

REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 P.M., WHITE BEAR LAKE CITY HALL
MINUTES OF October 21, 2008

APPROVAL DATE: 1/20/08

1. **CALL TO ORDER:** The October meeting of the White Bear Lake Conservation District was convened by Vice Chair Luke Michaud at 7:03 p.m.
2. **ROLL CALL:** Present were: Vice Chair Luke Michaud, Secretary Diane Longville, Directors George St. Germain, Mike Parenteau, Doug Danks, John Steinworth, Yale Norwick, Mike Stawnychy, and Sue Cernohous. Absent was Chair Tom Hoffman (excused). A quorum was present. Recording secretary was Amy Varani (filling in for Julie Yoho).
3. **AGENDA: *Motion #1 (Parenteau/Cernohous) Move to approve agenda. All Aye, PASSED.***
4. **APPROVAL OF MINUTES: *Motion #2 (Parenteau/Cernohous) Move to approve minutes of September. All Aye, PASSED.***
5. **PUBLIC COMMENT TIME**

Brian McGoldrick, Docks of WBL: Working on the shoreline restoration. DNR grant money will go to City for Lion's Park. Question on status and process for the EAW he submitted; it was completed in July. No one with WBLCD received the document (computer issues at last meeting). He can go get a copy for Alan Kantrud (the attorney) comments. The Environmental Quality Board (EQB) has a 30-day review period of the EAW, and McGoldrick wants to get it to them soon. Luke Michaud stated that the Board didn't know what the status was with the document. The Lake Utilization Committee (LUC) . . . It would be best not to vote on this tonight. Alan stated that he received the EAW at the end of August and forwarded it to Julie Yoho on 9/11/08.

Steinworth stated that this item isn't on the agenda, which has already been set.

There was discussion amongst the Board about the timeframe of dealing with this issue. This item will be put on the agenda for the November meeting, with comments from the Board being heard in January. Michaud stated that it wasn't talked about in the September minutes. McGoldrick stated that it was talked about during the public comment time.

Steinworth suggested that the WBLCD Board be briefed on the EQB, the EAW process, what the WBLCD's role is, timelines, and the role of other entities.

As no one else came forward to speak, Vice Chair Michaud proceeded with the agenda.

6. NEW BUSINESS

A. Approval of Amy Varani to take minutes.

Amy Varani was accepted as recorder by acclimation by Vice Chair Michaud.

B. Committee Assignments.

Motion #3 (Michaud/St. Germain): Move to make a recommendation for the committee assignment of Doug Danks as new Chair for the Lake Utilization Committee. All Aye, one abstain (Doug) PASSED.

7. UNFINISHED BUSINESS

none

8. REPORTS/ACTION ITEMS

A. Lake Quality Committee

1. Lake Level

Parenteau stated that the lake level amount is at 921.28 ft. It is down 2.6” from last month and 9.8” from last year.

2. Water Temperature

The water temperature is at 53 degrees.

B. Lake Utilization Committee

1. 2009 Water Patrol Contract

Question over amounts in budget. Maybe table until the November meeting. Further review of figures worked out.

MOTION #4 (Michaud/St. Germain) Move to approve 2009 sheriffs contract.

Discussion

Norwick stated that he wants the Board to continue to look at alternatives to this and find additional assets to supplement their efforts, as the DNR and counties have responsibility for enforcement.

All Aye, PASSED.

2. Ordinance 19 to Amend 9

For those who don't already know, there are not 19 ordinances; they're sunsetted. Ordinance 19 is to amend Ordinance 9. It is pertaining to a jet sks towing someone behind them. The WBLCD can have more restrictive ordinances than the state. The new ordinances need to be posted at launches if more restrictive. The ordinance was read aloud.

Motion #5 (Michaud/St. Germain): Move to approve Ordinance 19 to amend Ordinance 9.

Discussion

Steinworth questioned the verbage in the ordinance where it says, “a wide field of vision to the rear.” What’s the definition for that? Attorney Alan Kantrud explained the history of this issue, factory-installed mirrors, and that lobbying was done. Steinworth and Kantrud discussed pre-noticing for ordinances such as this in the future. Norwick asked why the WBLCD needs to repeat something that the State has already done. We wish to align with the state laws. Steinworth asked about the process. Parenteau is okay with the noticing procedure for this. Alan stated we need to do public notice if Ordinance passes. ***All Aye, PASSED.***

2009 Dock Applications (No Change)

3. Bob Broen

Motion #6 (Michaud/St. Germain): Move to approve the dock application for Bob Broen. Steinworth wants objective criteria for voting on this. He’s opposed to these. Norwick agreed with Steinworth. The criteria is subjective. St. Germain stated that they look at the frontage, and if it’s reasonable and safe. Michaud disagrees with Steinworth and Norwick. Steinworth would like the applicant to come forward and explain why he’s applying for this. Michaud stated that it came to the Lake Utilization Committee (LUC). There was discussion about the LUC and the dock application process. ***Motion #7 (Steinworth): Move that the active motion be tabled. For lack of a second, the motion failed.*** Norwick is inclined to support this. He’s for the people using the lake. However, there needs to be better criteria for making decisions on these. They need to come to the whole Board all the time. Steinworth agrees with Norwick, that the criteria needs to be consistent for everyone. Steinworth asked if the adjacent property owners were notified. Michaud believes so; he’ll check with Julie Yoho. He stated that the LUC meeting is held at 6:00 p.m. before the WBLCD meeting at 7:00. ***8-Ayes, 1-Nay (Steinworth), PASSED.***

4. Snyders Bay

Motion #8 (Michaud/St. Germain): Move to approve the dock application for Snyders Bay. Michaud discussed the dock procedure process. Permits can be reviewed in the office, and he gave the open hours. They can also be faxed on request. LUC was created to ease Board workload. LUC only recommends, Board approves. Norwick asked about this application; it’s for 14 members on a 60 ft. easement. ***All Aye, PASSED.***

5. VFW

Motion #9 (Michaud/St. Germain): Move to approve the dock application for the VFW. All Aye, PASSED.

2009 Dock Applications (Change)

6. Whitthaus (new)

This is a lake property on Highway 96. There are four easements to the property. They're requesting two additional boats to accommodate four easements + give potential new owner 2 spots.

Motion #10 (Michaud/St. Germain): Move to approve the dock application for Whitthaus. There was extensive discussion regarding this application. Norwick asked for clarification; there are five separate entities. Steinworth asked about consideration of the verbage that is on the permit application. Michaud clarified the applicant's request. Norwick asked how the Board knows the specific requests. What does "easement" mean? Michaud stated that they could require . . . St. Germain stated that the property owner is requesting one for each of the four easements, plus two for the owners. Michaud stated that the permits are non-transferable. They would have to reapply. Craig Whitthaus, the applicant: They are one of the four original families who bought property. They are multiple boat owners if they stay with property. They want to be compliant with the intent of the agreement. It goes with the property, it's on their deed. If sold separately, one additional on dock. Steinworth stated that there are four boats at this dock. Steinworth asked if there are always four or less. Whitthaus stated that there are five there one time. They're selling the property. Steinworth asked if this was to allow the potential buyer to park their boat. Whitthaus stated that it has to be each property owner's own boat. Norwick asked about many feet this was for. 88 feet? Boats per acre. Danks stated that he will abstain. Michaud stated that they can't consider property values in making their decisions. Longville asked the applicant if they'd heard from any neighbors. Michaud stated that there was a letter in the meeting packet. Michaud asked if anyone from the public wanted to speak on this application. No one from the public came forward to speak. Steinworth asked why the applicant wants two separate ones. Whitthaus responded that . . . Steinworth stated that there's no real need for boat slips; is it a perceived need? Whitthaus responded that if he kept property, he'd keep boats on his own dock. Steinworth stated that according to the two page letter, this is a property value issue. There have been disturbances, and theft. People are sharing watercraft spaces with family and friends. There's no real need; it's only because the property is for sale. Owner's property setback – other neighbors have view of this dock. It'll be a visual eye sore. Norwick stated that the land on the lake is non-contiguous. Non-reparian rights. 88 ft. between docks, moderate congestion. He doesn't think it's "overboard". However, they need more objective things to consider. Michaud stated that there are four easements and potential new owners. Will they amend it to five? Whitthaus would consider. He wouldn't mind having six, but would compromise with five. The bay isn't congested. He's surprised by the neighbor's letters. Michaud asked if anyone would like to make a motion for an amendment to five. No motion was made. Norwick stated that it's not that congested. Staunychy agreed. Norwick: ? Steinworth asked for clarification – is it six versus five? This request is very abstract. **6 Aye, 1 Nay (Steinworth),**

2 abstained (Danks and Parenteau), PASSED.

C. Lake Education Committee

1. Boat Tour Report

Doug Danks gave a report on the recent boat tour. Ramsey County Water Patrol, Dellwood and White Bear Lake City Council members and Beth Nixon attended.

Rock Reef is south of Ramsey County lake access. Low water exacerbates problems. Permanent signage on Snail Lake has helped reduce accidents and outboard hazards.

According to Beth Nixon, there are three types of lakes: commercial, east and north bays. Temperature, light levels, different characteristics in each. Consider for Eurasian milfoil mitigation.

Watershed: Aquifer. RCWD – direct tie to rate of recharge of aquifers and the water level of White Bear Lake. Monitor DNR sampling? Monitor aquifer? Also discusses multiple user docks, milfoil . . .

Michaud asked Sue about information on cablecast for Dellwood & Mahtomedi.

D. Treasurer's Report

1. Approve Treasurer's report for October 2008

Diane Longville . . .
Water patrol – winter and summer amounts due.

*Motion #11 (Longville/Parenteau) Move to approve and to pay checks #3863-3868.
All Aye, PASSED.*

E. Board Counsel Report

fine \$/joint powers agreement. Attorney Alan Kantrud. DNR gets fin money now. LUC asked Alan to follow up.

Will bring crib sheet for EAW process.

Michaud will talk to Julie Yoho regarding getting information to Board.

9. CONSENT AGENDA

A. Finance Reports*

B. Transfer of funds from savings to cover checks if necessary

C. Finance reports to cities

Motion #12 (Parenteau/St. Germain) Move to approve consent agenda. All Aye, PASSED.

10. ANNOUNCEMENTS

St. Louis Park meeting with LMCD, Greg Nybeck. On 29th at 6:00 pm. Julie can e-mail the details.

Norwick gave an update on Tom Alvarez. He is doing well. He also stated that the aquifer issue and its role in water level is very important. Hugo and other area development is changing the watershed.

Doug Danks stated that there will be a special workshop meeting with the City Council of Birchwood to discuss multiple user docks within the City of Birchwood on November 13, 7:00 p.m., White Bear Lake City Hall in the upstairs meeting room.

11. ADJOURNMENT

Motion #13 (St. Germain/Parenteau) to move to adjourn. All Aye, PASSED.

Meeting adjourned at 8:48 p.m.