



White Bear Lake Conservation District

Regular Board Meeting – Approved Minutes

May 16, 2023, 7:00 p.m., White Bear Lake City Hall Council Chambers

(6:00 pm LUC meeting)

1. **Roll Call/Quorum** – Present: Chair Bryan DeSmet, Vice Chair Meredith Walburg, Treasurer Mike Parenteau, Chris Churchill, Scott Costello, Darren DeYoung, Mark Ganz, Diane Longville, Susie Mahoney, Mark Wisniewski, and Alan Kantrud. A quorum was present.
2. **Call to Order** – The meeting was called to order at 7:05 pm by Bryan DeSmet.
3. **Approval of Agenda** – Under New Business, add a letter from the DNR, and under the LUC Report add Tally's amended diagram. Motion to approve the agenda as amended was made by Mark Ganz, seconded and passed.
4. **Approval of Previous Board Meeting Minutes** - Motion to approve the April 2023 Board meeting minutes was made by Susie Mahoney, seconded, and passed.
5. **Public Comments** – Susie Mahoney, 479 Lake Ave, Birchwood, stated that a neighbor is using their ADUA, and have had ongoing issues and legal problems. Also, she would like to put kayaks on the south side of the dock, which the District has not allowed in the past. An LUC member will check into the issue, and come back in June with more information.
6. **New Business**
 - Introduction DNR conservation officer Matthew Paavola – The speaker will be rescheduled for the June meeting.
 - White Bear Lake fireworks donation – Motion to approve a \$100 donation to the WBL Fireworks fund was made by Mike Parenteau seconded, and passed.
 - Proposed by-law amendment to Section VI-Control of Funds, #4-Audit (1st reading) - The proposed bylaw amendment changes the frequency of audits from annual to every five years. Motion to accept the first reading of the amendment was made by Bryan DeSmet, seconded and passed. Motion to approve the amendment will be added to the June Board agenda.
 - DNR Letter – The Board received a letter from the DNR stating that it intends to adjust the Docks of White Bear Lake's (Docks of WB) DNR permit to 240 slips. Docks of WB stated that they plan to contest the DNR's decision.
7. **Unfinished Business**
 - Commercial Bay
 - Dock installation process update – Mark Ganz stated that all marinas have their docks in, though the City is still working on docks damaged from this winter.
 - VFW Expansion-EAW – After a discussion with the DNR, Alan Kantrud reported that the VFW will need to complete an EAW as their expansion will increase beyond the 20,000 sq ft rule (MN Statute 4410.4300) to 30,000 sq. ft. This area includes the dock structure and the water surface area need to navigate. A motion to have Cheri write a letter to the VFW notifying them that they need to prepare an EAW for their proposed dock expansion was made by Bryan DeSmet, seconded and passed.
 - Docks of White Bear Lake and City of White Bear Lake-Lions Park ADUA Boundary – Historically, Docks of WB has self-defined its ADUA (between the White Bear Shopping Center/Trach property and the City of White Bear Lake-Lions Park) as

going to the middle of the lake. The City wants better use of their ADUA, and requested that the ADUA boundary between the two properties be defined in a different way as Docks of WB's south dock extends completely into the Lion Park ADUA. The City prepared a diagram showing a proposed ADUA as a line that is middle ground between what the two surveys from the WBLCD came up with. The WBLCD set up several meetings to bring the two parties together, but no representatives for Docks of WB could attend. At the last minute, Trach hired attorneys who talked with the City, but they have not yet come to an agreement, so it's up to the Board to make a decision on what the ADUA line should look like.

Lindy Crawford, WBL City Manager, stated that they do not want to impede anyone's business in Commercial Bay and is willing to allow some encroachment into their ADUA. The City is looking to define the ADUA as something fair to both properties.

Brian McGoldrick, Docks of WB property manager, stated that he believes the ADUA they've been using historically is fair, but that the attorney for Trach wants to continue working with the City to come to an agreement.

It was noted that Docks of WB/White Bear Shopping Center/Trach is illegally operating a marina as they have not submitted the amended diagram requested at the Nov. 2022 Board meeting showing docks at 300 ft or less, and maximum number of 240 slips. WBLCD ordinances allow for a fine of \$700 a day. Alan Kantrud stated that they could be charged with a misdemeanor, a \$1,000 day fine, and 90 days in jail. Not having a permit to operate their marina is a separate issue, but until the ADUA is defined it's not reasonable to expect an operator to submit something showing how many slips their going to have and where until the ADUA is defined.

A motion to accept the ADUA boundary between Docks of WB/White Bear Shopping Center/Trach and the City as proposed by the City, with a proviso that the City of WBL and Docks of WBL have 10 days to come up with an agreed upon alternative ADUA boundary to bring to the Board by May 26 by the end of the business day was made by Bryan DeSmet, was seconded, but failed with four votes in favor, four votes opposing, and abstentions by Mike Parenteau and Scott Costello (directors appointed to the Board by the City of White Bear Lake).

A second motion to identify the ADUA boundary as the mid-point between the southern property line that goes to the center of the lake, and the City's proposed ADUA line, with the proviso that the City and Docks of WBL have 10 days to come up with an agreed upon ADUA boundary to send to the Board by May 26, end of the business day, was made by Meredith Walburg, seconded and passed, with Mike Parenteau and Scott Costello abstaining.

- E.G. Rud and Sons survey services update – The company chose to identify the OHWL with a steel nail driven into rock which is scheduled for May 25. In addition to the contracted work, they would confirm that dock lengths and that marinas are within their appointed ADUAs. A motion to have them complete the ADUA confirmation work, sometime after May 26, at a cost no more than \$1,000 was made by Bryan DeSmet seconded, and passed.

Rud can update the database and survey drawings with what has been decided on the ADUAs and ask them to identify the agreed upon ADUA line on the drawing (between the City and Docks of WB) and give us the coordinates. To add the additional line might cost more. Have them put off putting in the markers and doing the dock confirmation work after the 10 days, so we know which line has been decided on, and put in drawing and provide coordinates. An amended motion made by Bryan DeSmet to authorize up to \$2,000 to include adding the agreed upon ADUA line, doing the dock length confirmation work, and identify for us on a diagram what the Docks of WB and City ADUA line is, sometime after May 26 was seconded, and passed.

The surveys are created using the Ramsey County coordinate system which is unusable with GPS/Google map coordinates. They can convert the coordinates, and Cheri will get a cost estimate for the work.

- 4955 Lake Ave – The owner's brother said that the dock structure can be removed, they are going to use it this summer, but it will be out before winter. The LUC advised sending him a letter in October saying the dock needs to be moved by Nov. 1.

8. Reports/Action Items (1:33:40)

- **Executive Committee** – The committee met and discussed the Lions Park/Docks of WB ADUA boundary, the Commercial Bay compliance check by the surveyor, and the use of the WBLCD logo on the Manitou Clothing Company's social media sites. The Board will develop a policy on logo usage.
- **Lake Quality Committee**
 - Swimmer's itch letter to municipalities – A letter will go to municipalities with public beaches stating that the WBLCD will reimburse them for one treatment of swimmer's itch.
 - Lake level – As of today, the level is 922.87 ft, which is up 1¼ in from last month, but down about 1 ft from last year.
 - Lake temperature – The lake temperature is 58 °F; last year at this time it was 62 °F.
 - Contract for EWM Treatment - Mike Parenteau will get a bid from Lake Management for treatment.
- **Lake Utilization Committee** – Mark Ganz
 - East Shore Dock Association – request for variance to multiple user dock permit (tabled last month) – The request for variance is no longer being pursued.
 - Hollywood Pyrotechnics Fireworks – private event (July 8, 2023) – A motion to approve the permit, contingent on receiving an updated permit from Washington County, was made by Mark Ganz, seconded and passed.
 - Docks of White Bear Lake – application status update – As discussed earlier, they have not met the stipulations of the conditional permit, therefore are operating without a permit.
 - Tally's Dockside – After discussion about how to get more space in between Tally's and Docks of WB so that watercraft are not encroaching on each other's ADUAs and how to alleviate the problems from last year with boats tying off the dock two deep, the LUC recommended that Tally's amended diagram showing its south dock moved 15 feet north be approved.

Motion to approve the amended 2023 drawing of the 140' south dock with a 15 ft setback from the Whitaker property line, with the stipulation that tie-offs on the south dock can only be one (1) boat wide, was made by Mark Ganz, seconded and passed.

A possibility was suggested at the LUC meeting that Tally's and Docks of WB could put their two docks together at the property line, which would prevent encroachment into each other's ADUAs. This may or may not get done this year, but they will see if they can reach an agreement on that to give them both better navigational space.

- It was noted that last year, Docks of WB's north dock was right on the Whitaker line at the end of the dock. When the WBLCD receives the Docks of WB amended diagram, it will check to be sure that it is 10 ft off the Whitaker ADUA line for

• **Lake Education Committee**

- Educational outreach update – Press Publications new publication, “White Bear Laker” has information about the WBLCD written by the WBLCD, and a Press writer. It will be distributed next week to lakeshore residents, and dock and homeowner’s associations, and placed in bait shops, library, etc.
- Social media update – Next month’s postings will include lake level and temperatures, a series about the Matoska Marsh, and summer rules updates. Let Meredith know if there’s anything else that could be posted.

9. Treasurer Reports – Mike Parenteau

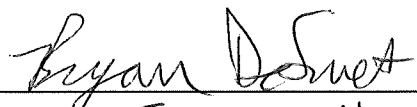

- Approval of May Treasurer’s Report - Motion to accept and pay debit card #6, and check numbers 4837-4865 was made by Mike Parenteau, seconded, and passed.
- 2024 budget worksheet update – Numbers have been updated on the 2024 budget worksheet to reflect changes, and additions, including \$5,000 for surveyor services, and another educational outreach with the White Bear Press. Mike will get a quote from Steve McComas for a possible lake use study. Cheri will contact the DNR about funding for additional boat inspections. The budget will be finalized for approval in June and 2024 community assessments from municipalities will be calculated with the understanding that that general funds will be used to reduce the amount assessed.

10. Board Council Report – The conservation officer will be invited to come to the Board meeting next week. There were no citations given, and the fishing opener went well. A Board photo will be taken next month.

11. Announcements – none

12. Adjournment – Motion to adjourn at 9:06 pm was made by Mark Ganz, seconded and passed.

ATTEST:

Bryan DeSmet, Chair  Date 6-20-2023
Cheri Howe, Administrator  Date 6/20/2023