



REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 P.M. WHITE BEAR CITY HALL
MINUTES of September 15, 2009

APPROVAL DATE: 10/20/09

1. CALL TO ORDER The September meeting of the White Bear Lake Conservation District was convened by Chair Thomas Hoffman at 7:05 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, Sue Cernohous. A quorum was present. Recording secretary was Julie Yoho.

3. AGENDA

Add item posting of public contact board information under new business. Move LUC items after public comment time.

MOTION #1 (Parenteau/St Germain) Move to approve agenda as amended. All aye, passed.

4. APPROVAL OF MINUTES

Under item 8a, one change under LQC

MOTION #2 (Michaud/Parenteau) Move to approve August minutes with changes noted above. All aye, passed.

5. PUBLIC COMMENT TIME

Brian McGoldrick, Docks of White Bear

Would like to put in ice skating rinks this winter and provide warming house for skate changing. Would like to know what would be required, would like feedback, any permit?

Norwick, Hoffman, Cernohous – great idea

Parenteau – This idea has been discussed in the past. May need to have insurance and permit since it will draw more than 49 people.

Mike & Brian to work together on permit

8. LUC committee report

8b1. Winter Carnival Ice fishing event. More information has been provided. LUC recommends approval for the event with conditions.

Motion #3 (Michaud/St. Germain) Move to approve permit for Tournament Specialists 2010 Winter Carnival Ice Fishing Contest with following conditions: name WBLCD as also insured, organizers obtain all other necessary permits, obtain approval for

parking, provide updates to the WBLCD on which local organizations will be involved. (food vendors, etc.)

discussion

Steinworth – non profits will be able to make money from it? Will fees be deferred?

Michaud – fees need to be paid.

Longville – where will contest be held?

Dave Praschak, Tournament Specialists – off Ramsey County Beach. A perimeter will be established, contestants need to stay within area.

Longville – clean up?

Praschak – yes, past experience with clean up. Want to have event that WBL can be proud of.

Motion Vote

All aye, passed

8b2. Commercial bay slip allocation

Meeting was held last month, looked at slips per foot of shoreline. LUC will continue to work on and bring forward various scenarios for Board discussion.

6. NEW BUSINESS

6a. Ordinance 5 revision.

Hoffman - See handout on procedure. We are continuing discussion that will result in first reading of ordinance. Suggest focusing on canopy language tonight.

Norwick – We only have monthly meetings, should spend time to get this done

Doug – start with canopy then continue and try to complete first reading

Kantrud – walk through the language that we have in the draft. You're not at first reading yet, working to get there

Hoffman – on subd 18 remove slash, not plural

Part 3 subd. 1a. discussion

Danks – this change was to address scenario where a structure is placed on lot line

Norwick – Change the rules if they are bad. We need foundation for rules. I like it as written.

St Germain – at a 10' easement, how do they put dock if have to be 5' off property line?

Norwick – right now you can't put dock in within 10' of each other.

St Germain – yes, if other structure is moved over they can. Lot line doesn't move

Danks – further down there is a provision for adjusting the setbacks and also a provision for hardship variance.

Longville – does not understand how this language would help the problem we have this year.

Stawnychy – will hurt in some way, help in some way. Every dock has to have 5' setback

Michaud – looking at changing ordinance based on situation this year with 2 individuals. In history of board when there is conflict it has been resolved using 5/5 split. Board took appropriate action for problem this year. Will not vote for change, this would not help situation.

Norwick – these people were in compliance with our ord. Here we have chance to keep this from happening again. We lost the injunction, correct?

General Arguing

Danks – set aside the boundary definition for a while. We have an example of encroachment of a dock in Birchwood. Could not give them clear answer beyond filing complaint and having them come in for resolution. Feels this language can allow homeowners to look at it on their own situation so that they don't all have to come in for arbitration. This is a way to establish ADUA boundary in alignment with property line. It's a quantitative way for homeowners to settle own disputes.

Kantrud – you can pass first reading it as is, revisit other language later. Would recommend you don't have multiple versions in different stages. Board can waive 2nd reading as long as ordinance is published.

Hoffman – would like to pass language for lifts with canopies on multi user docks

Parenteau – this would affect many people

Norwick – not affecting that many

Parenteau – pontoons are as obstructive as canopies. Not fair. Will oppose

Michaud – we haven't thought through the consequences

Steinworth – need to define scope of problem. There are varying opinions on how big of an impact there is. Need to research and come back next month.

St. Germain – limit no more than 4 rather than eliminate

Kantrud – Johns point is well taken. You can't change law without justification of why it is needed. Rational basis is needed.

Hoffman – agree more data is needed.

Danks – hard time making up mind on issue. In Birchwood the docks coincide with public parks, canopies take up large view. Size of canopy is also an issue

Hoffman – keep discussing, get more data. Straw poll: do we include AUDA language? Vote to include all changes?

MOTION #4 (Hoffman/Danks) Move to accept changes to Ordinance 5 and consider this as first reading, all inclusive as written here.

Discussion

Parenteau – in favor of everything except the setback as written

Steinworth – everything we vote for just moves it up a level, can still be changed

Michaud – will vote against it moving forward

Motion Vote

6 aye, 4 nay (Michaud, Stawnychy, St. Germain, Parenteau) passed

Michaud - 3 nay votes were from LUC members who deal with these issues most

Norwick – I object, some voted for

6b. Board public contact information
Steinworth – strongly request this email information not be posted without each individual’s consent. Advises no one put their personal information out there for misuse. At last meeting we were told we had to do this as elected officials. Contesting that. Not elected by citizens at large. Other commission members are not published on website, ie. Planning Commission. Only address he would put out would be @wblcd.org address. Would like his email address to be used as blind cc only.
Kantrud – state law does apply here
Hoffman – lets look into separate email accounts
Steinworth – is WBLCD liable if things go wrong once info is posted?
Kantrud – law is so that public can get a hold of you. Email or phone. No liability. It’s one of the consequences from being on a public board.
Steinworth – arguing
Kantrud – other boards willingly provide information
Steinworth – if it goes to WBLCD is it public record?
Kantrud – leave a phone number for direct contact if you prefer
Hoffman – Julie research getting uniform accounts and discuss next month

7. UNFINISHED BUSINESS

none

8. REPORTS/ACTION ITEMS

8a. Lake Quality Committee

8a1. EWM final report was distributed

8b2. water temperature: 77 degrees. Water level: 920.11.

8b. Lake Utilization Committee

See previous

8c. Lake Education Committee

no new news at this time

8d. Treasurers report

*MOTION #5 (Longville/Parenteau) Move to approve and pay checks 3932 – 3936.
All aye, passed.*

8e. Board Counsel Report

Dellwood park update - On Sept 9 order was issued that our injunction was denied. I can ask the judge to reconsider if Board would like. One WBLCD board member expressed support for the other side. This makes it hard to speak as a unified regulatory body.

Danks – could we ask that neighbor docks keep from being put in next spring pending outcome?

Kantrud – feels outcome will be determined before then

Norwick – I'm only telling the truth, rules were not clear. Lets have rules we can apply here. Feels WBLCD rules are bad and should be made better. I have asked Kantrud to resign, not impressed with his work.

St. Germain – disappointed you would do that when we have a case
Kantrud - problem here is a member actively working against what the board asked him to do. Minority opinion should not go against board vote.

Parenteau – you can have an opinion, but isn't right to go against full board vote

Stawnychy – if we decide as a board to do it, we all are together or all silent. You shouldn't go out against. You betrayed everyone on this board. We need to stand together.

8f. Administrative Staff Report

8f1. Items included in packet this month:

- Agenda
- Aug draft minutes
- Aug LUC draft notes
- Ordinance 5 draft changes
- Permit applications – Winter Carnival Ice Fishing (additional information)
- Final EWM harvesting report
- Krinke letter re: Dellwood
- Board public contact information

9. CONSENT AGENDA

MOTION # 6 (Michaud/Parenteau) Move to approve consent agenda. All aye, passed.

10. ANNOUNCEMENTS

Kantrud – Friday at 9 there is a hearing at the WA Co courthouse

Norwick – Why can't we discuss as a board?

Michaud – we have a strategy, you didn't follow

Norwick – lets have an executive session

Kantrud – need to have our attorney from LMC present, then we can hold executive session on this case

11. ADJOURNMENT

MOTION # 7 (Michaud/Longville) Move to adjourn. All aye, passed.

Meeting adjourned at 8:45 pm

ATTEST:

Administrative Secretary

Date

APPROVED:

Board Chairperson

Date