seeing application come in again, felt disappointed to see the T at end. Also aware that configuration encourages them to encroach on adua. Only one with T at end of dock.

Michaud – directed placement for all 3 docks in area last year

Tony Sampair 409 Lake Ave Birchwood

Would like to remind board of criteria for acceptance , 7 of 12 from ordinance are being violated here. Part 4 of ord 5. traffic, noise,

regulation compliances, quality of water, general public vs segment of population, adua encroachment, etc. Definitions are in ordinance. To approve with encroachment is wrong. By moving last year you know there is a problem. Do not unnecessarily congest an area. Does not fit DNR guidelines. Safety problem. Use discretion.

Kantrud – reminder we are in active litigation. Summery judgment hearing just held. No decision from court yet. Be aware of before commenting

Greeley – judge suggested mediation, Dellwood assoc. did not want to come. Have been protected by city for years. We're in court for wblcd and city to enforce their own rules. Change over years. City Council has conflict of interest.

Michaud – keep comments to permit

Greeley – if they were responsible we wouldn't be here. Follow rules of ingress/egress. Direct violation. Only problem is at Dellwood. Complete change last year. Went to Birchwood reps last year, Doug created drawings,Take honest vote tonight

Bob Nicholson, 433 Lake Ave

Lake is low. Dock is in concave bay. What worked in past, will not now with extensions, there will be convergence. See what is there today in whole area.

Galena - On application it states dock can move out if water recedes. Wouldn't they have to come back to district as in past?

Michaud – not part of applications

Stawnychy – will not be part of permit.

Galena – so variance would have to be applied for? Can notify neighbors as part of process?

MOTION #14 vote

5 aye, 1 nay (Norwick), 3 abstain (Allaben, Steinworth, Danks). PASSED

8b9. Birchwood – Elm St Dock Association

MOTION # 15 (Michaud/St Germain) Move to approve Elm St Dock permit. All aye PASSED.

8b10. Birchwood - Kay Beach Dock
swimming only dock

MOTION # 16 (Michaud/St Germain) Move to approve Kay Beach dock permit. All aye, PASSED.

8c. Lake Education Committee

8b1. There will be a LEC meeting Tuesday April 27 at 6 pm to plan for annual lake tour sometime in June.

8b2. Water removal ban

Place public notice in wb press again. Repost on website.

MOTION # 17 (Danks/St. Germain) Move to post public notice in WB Press regarding water removal ban, spending no more than \$100. All aye, passed.

8d. Treasurers report

MOTION # 18 (Stawnychy/ Parenteau) Move to approve and pay checks 3971 to 3975. All aye, passed.

8e. Board Counsel Report

Kantrud - Fine violations have been going to city of WBL. Now funds will be going to us.

Danks – question over Dellwood discussion over a different layout, is it allowed.?

Kantrud – yes, resolution is always great. But if initiated, has to be thru attorneys. Now could be used against us unless organized and with full disclosure. Encourage no discussion unless organized.

Danks – in response to Greeley’s last question, could we engage ?

Kantrud – we are not in position to drive. They would have to approach who they are suing and ask to work it out again.

Michaud – we could facilitate agreement if they could come to one. Not a negotiation. If they want conversation we would talk

Norwick – there is an advantage to come to an agreement. Doug is looking for guidance.

Kantrud – as member of the board it’s an uncomfortable place to be. The board, as a collective, got sued. Tread lightly.

8f. Administrative Staff Report

Items included in packet this month:

- Agenda
- March draft minutes
- March LUC draft notes
- Dock applications - 8
- Ordinance 5 draft with new canopy language from March as drafted by Alan
- 2011 budget planning sheet
- EWM funding - 2010 budget line items info sheet
- Recommendations for 2010 Invasive Species Management

7a. Ordinance 5 revision – Canopy language
MOTION # 19 (Michaud/Steinworth) Move to table discussion until next month. All aye, passed.

9. CONSENT AGENDA

10. ANNOUNCEMENTS

Law enforcement update – need a slip at one of the marinas for Ramsey Co. WA co will be at WBYC (per Matt Haberman).

11. ADJOURNMENT

MOTION # 20 (Stawnychy/Michaud) Move to adjourn. All aye, passed.

meeting adjourned at 10:05pm.

ATTEST:

Administrative Secretary

Date

APPROVED:

Board Chairperson

Date