



REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 P.M. WHITE BEAR CITY HALL
MINUTES of February 16, 2010

APPROVAL DATE: 3/16/10

1. CALL TO ORDER The February meeting of the White Bear Lake Conservation District was convened by Chair Thomas Hoffman at 7:01 pm.

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

3. AGENDA

Add item 8c1 WB lake clean up update.

Steinworth – note no video tonight, minutes only record.

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

4. APPROVAL OF MINUTES

Michaud – p 5 Steve Johnson, not Thompson. Stawnychy nominated by Michaud, not Danks.

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

5. PUBLIC COMMENT TIME

Brian McGoldrick, Docks of White Bear

1. Here on Mr. Trach's behalf regarding boat slips and slip allocation.

2. Likes having gas on lake . Mr Trach believes tank is on his property. Would like to know Boards position on gas clean up insurance coverage in event of spill. Insurance co. stated they do not sell coverage for clean up expenses or for stoppage of work. Would like proof of boards requirement for extra insurance.

3. Would like guidance on how to fill out application for next year in light of low water levels. How do I fill it out? Put down 125 and modify in July? Or will that restrict him? Had to turn away people due to low water last year.

Hoffman – don't know of a spill plan in ordinances

Stawnychy – PCA would orchestrate clean up and would fall onto owner

McGoldrick – concern was if Mr Trach never mentioned anything, he would be held responsible by implied consent.

Stawnychy - ownership is operator

McGoldrick – requirement on application is for insurance, unclear of extent of coverage. Want on record.

Tom Delmont, 143 Wildwood Ave
Neighbor of Ash Beach dock association
8 boats at dock, not enough room to get in and out. Dangerous. Understands WBLCD has authority to untangle the situation. He will have to move dock out and reposition, will be even less room. Don't understand how these public beaches have become dock associations in the first place. Thought he could talk to dock assoc. people, unable to resolve it with them. Needs help.
Michaud – public comment time, don't take action at this point. Meeting on 22nd in Birchwood.
Tom – need consideration of situation

6. NEW BUSINESS

6a. Nominations for officers. Currently: Norwick & Stawnychy for chair, Michaud for vice chair, Longville for treasurer.
Michaud – would like to reaffirm Longville's nomination for treasurer now that she is present

MOTION # 3 (Michaud/Parenteau) Move to close nomination of officers. All aye, passed.

6b. vote for officers

MOTION # 4 (Hoffman/Parenteau) Move to vote on slate of Longville for Treasurer, Michaud for Vice Chair. All Aye, Passed.

Written vote tally for Chair. Stawnychy wins vote with 6, Norwick had 3. **Mike Stawnychy is new Chair.**

6c. Ordinance 5 review. In the board packet is a history of the proposed changes and the different versions. In May language was proposed, in August canopy language was passed as 1st reading language. The text is highlighted for review tonight.

Michaud – previous discussion was focused on words defining shore station, lift, etc. Subd. 18 reads “temporary structure with integral canopy ... exceeds 30 inches.

Hoffman – definition of slip structure?

Michaud – there is a difference between slip and lift. Slip is in water. Lift is off/above water.

Parenteau –At the boat show this past weekend, these were referred to as “boat houses” (aluminum frame with canopy). Change language to “boat house slip structure”. Subd 18. “boat house slip structure” means a temporary structure or lift with canopy designed to shelter a watercraft while moored.

Steinworth – if they are known as boat houses, how come we first heard it here now? If the term is not in general use now, will it convey what we need it to?

Parenteau – LMCD ordinances state “on the lake”.. “boat houses”

Stawnychy – there are old boat houses on shore in Dellwood, but on land.

There can be a canopy on a lift and canopy on boat house.

Hoffman – no common term for garage type structure

Kantrud – focus on what your trying to get at or regulate. Semi permanent structure that has a roof. Either way if there is more than 30” drop you want to regulate? Decide what is being regulated. Anything /structure that is over 30” drop. Define condition that triggers ordinance.

Michaud – boat house with canopy designed to shelter where vertical portion of the cover exceeds 30 inches.

Hoffman – keep talking about or ?

Michaud – language of definition was half the battle. If agreed on, we can apply to remaining ordinance

Michaud - “Boat house and canopy” means a temporary structure with integral canopy designed to shelter watercraft while moored where the vertical portion of the cover exceeds 30 inches.

Danks – “vertical portion” is less specific than “vertical height”

Michaud – from which point?

Kantrud – “vertical height” is redundant. Measure from line of demarcation

Hoffman – 3 sections of this canopy language was approved back in August

Michaud – change subd 4 to “boat house and canopy” may be erected in

adua.....Subd n : no boat house and canopy structures are allowed at

Norwick – this says we will allow shore stations with canopy at commercial and multi-user docks

Michaud- if we are going to regulate them on multi user docks we can regulate in permit process

Hoffman – agree, concerned over wall of canopies at multi user dock. If board feels they should deal with at case by case basis thru permit process then..

Michaud – would be “boat house and canopy”

Hoffman – can we vote on tonight?

Kantrud – change language, propose to public for review.

Hoffman – lets include these 3 sections in packet with changes for next month

Kantrud – if there is currently no definition of boat house in ordinances, we will need to define it as structure under regulation of board or could muddy city ordinances. Don’t use historically defined term unless clearly defined in our ordinances.

Hoffman – how do we define this photo? Agree boat house may not be word, but what is?

Kantrud – slip structure? Include “Does not include shore station or a boat lift” as exception at end of definition. Cleanest for public to understand

Parenteau – LMCD doesn’t call it canopy

Hoffman - Leave definition with “boat house” for next month, .for further review

Dick galena

My recollection was that there were 2 parts to this –1st the large structure we are trying to define. 2nd was canopies on boat lifts at multi user docks and having setback and materials that could be used. Original intent was that it was to apply to canopies on boat lifts to address “wall” effect and view obstruction. 10 boats with canopies creates Berlin wall that you cant see through. That was the purpose of subd. N. Now that you are re-defining all that 2n is saying is that multi user docks cannot have the large structures, but can continue to have canopies which is the problem. It’s all in the definition and how it applies. This started with simple

concept of views being blocked and concern over multi user docks with proliferation of canopies. 2n was to consider not allowing canopies on multi user docks, commercial, etc. That was original discussion. Gene Alstatt wanted to pass on that he is not in favor of having 20' setback on these structures and referencing adua site lines (who locates?). You've taken snippets from LMCD and placed into WBLCD ordinances... LMCD talks about using fabric... WBLCD states natural color fabric canopy, what does that mean? If intent is to regulate color, define with different term. Board has struggled with this. In May discussed having professional help pull it all together and see how it works together. Get back to what you were trying to regulate. No definition of "boat lift" as opposed to "slip".

Brian McGoldrick

We have no intention of putting in any of these structures in the bay.

7. UNFINISHED BUSINESS

Norwick – Hoffman will continue to participate in discussions with Ramsey co and Washington co regarding water patrol.

8. REPORTS/ACTION ITEMS

8a. Lake Quality Committee

8a1. LQC meeting

Adjusted DNR grant request down to \$3000. Committee met on Feb 9. People in attendance assured us money would not be a problem this year, but to pursue options of areas to treat. Citizens are pursuing financing. Next meeting will be Wed. March 10.

Hoffman – Did they say there was no money issue for purposes of discussion?

Steinworth – No, money will be raised and made available for milfoil treatment.

Michaud – will plan be presented to board to vote on before May?

Steinworth – need to get out on the water to delineate what we have and what areas will be treated. Working on how to best select the areas.

Hoffman – assume analysis could be done prior to may meeting?

Steinworth – all we have is last year's model at this point, the DNR has not announced any treatment program yet. First deadline would be May 8 if same as last year. Already have instruction from board to apply for every grant possible.

Stawnychy – can we assume financial backing?

Steinworth – yes, but needs to be much more firm

Danks – any issue with receiving funds for treatment? Process to receive?

Kantrud – there is a requirement we accept by resolution that indicates what funds will be used for.

Stawnychy – at board level?

Kantrud – yes

Galena – It is now Feb 16. and there is no formal plan to the board.

Would be nice to treat in May, plan needs to be adopted. Very important.

Plan should be in place by next meeting. Information on tryclophor? Will it be used? When will plan be finalized?

Steinworth – will be working on in committee. Group of citizens, scientists...

Galena – no plan

Norwick – we only have \$8k to spend, to have a plan right now would not be best, it would be irresponsible at this point. We need to focus on st priority and bang for buck

Parenteau – DNR has not announced plan for 2010 yet, so can't include that piece until announced.

McGoldrick – are you going to come with plan broken out by funding available?

Steinworth – we'll identify potential problem areas. There are limits on how many areas we can treat on lake, also limited by dollars. All will come together and put together best package we can.

McGoldrick – frustrated and would like to help out however we can along with Mr. Trach.

8b. Lake Utilization Committee

8b1. VFW Horseshoe on Ice

8b2. VFW Softball on Ice

MOTION # 5 (Michaud/St Germain) Move to approve event permits for VFW Horseshoe on Ice and Softball on Ice. All aye, passed.

8b3. slip allocation in commercial bay

Michaud – follow up from last months meeting regarding allocation of slips in commercial bay. Ratios were looked at, would like to hold next meeting as a follow up meeting. Will invite stakeholders and list of attendees from 1st meeting.

8b4. Draft resolution and findings of dock placement along Park Ave in Mahtomedi. (Michaud handout) Possible options for easing situation. Look at draft, let Luke know comments, then will send to affected parties to come to meeting next month for public hearing. Move docks as per findings and LUC meeting notes. Goal to mail in next week/10 days.

Norwick – did not know about this tonight or who did it

Stawnychy – this is a draft, just discussed tonight at committee

St Germain – parts have been talked about, this just pulls it all together

8c. Lake Education Committee

8c1. WBLCD lake clean up, March 6 at 10:00 am.

We need volunteers at Bellaire beach to coordinate the scout troops.

Danks will not be able to be there. 2 troops from Mahtomedi will be there, using Bellaire for parking, etc.

8d. Treasurers report

MOTION #5 (Longville/ Parenteau) Move to accept February Treasurers reports and pay checks 3963 - 3967. All aye, PASSED

Longville – our cd has matured. Would like direction from board on what to do ? Do we want to lock this money up for 6, 9, 18 months?

St Germain – how much do we need until we get cash flow?

Longville – 12k was planned for deficit spending for 2010

Hoffman – propose to put in all into savings

St Germain – put some into cd?

Parenteau – or a couple of cds? What is money market vs cd?

Michaud – can move into cd at any time. Or do money market?

St Germain – pull out 12k, put remaining into 6 month cd

Hoffman – keep it all liquid, no point in locking it up for so little interest

Danks – agree

MOTION # 6 (Hoffman / Danks) Move to move full balance of cd to savings account.

St Germain – at least do money market

withdrawn

MOTION # 7 (Hoffman/Steinworth) Move to move funds to savings or money market account at one of our approved banks. 8 aye, 1 nay (St Germain) PASSED

8e. Board Counsel Report

We are moving toward conclusion in Sampair/Greeley case. Copies available (handout)

Norwick – would like to comment that we should have had an executive session with board to understand strategy better

Kantrud – LMC is always available to come and do presentation on request of the board. Executive session could be called by the board.

Danks – is district court required to have date?

Kantrud - march 12 hearing. Guess for decision in June timeframe.

Danks – with docks going in, can we get opinion sooner ?

Kantrud – can ask, not required to, see what the other side submits. Judge understood nature of upcoming season.

8f. Administrative Staff Report

Items included in packet this month:

- Agenda
- Jan draft minutes
- Jan LUC draft notes
- Permit applications – 2
- Timeline/history & versions of Ordinance 5
- Finance Reports
- Lake Area Bank Statement

9. CONSENT AGENDA

MOTION # 8 (Michaud/St Germain) Move to approve consent agenda. All aye, PASSED

10. ANNOUNCEMENTS

Kantrud – if anyone wasn't to see other documents that come in let him know (other named parties may submit something). Can pass it out & have copies at next meeting.

Stawnychy – thank you to Mr. Hoffman for all his work over the years.

11. ADJOURNMENT

MOTION # 9 (St German/Michaud) Move to adjourn. All Aye, PASSED

Meeting adjourned at 8:55pm

ATTEST:

Administrative Secretary

Date

APPROVED:

Board Chairperson

Date