



REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 P.M. WHITE BEAR CITY HALL
MINUTES of June 16, 2009

APPROVAL DATE: 7/21/09

1. CALL TO ORDER The June meeting of the White Bear Lake Conservation District was convened by Chair Thomas Hoffman at 7:00 pm.

2. ROLL CALL Present were: Chair Thomas Hoffman, Vice Chair Luke Michaud, Directors Diane Longville, Mike Parenteau, Doug Danks, Mike Stawnychy, Yale Norwick, John Steinworth, George St. Germain. A quorum was present. Recording secretary was Julie Yoho. Absent was Sue Cernohous (not excused).

3. AGENDA

Add items: water temp & zebra muscle signs under LQC. Water patrol update / Wa co. under new business. Add item 8b3. Docks of WB permit change request.

MOTION #1 (Michaud/Stawnychy) Move to approve agenda with additions above. All aye, passed.

4. APPROVAL OF MINUTES

Steinworth comments on page 1 – change. Julie will review tape to confirm discussion points given by Steve McComas.

MOTION #2 (Michaud/Norwick) Move to approve minutes and correct if necessary after staff reviews video. All aye, passed.

5. PUBLIC COMMENT TIME

none

6. NEW BUSINESS

6a. Ordinance 5 proposed revisions regarding ADUA & canopy language
Michaud – LMCD has a drawing in their ordinance. We should consider including a drawing as part of the ordinance defining ADUAs. Would like to wait until pending lawsuit is further along before changing ordinance.
Norwick – would like to do now
Stawnychy – is the water level defined as the ordinary high water or actual water line? Include text for both in there.
Norwick – LMCD has this hardship also
Michaud – this is an extreme year, we have 250' of sand from OHM, not close to navigable water.
Danks – supports the idea of including a drawing

Hoffman – would like final changes to be done in September so we can apply to 2010 permits.

Kantrud - Sept can be second reading & approval , August can be first reading & public hearing.

Norwick – maybe include language for unusual low water level

Kantrud – there is language for circumstances beyond control; would be considered hardship. Does not suggest extending property lines out

Hoffman - this will take more discussion

Kantrud – Board can table until certain date – (August) , or could publish for public comments prior to August

Michaud – The Ordinance as written has stood for long time. At some point I suggest voting on each amendment separately before adopting the whole ordinance.

Hoffman – can someone bring drawing?

Michaud – suggest Doug Danks

St Germain – suggest drawing showing various lots and extended lot lines as examples

Danks – can start with LMCD example and illustrate others

Norwick – LMCD is clear on extended lot lines and is able to define hardship cases

Stawnychy – in favor of eliminating side lot lines. Bring distances out from point on shore.

Norwick – that causes overlap immediately

Parenteau – has talked with LMCD. They have problems too. I like the idea of looking at different types of lots and seeing what problems come up. Their (LMCD) ordinance is a bit harsh.

Norwick - agree, but they do have a good starting point

MOTION # 3 (Michaud/Stawnychy) Move to table until August meeting and put on agenda for new business.

Discussion

Parenteau – do we discuss in July if we have drawing?

Kantrud – you can table until July then table again.

Hoffman – we can always bring up in July and add to agenda

All aye, passed.

6b. Water Patrol update – WA County

Norwick - talked with Sgt. They have approval for another boat, but o funding until July. Intend to place permanent boat on WBL, Docks of WB will dock boat. Will work to coordinate coverage with Ramsey co. As of today, they expect to be here this fall.

St Germain – how much time, will they coordinate coverage with Ramsey? Are we paying WA county?

Norwick – will look at as a board and see what is efficient

Michaud – will we need an annual contract like we have for Ramsey co? With specifics?

Kantrud – because of dual jurisdiction, tax payers are owed coverage by both counties. Have to decide how much is standard and how much is

supplemental. What will each commit to and how much more will we commit to spend? A Joint Powers agreement will cover who does what. Hoffman – would like to have meeting with both WA and Ramsey co Michaud – we have not talked to WA co. for a long time. Norwick – WA co. realizes it’s part of their responsibility. Maybe hold another prelim meeting with Hoffman, then invite them to come to board or have written commitment. Then talk to Ramsey. The WA Co commissioners understand the obligation as well.

7. UNFINISHED BUSINESS

none

8. REPORTS/ACTION ITEMS

8a. Lake Quality Committee

8a1. water level is 920.52 Last June (2008) it was 922.53.

8a2. Temperature is 70, in 2008 it was 67.

8a3. Zebra muscle signs. The New buzz word is “AIS” – Aquatic Invasive Species. DNR has signs for free for posting at public launch sites. Ramsey beach, DWB, City launch do not have. Would we want to make an additional sign with picture to be more clear rather than just AIS? Ramsey boat ramp will be closed July 6 – Dec 1.

Hoffman – AIS is ambiguous. Like the idea of doing an additional sign.

Parenteau – there are grants available for zebra muscle information, and a local coordinator and a sign coordinator.

Danks – will work on signage issue & coordinate with Mike.

8b. Lake Utilization Committee

8b1. Altstatt mooring buoy application. Was tabled last month because it was incomplete.

MOTION # 4 (Michaud / St Germain) Move to approve Altstatt mooring permit.

Discussion

This is a mooring buoy off a private residence. All buoys need permit; this is one of the only legal ones.

All aye, passed

8b2. City of White Bear Fireworks permit for 4th

MOTION # 5 (Michaud/St Germain) Move to approve permit for July 4. All aye, passed.

Notify sheriff to have lights on by island point and peninsula point when fireworks are over.

8b3. Docks of WB revised configuration. Seeking amendment for 09 due to water levels.

MOTION # 6 (Michaud / St Germain) Move to approve revision to permit.

Discussion

Norwick – not comfortable this popped up tonight

Michaud – would like to amend motion based on discussion of LQC.

Amendment (Michaud) Permit contingent on posting 35 mpg sign along with any other signs WBLCD deems appropriate for public launch. Speed limit sign must be up immediately.

Norwick – is there way to ask them directly rather than attaching it to something?

Steinworth – is signage just what we discussed tonight? No advertising

Amendment (Michaud) Also contingent on payment of first half dock fees. All aye passed.

8c. Lake Education Committee

8c1. Annual boat tour is Thursday, departing from Matoska. 13 people attending. Doug & Tom to coordinate. What is depth like at launch?

Hoffman – launch is being used

Danks – leave at 6:00, 2 boats. We'll have some extra room.

Michaud – Would like LEC to include WBLCD establishment act on website

8d. Treasurers report

8d1. treasurers report

MOTION # 7 (Longville/Parenteau) Move to approve and pay checks 3714 – 3720 move to approve and pay checks. All aye, passed.

8d2. 2010 budget

MOTION # 8 (Longville/ Parenteau) Move to approve 2010 budget and send to communities. .

Hoffman – plan is to spend fund balance if needed.

All aye passed

St Germain – is there way to show how much was deferred bills, rather than carry over? Maybe footnote in future. Would like outstanding debts posted.

8e. Board Counsel Report

Citations were issued for failure to move docks. The owners have filed suit against WBLCD. The first lawsuit not directed at WBLCD, the second directly addresses WBLCD action.

Stawnychy – do they have to move docks?

Kantrud – they did not move, so were cited. They still have not moved. Will stay while working through process unless we move them via the court system. Would be a separate process. WBLCD could give request to the judge citing safety concerns.

St Germain – what happens to the fines?

Kantrud – in criminal court, will result in fine and / or jail time. Their suit is in civil court

St Germain – if they don't move, what happens to fine we impose per day?

Kantrud – if found guilty of violating, the judge imposes.

It is a continuing violation. Criminally they have 1 misdemeanor.

Michaud – once we issue ticket, every day in violation is another offense from date tag was issued

Kantrud - the way it's written, court would have 1 criminal violation

Parenteau – in the ordinance it states “upon conviction”

Kantrud – the board can decide if more action should be taken.

Michaud – how much more would it cost?

Kantrud – there would be time, court costs. 150 plus filing fee

Michaud – would \$1000 cover? We should eliminate the situation.

Kantrud – 2 separate cases. Would be around \$600 to take both to court.

Norwick – how much faster?

Kantrud – injunctive action would be faster, have to show circumstances necessitating removal

MOTION # 9 (Michaud/Stawnychy) Move to approve spending up to \$2000 to have Alan file necessary paperwork at his discretion for removal of docks.

Discussion

St Germain – if they remove, what happens to criminal case

Norwick – should this have been on the agenda?

Kantrud – this is an enforcement issue. Lawyers or parties involved are not going to come here to discuss enforcement.

Parenteau – asked them to move within 10 days. What if they move now?

Kantrud – we could drop criminal suit if they comply. It's like a zoning issue, drop order once they comply.

Hoffman – remove docks or move?

Michaud - Move. Be in compliance with order

Alan – discretion

Michaud – this is to alleviate situation.

Norwick – understanding this is speeding up the process by issuing injunctions

Kantrud – asking for temporary relief. The other cases move on.

This provides relief up-front. Won't decide whole case.

Steinworth – would like to hear from reps of the community

Hoffman – supports

Motion vote

8 aye, 1 nay (Norwick) Passed.

8f. Administrative Staff Report

Buoys were ordered and will arrive soon.

Letters were sent out notifying people of pumping restrictions.

Danks – several other properties will get pumping letter. Do they need to pull hoses out of lake?

Michaud – on older systems that can be big expense. Keep track of addresses

Danks – agree that would be extreme. In future maybe permit

Stawnychy – do we have to witness the water being on or just see pipes? Procedure?

Hoffman – The letter is informative, many were just unaware

9. CONSENT AGENDA

MOTION # 10 (Michaud/Parenteau) Move to approve consent agenda. All aye, passed.

10. ANNOUNCEMENTS

The DNR planted a rain garden in Matoska park today

11. ADJOURNMENT

MOTION # 11 (Michaud/St. Germain) Move to adjourn. All aye passed.

Meeting adjourned at 8:35pm

ATTEST:

Administrative Secretary

Date

APPROVED:

Board Chairperson

Date