



REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 P.M. WHITE BEAR CITY HALL
MINUTES of July 17, 2012

APPROVAL DATE: 8/21/12

1. CALL TO ORDER The July meeting of the White Bear Lake Conservation District was convened by Chair Mike Stawnychy at 7:00 p.m.

2. ROLL CALL Present were: Chair Mike Stawnychy, Vice Chair Luke Michaud, Directors George St. Germain, Mike Parenteau, Jane Harper, Diane Longville, Yale Norwick, Suzanne Donnell. A quorum was present. Recording secretary was Julie Yoho. Absent was Sue Cernohous, Bryan DeSmet (excused).

3. AGENDA

MOTION # 1 (Stawnychy/Parenteau) Move to approve agenda. All aye, passed.

4. APPROVAL OF MINUTES

MOTION #2 (Stawnychy /Parenteau) Move to approve minutes of June. All aye, passed.

5. PUBLIC COMMENT TIME

Jerry Mahoney, Eagle St., White Bear Township.

- Will there be any discussion on USGS survey?

Stawnychy – no, not tonight.

Mahoney – regarding \$11,000 shortfall - why there was a shortfall? Overruns?

Stawnychy – there was verbal consent as to amount being contributed when project started

Mahoney – not a good way to do business

St Germain – We got a commitment at the time that if a shortfall occurs, the process would stop. That is what happened.

Norwick – correct, \$11,000 needed to complete

Dick Galena – attorney for Dr. Liengswangwong of Mahtomedi. I'm here because of action taken / letter from Mr. Michaud ordering easement dock to be moved into my client's adua (authorized dock use area). We had no knowledge of this, no hearing, not fair. There should have been a hearing prior to moving dock 40 feet into adua. Northern line of property easement has 10'. In yrs past it followed property line and took up only 10'. There is a 1981 court order stating where it should be placed. Mr. Brown is here today who owned that property at the time

of court order and agreement with easement holder - will testify it only is to take up 10'. Easement holder was notified to move dock at angle and now it sits 40' into adua and within 6' of end of my clients dock. Clients have their dock in middle of their property about 61' from border. Board cannot authorize this placement and has taken over adua. Outside of scope of easement agreement. Putting my clients at odds with easement holder. We are asking boat lift be removed because interfering with rights, dock be moved back to where it's been since '79. Not fair we weren't notified, no hearing. To wait another month while someone uses their property is not right. Feel they are being taken advantage of because they are new here. Ask that the Board remedy so we don't have to take civil proceedings to interpret easement.

Michaud – just as a comment, the LUC heard similar. Recommend put issue on August meeting for hearing and...

Galena – wasn't done this way before, never got copied on letter so why wait? At minimum lift needs to be moved to other side. How was this decided?

Michaud – based on complaint by northern neighbor.

Norwick – does it need to be a motion to put on agenda?

Galena – if that is only remedy, certainly. Also ask lift removed

Harper – attorney question: If there is court order for placement what is our authority to override?

Kantrud – dock is where its supposed to be, order did not address adua . Adua is not extension of riparian rights, order discusses land side. Board orders where it goes once in the water.

Harper – so order affects placement of where it is on land, how it goes into water is jurisdiction of this board?

Kantrud – yes, usually this occurs because people cant get along on land side.

You can't have an easement over water.

Stawnychy = place on agenda for next month.

6. NEW BUSINESS

none

7. UNFINISHED BUSINESS

none

8. Reports/Action Items

8a. Lake Quality Committee

8a1. Lake temp 86 degrees. Up 12 degrees from last month

8a2. Lake Level 920.45, down 2.5" from last month,

8a3. EWM Treatment. 128 acres were treated on July 11 which covered areas with surface weeds. Another 20 acres were identified which will be treated if approved by DNR. In Approximately 2 weeks the plant withers down to bottom and kill at roots. Survey was done early... some old grow areas are high now. Process takes so long.

Michaud – what makes it take long?

Parenteau – did early survey June 9. DNR went out on June 20 to verify. June 23 notified grant dept. but that person was out of office. Applicator was ready as soon as we got approval

8a4. Submerged debris in lake. Large platform floated up then went back down. Train wheel, snowmobile off Bellaire beach. Should we be hauling out?

Stawnychy – would like to have snowmobile removed, can't locate it again until weeds go back down. On GPS but can't see it. Police said they would take it out if they find it.

Parenteau – removed barrel out last year. What does board feel ?

Norwick – if hazard to navigation law enforcement will take out.

St Germain – Ramsey co was going to take snowmobile, just lost location

Stawnychy – in regards to others? Do we have budget for?

Donnell – willing to call DNR and find out policy. DNR, County.

8b. Lake Utilization Committee

Michaud – Will review Galena's case in August.

Donnell – don't always understand, how can I learn?

Michaud – feel free to call me, can sit down and go over history, etc.

Michaud – Also have complaint over dock placement in Birchwood - encroaching property. Based on survey provided, dock starts on their property. Others are in process of submitting another survey that disputes. Recommend hold until august for other survey. If survey is correct, it's clear violation. Look for more.

Michaud – volleyball net off end of peninsula.

Harper – photos make it look permanent. Looks like navigation hazard.

Michaud- not enough water, so no navigation

St Germain – if property owner complains is it an issue?

Michaud – certainly, haven't complained.

Stawnychy – hazard at night, would property owner be responsible if something happened? Water 2' deep max. Jet ski possible. Lakeshore owners haven't complained. This is a gathering place since water has been low. Don't know how to approach. Would like to talk to homeowners.

Parenteau – if homeowners haven't given permission to put this structure in, it's in violation of ordinance.

Longville – does it need a permit?

Michaud – no.

Harper – doesn't seem we should wait until there is a complaint...

Michaud – what is the violation? If no one has problem with it...

Harper – people have staked a claim there. Structure precludes others use of water in that area. What if others go down shore and do more?

Donnell – how did this come to light?

Norwick – always has been temporary volleyball nets there. More use there now. The sheriff focuses there. There was 1 complaint from someone who is not the property owner.

Michaud – believe the property owners are aware of it.
Donnell – I’d be willing to contact him, see if nay issues with it.
St Germain – We have 1 complaint, sheriff asked for answer – asked if needed permit, I said no.
Kantrud – be careful about proactively looking for a fight .
Parenteau – maybe send letter
Stawnychy – draft letter, let property owner know we are aware of it & make contact.

8c. Lake Education Committee

Watercraft Inspection grant was received.

We will be organizing a boat tour. Will invite officials from member cities to tour lake and go over issues. Opportunity for council members to hear about lake issues. Will try to use the “Lets go fishing” boat - non profit.

8d. Treasurer’s Report

MOTION # 3 (Longville/Parenteau) Move to approve Treasurers report and pay checks 4112 – 4116. All aye, passed.

8e. Board Counsel Report

WA County agreement for the USGS funding is off to them for signature.

Citation was issued for Park Ave resident. No date set yet. Wa Co court is setting up jurisdiction. First ticket issued through them.

8f. Administrative Staff Report

Items included in packet this month:

- Agenda
- June draft minutes
- Finance report
- Harrod dock dispute & response letters

9. CONSENT AGENDA

MOTION # 4 (Michaud/St Germain) Move to approve consent agenda. All aye passed.

10. ANNOUNCEMENTS

none

11. ADJOURNMENT

MOTION # 5 (Stawnychy/Parenteau) Move to adjourn. All Aye, Passed.

Meeting adjourned at 7:56pm

ATTEST:

Administrative Secretary

Date

APPROVED:

Board Chairperson

Date