



REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 P.M. WHITE BEAR CITY HALL
MINUTES of August 16, 2016

APPROVAL DATE: 9/20/16

1. CALL TO ORDER The August meeting of the White Bear Lake Conservation District was convened by Vice Chair Bryan DeSmet at 7:00 pm in the Council Chambers.

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

3. AGENDA

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

4. APPROVAL OF MINUTES

MOTION #2 (Ganz/Parenteau) Move to approve minutes of July. All aye passed.

5. PUBLIC COMMENT TIME

Mike Downing, resident S Shore Blvd WB Township. Objecting to resolution by Board to open swim beach at Ramsey Co beach. Water level needs to be at 923.6 level to open safely according to 2015 study. Would like DNR to dredge beach area to remove drop-off area. County will open when safe.

6. NEW BUSINESS

none

7. UNFINISHED BUSINESS

none

8. REPORTS/ACTION ITEMS

8a. Lake Level Resolution Committee

No meeting

8b. Lake Quality Committee

8b1. Water level 922.28, 1 foot higher than last year at this time

8b2. Temp 72 degrees

8b3. EWM treatment took place of 60.5 acres, plants going down. Will be evaluating in next week or so.

8c. Lake Utilization Committee

Only item tonight is public hearing later for dock issue that started 2012

8d. Lake Education Committee

Website has been modified for people to report zebra mussels

Would like to run informational ad in mid-September. Draft here. Quote \$414.36 for each run

Parenteau – what do you do with them when you scrape them off?

Costello - Will check with DNR on procedure

Review & Comments on text to Scott by Sept 1.

MOTION #3 (Costello/Altstatt) Move to purchase ad in WB press for one run in mid-September. All aye passed.

8e. Joint Powers Task Group

none

8f. Treasurer's Report

MOTION #4 (Parenteau / Ganz) move to approve and pay checks 4365 – 4370. All aye passed.

8g. Board Counsel Report

Following one case

8h. Administrative Staff Report

Items included in packet this month:

- Agenda
- July draft minutes
- Comments on Harrod / Mahoney : 1
- Draft Zebra mussel ad
- “Thank you” note !!

9. CONSENT AGENDA

MOTION #5 (Parenteau / St Germain) Move to approve. All aye passed.

10. ANNOUNCEMENTS

None

11. PUBLIC HEARING ON HARROD & MAHONEY DOCK PLACEMENT

Overview: 2012 land dispute between neighbors which affected dock placement. Order was issued to place docks in middle of property until land issue was resolved. Land issue resolved by courts this summer, Mahoney's moved dock over, conflict ensued, and complaints came before board. During 3 years when docks were in middle no complaints came in. Issue is being addressed because complaints came in. Hearing was announced last month, notice given and issues is coming before Board for resolution tonight.

DeSmet – call public hearing to order.

Jared Goerlitz, attorney – We have two parties that can't get along, the proposed resolution favors one side. Our position is that board decide based on facts, based on underlying concern. Don't see any problem with Mahoney's current dock placement for Harrods in how they're using their property, don't see safety issue or how moving to middle would solve. What is underlying issue? Docks are 23 feet apart right now. This is personal vendetta; no hardship or safety issue. Mahoney's have 63 feet of shoreline should be able to use as they want. Started in 2012 over the property boundary, survey discrepancy. Court determined, in meantime docks went in middle. Mahoney's moved dock over for beach space. Dispute is personal and not over safety. Perspective is there's been no issues over past 3 years, but that's not the case, they just didn't come before you. From Mahoney perspective having dock in middle of property did not resolve issues. Unreasonable to request they put dock in middle. Only restriction board has is the docks can't be within 10 feet of each other. Harrods only own 40 feet and have 6 boats. Sometimes 8.

Q&A

Altstatt – shoulder injury?

Goerlitz – Mr Mahoney used to have dock over by other edge of property by Kramers. Moved it in 2011 after surgery to allow more room for turning

Altstatt – what didn't work when dock was in middle of property?

Goerlitz – didn't allow enough swim area and use area.

Jim Harrod – This is not personal. Mahoney's have refused to be reasonable. Dock has been in 6 different places over past 6 years. Registration process for land issue still not complete. WBLCD still has authority to place docks, order should still be in effect. Mahoney did not consult with anyone before moving over. Dock blocks us in, violated order, safety hazard. In June police were called because our son bumped into their dock. Other side of our dock is the City of Birchwood Kay beach. Susie recommended moving sons boat to other side which makes it go into public beach. First year they moved over I asked why; she said because they can. Pointed out that it crowds people further down the shoreline, said they didn't care.

Altstatt – registration process?

Harrod – trial finished but appeals are going on. Registration not complete, markers not in ground marking boundary. Went thru mediation (attempted) they wouldn't speak. Need intervention on issue

Parenteau – land in debate – how wide?

Harrod – 63' on Mahoney as determined via adverse possession

Parenteau – property line is not disputed

Kantrud – Mr Harrod sent in letter this morning to Board. Question for you: How has past 3 yrs been with order in place?

DeSmet – have there been issues?

Harrod – No, we all have room to navigate, didn't have barrier to go around.

Kantrud – property line has been established regarding board order from 2012 – that part is done.

Appeal is on other side of property

Parenteau – you understand your ADUA?

Harrod – understand to OHM, angles out more perpendicular to shore not expanding

Parenteau - You have enough space in ADUA?

Harrod – yes with docks in middle of property. We share with Kay on right. When Mahoney was in middle we had room, now crowded. They angle out, their interpretation of adua is in dispute

Parenteau – was there this morning. Both docks appear to be within their ADUA.

Ganz – people are feeling they can put a fence out. Your ADUA is not owned, it's yours to use to store boats and have a dock. Other people can be there as long as not unsafe or unsanitary. You can cut across. Happens everywhere. It is not property.

Candace Kramer – neighbor on other side of Mahoney property. Support docks being in middle of property, be neighborly, people don't own the water.

DeSmet – if Mahoney's move to middle, that gets closer to you.

Kramer – correct. But would not interfere with us.

Judy Devney – south side of Kay beach easement opposite Harrods. Common sense, courtesy, usage. Lived here 37 years, all neighbors have put docks in middle of property to allow space for all to enjoy lake. Not asking too much to put in middle. Right thing to do. Privileged to live on the lake and realize its public property.

Mike McKenzie 509 lake ave. since 94.

Email last month and attended meeting. Neighbors can't get along, sad state to bring lawyers.

Board will have to determine something enforceable or this will continue.

Goerlitz – appeals pending on Kramer side of property. Isn't about public opinion it's about law and facts.

Close public hearing

Discussion among board

Ganz – within ordinances it's not about where they start, we measure off end of T for clearance. Not valid argument to use a dock as barrier. In past we measure off post and go straight out. No angel.

Altstatt – history of similar cases. Is it enforceable?

Kantrud – yes. You have authority over everything in the water. ADUA allows use without permit. When conflict arise, you resolve. Decision may not be liked but in dispute that's about the best you can do. Never saw complaint while order was in place.

Altstatt – they're not in violation

Kantrud - Not in violation - Your being asked to resolve conflict. When it comes to docks and ADUAs, yes you are the authority. This started as a different dispute, now your addressing new complaint.

DeSmet – Luke is here any questions – has been dealing with this dispute from beginning

Luke Michaud – Gene, over 20 yrs we've been able to settle disputes. Most recent (2009) went to court over a dock placement order. Case was dismissed. That order took into account all sides and WBLCD had authority. Never appealed, stood.

Parenteau – if docks are put in middle it has to apply to all properties. Also at end of dock Ts and Ls need to be addressed.

Ganz – resolution addresses Ts & Ls.

Parenteau – in ADUA should be able to do what they want. They asked us to solve personal dispute. Doesn't seem fair but we will. Seems to be only solution.

St Germain – they don't want to compromise.

Parenteau – you may not like what you get

McCann – asking us to resolve a family dispute with arbitrary decision. If you live on the lake you've got people around.

Costello - resent being asked to do this. Other neighbors are asking to get along and have common sense. They propose middle placement to keep it simple. They live with it every day.

Middle is not a cop out. It's applying common sense, golden rule doing what we need to do.

Parties will be angry,

MOTION # 6 (Ganz/St Germain) Move to pass resolution as presented in LUC.

Discussion

Change dates in resolution.

Kantrud – suggest not taking input tonight. Update resolution and bring back next month for vote. Findings need to be accurate. Remove from table, add to unfinished business next month. Fine tune findings section.

Ganz – will withdraw motion for this month.

MOTION WITHDRAWN

DeSmet – under advisement will issue order next month

St Germain – still safety issue for utilizing this area, not just people not getting along. Remember water is open to anybody.

12. ADJOURNMENT

MOTION # 7 (St Germain / Parenteau) Move to adjourn. All aye passed.

9:01 pm meeting adjourned

ATTEST:

Administrative Secretary

Date

APPROVED:

Board Chairperson

Date