



White Bear Lake Conservation District

Regular Board Meeting Minutes

May 21, 2024, 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, Secretary-Treasurer Mike Parenteau, Scott Costello, Chris Churchill, Darren DeYoung, Mark Wisniewski, and Alan Kantrud. Absent: Mark Ganz, Diane Longville and Susie Mahoney. A quorum was present.
2. **Call to Order** – Bryan DeSmet called the meeting to order at 7:00 pm.
3. **Approval of Agenda** – The Dillig permit request was moved to New Business, and a motion to approve the amended agenda was made by Darren DeYoung, seconded and passed.
4. **Approval of Previous Board Meeting minutes** – A motion to approve the April 16, 2024 minutes was made by Mark Wisniewski, seconded and passed.
5. **Public Comments** - None

6. New Business

- Dillig water structure permit application (new) – Chris Churchill reported that the Lake Utilization Committee (LUC) recommended approving the application after making sure the structure was located within their Authorized Dock Use Area (ADUA) and neighbors were notified. There was a question later on whether the Board had authority to require a permit if it was situated in the applicant's ADUA. Luke Michaud related to the Board that the structure would be in navigable waters and the District has permitted mooring buoys that are located within their ADUAs in the past. He cautioned the Board not to cede its authority in permitting water structures, whether or not it is in their ADUA. The Board tabled the discussion until Alan Kantrud could review the ordinances further.

Once research was completed, Bryan DeSmet took the license application off the table, and Kantrud reported that Ordinance 5, Part V, subd. 1A stated that it was subject to licensing. A motion to approve the water structure permit was made by Churchill, seconded and passed.

- 2024 Ramsey County Law Enforcement Services supplemental contract – Alan Kantrud presented the contract for law enforcement services on the lake, which included 280 hours from May to August, with 10 hrs per month dedicated to policing Commercial Bay for compliance with WBLCD permits. A motion to approve the contract was made by Bryan Desmet, seconded and passed. Darren DeYoung stated that last year the patrol did not conduct compliance checks as part of their contract to which Kantrud replied that they couldn't get an accurate account due to boats being pulled from the lake, but those hours were used in their regular service. Kantrud will get monthly updates from the water patrol to present to the Board.
- Worker's Compensation plan – Mike Parenteau presented a quote from the League of Minnesota Cities for an employee worker's compensation policy that had lapsed. A motion to approve the policy with the \$200 regular premium option was made by Parenteau, seconded and passed.
- White Bear Lake firework's donation – A motion to approve a \$100 donation to the White Bear Lake (WBL) Fireworks Committee was made by Mike Parenteau, seconded and passed. Parenteau noted that the WBLCD also usually waives their \$60 event permit application fee.
- Commercial license unit fee increase – Mike Parenteau reported that in 2019, the WBLCD raised the commercial slip rental/unit fee from \$60 to \$75 with the plan that it would be raised \$25 or so every one or two years, but that did not happen. Over that time, the cost of a marina slip has increased exponentially as has the District's expenses.

Parenteau said that the WBLCD provides marinas with a permit and exclusive use of the lake for their service, which is very good; keeps the lake clean; provides water patrol enforcement services; and treats for aquatic invasive species (AIS). Services are expensive, those costs are going up, and the fees are like a user fee on renters of space on the docks. Parenteau proposed increasing the unit fee in 2025 to \$125 for slips and moorings at commercial marinas only. This affects VFW Post 1782, City of White Bear Lake (WBL) marina and Matoska Park, Tally's Dockside, Docks of WBL, and the White Bear Yacht Club, which have a combined total of 546 commercial slips or moorings.

Meredith Walburg commented that the cost of surveying and treating aquatic invasive species (AIS) has gone up exponentially, and the increase in fees puts the burden on those using the lake. Parenteau stated that a large grant from the DNR in 2024 did not come through so their will be a sizeable increase in cost of services. In response to a question from Chris Churchill, an annual review of the license fee schedule will be put on the Board activity calendar. Parenteau said the increase would create a balanced budget for 2025. Darren DeYoung suggested that if it is considered a user fee, then lakeshore owners should also pay more.

A motion to approve an increase in commercial slip and mooring fees from \$75 to \$125 for 2025 was made by Mike Parenteau, seconded and passed.

7. Unfinished Business

- VFW-EAW update – Bryan DeSmet shared that he talked with Melissa Collins, DNR, about calculating the greenhouse gases in the application, and will put together assumptions and send to Joe Saad and Luke Michaud, VFW, for review. The Natural Heritage Review final letter was received recently and will be reviewed for any more actions that may be needed. Within 30 days of finalizing the application, the WBLCD will send the application to the Environmental Quality Board (EQB) Monitor where it will be published and open for comment for 30 days. State agencies will summarize comments and send to the WBLCD for a response. If there are no comments, it is up to the Board to determine that it is a negative declaration, and no further environmental work is needed. Cheri Howe will send the Board a copy of the EAW process steps. Scott Costello stated that it sounds like the EAW process may go into next year. DeSmet responded that the next step in the process could be accomplished at the Board's next meeting, and that it was possible the whole process could be wrapped up by the end of summer, depending on agency responses.
- Lake use study – Meredith Walburg reported that the first boat count and access survey would be done on May 27. Additionally, in the packet, there are draft questions from the last study in 2005 for two separate summer surveys: an exit survey for boat launch users and a survey of lakeshore owners. The use of the past questions is valuable in order to establish trends, and the results of the lake use study will help inform a future lake management plan.

For the exit survey, Darren DeYoung suggested surveying leasees of marina slips as they have valuable information. Mark Wisniewski agreed that it was a great point because they are a stakeholder that haven't been surveyed in the past, although their use pattern will be observed. DeYoung also suggested surveying the marina owners and Your Boat Club. Scott Costello suggested adding questions regarding any impacts from invasive species, and from the increase in the number of boats on the lake. Additional questions asking if obstacles in the lake are well-marked, and what other lakes have they visited in the last two weeks were added by Walburg and Wisniewski

Walburg reported that the homeowner survey would go out to 100 residents mid-summer with a letter from the Board, and Board representatives would connect with the municipalities they represent to garner support and participation from their communities. Additional questions included ones on water quality, shoreline erosion, and winter lake use. DeYoung suggested sending out the homeowner's survey to all lakeshore residents to increase response rate. Get any other feedback, get it to Cheri by the administrator by Friday.

- Survey – Commercial Bay Docks – Bryan DeSmet stated that the Board needs to confirm that marina docks are installed and asked if it is possible to do it on our own to which Chris Churchill said that it could. Alan Kantrud offered that if noncompliance is found, the Sheriff's office, would go out and remeasure, and if it was confirmed, an incident report could be filed and action taken. It was decided that the LUC would take measurements, and Kantrud would take drone shots before the next meeting. However, the OHWL markers need to be located, and if there are issues, we'll need to confirm where they are.
- 4955 Lake Ave. – dock permanency issue – Alan Kantrud reported that after his observations and discussions with Mike Parenteau and the Ramsey County sheriff, the structure is not permanent as it can be removed beyond the OHWL. Chris Churchill said he was okay with the dock, but the pictures also show that some new posts have been put in along the property line that seem almost like a fence. Kantrud said the Board has no jurisdiction over what is above the OHWL, and if the posts in the water are removable, we would not have a problem with it. The complaint did not address the posts. Bryan DeSmet asked if the Board needed to take action, and Kantrud said findings on the City dog fence would help inform the issue. A letter would then be sent back to the complainant with the findings. Bryan DeSmet asked to move onto the dog fence item, until Alan has an opportunity to review the ordinances, as it may impact this issue.
- City dog park fence – After research of City of WBL, DNR, and Rice Creek Watershed District (RCWD) zoning codes, the fence, as a temporary structure, is not in violation of their regulations. Also, the WBLCD does not have any ordinance that addresses this issue. The City coordinated with the DNR before installing the fence, which was installed to contain the dogs within the park. Chris Churchill was concerned that a precedent would be set and other residents would put up fences. DeSmet said that this may be an opportunity to improve our ordinances on an issue like this, and Churchill agreed. Mark Wisniewski noted that as a temporary structure surrounded by navigable water, the buoy portion of the fence structure would need a permit from the District.

DeSmet stated that if the Board wants to play a role in this fence, that it would need to adjust its ordinances, though Wisniewski made a point that it can be addressed with our temporary structure permit. Meredith Walburg asked what would be the Board's jurisdiction to regulate and Kantrud replied it would simply say ADUAs cannot be defined by any permanent or temporary structure. Being that the City fence is temporarily dividing its property within its ADUA, Wisniewski suggested that there might be cause to require a permit application from the City. Kantrud added that Ordinances could be crafted that make municipalities immune from this, but that it is not a good idea to encourage this habit on the lake. Mike Parenteau added that at a fence is needed because, as he observed this week, the dogs are unleashed and children are playing on the other side. DeSmet tabled the discussion until the next meeting to give Kantrud time to review the Ordinances and give an opinion on what authority the Board has based on the existing ordinances. If the Board does have the authority to require a permit it will be communicated to the City after the next meeting, as well as the complainant of the Lake Ave dock.

8. Reports/Action Items

- **Executive Committee**
Bryan DeSmet reported that the committee met discussed items, other than what is on the agenda tonight including: Board training on Aug. 20 in lieu of the Lake Utilization Committee at 6 pm to be conducted by Alan Kantrud; the updating of Commercial Bay marina permits by the DNR with final permits shared with the WBLCD before they're made public to give input; the cost for prosecution of offenders as a potential budget item; and the St. Germaine Bay sign, which is moving forward.
- **Lake Quality Committee**
 - Swimmer's itch letter-municipalities – A letter to municipalities will go out to let them know the WBLCD will reimburse them for the first treatment which applies to the swim area only. Ramsey County monitors some beaches around the lake weekly and if swimmer's itch were detected, they would treat it.
 - Lake level – The lake level today is 922.37 ft., last month it was 922.20 ft, and last year it was 922.87ft.
 - Lake temperature – It was 65 °F today, last month it was 48 °F, and last year it was 58 °F.

- Lake Management – EWM control proposal – After discussion of unit costs to treat the lake, a motion to approve the Lake Management treatment proposal based on their stated unit costs was made by Mike Parenteau, seconded and passed.
- **Lake Utilization Committee** – At its meeting, the LUC recommended approval of the following applications for the McGauley-Patel dock:
 - McGauley-Patel – multi-user dock permit application for combined docks (new) - Chris Churchill stated that two lakeshore residents would like to combine their two docks into one to get there large inboard boats into deeper water. They've submitted two applications: a non-commercial multi-user dock permit application for the five watercraft to be moored on the combined dock on the Patel property, and a request for variance to lengthen the dock to 400 ft. Some of the boats need 36" of water which they would get at 350 ft. dock length and at 400 ft out its 44 inches, so it gives them some depth if the level decreases at the end of the season. A motion to approve the dock combination with five boats was made by Chris Churchill, seconded and passed.

- McGauley-Patel - dock modification/variance request - Churchill made a motion to approve the request for dock length modification beyond the WBLCD ordinances to 400 ft. In discussion, Board members questioned the need for a 400 ft dock to which Churchill responded that he is confident that the dock installer, Chris Wiberg, took the measurements. Meredith Walburg was concerned about treating everyone on the Lake, both public and private, equally when there are requests to go beyond the 300 ft dock length. Although neighbors were notified of the variance request, she brought up that there should be a public hearing to give the public the opportunity to comment, as the District requires that for Commercial Bay marinas when they request dock lengths beyond District ordinances. The applicants are basing their request on a prediction that the lake levels will drop. Alan Kantrud predicted that there would probably be more dock length modification requests coming.

The Board decided to hold a public hearing at the June 18 Board meeting. In the meantime, the Board discussed issuing a conditional use permit until the public hearing so that they can get their dock in. Kantrud stated that it was important to verify the depths so that there is a rationale to grant the variance.

For safety, it was suggested that the length of dock that extends beyond 300 ft be marked with reflective tape. Walburg asked if all docks that extend beyond the ordinances should be marked as well. Mark Wisniewski expressed concern about the 400 ft dock length, as it is so different from the docks around it. He asked how far out would the Board allow docks if somebody brings in a boat with a draft of five feet and would the Board approve a 500 ft dock.

Chris Churchill amended his motion to conditionally approve extending the dock to 400 ft until the June 18 public hearing. In addition, the dock length extending beyond 300 ft would need to be lighted in accordance to Ordinance 5, Part VI, subdivision 1.e. The motion was seconded and passed. If the hearing goes well, the conditional use will be removed, and an official permit will be issued.

- **Lake Education Committee**
 - Educational outreach update – Scott Costello reported that the first issue of *The Laker* was published and looks great. The summer lake cleanup, in conjunction with Manitou Days, will be held on June 15 from 8 am to 12 pm. A dive club/school and the White Bear Yacht Club sailing school will be invited and assigned an area. Costello had some questions for the Board about the event, and an email would be sent to the Board when a site has been selected for the Board members to clean up.
 - Social media update – On social media this month, Meredith Walburg will post about *The Laker*, summer boating and jet ski reminders, the summer cleanup event, and the public hearing.

9. Treasurer Reports

- 2024 May Treasurer's Report – A motion to approve debit card purchases 2024-10 and 11, and checks 4944-4954 was made by Mike Parenteau, seconded and passed.
- 2025 Budget-Draft – Parenteau presented the proposed 2025 budget based on past expenses and trends, and the approved slip fee increase. New items include an increase in AIS survey and treatment fees, and updating the WBLCD website and the total budget comes in at \$110,053. Mark Wisniewski asked about the projected cash balance at the end of this year, and Parenteau responded that it should be one and one-half to two times the budget, though it will probably about \$170,000. Wisniewski asked about funding a future lake management plan, and Parenteau suggested it go in the 2026 budget. Bryan DeSmet stated that the lake study will be completed this year, and in 2025 a scope for the plan could be developed based on the study, and then budgeted for 2026. Alan Kantrud recommended budgeting some money in the 2025 budget to build toward a lake management plan in 2026. It was decided to start a lake management plan fund with \$10,000 in the 2025 budget as a line item, and Parenteau will bring back a final budget to the Board in June.

10. Board Council Report

- Alan Kantrud reported that last month was slow for enforcement activity. The WBLCD ordinance on speeding has been filed with the State and the water patrol will have the ability to enforce that starting June 1.

11. Announcements

- Copies of the MN Lakes and Rivers Assn 2023 annual report are available for board members if they want one, and the next Board meeting will be held on Tues., June 18

12. Adjournment – A motion to adjourn was made by Chris Churchill at 9:09 pm, seconded and passed

Attest

Bryan DeSmet, Chair *Bryan DeSmet*

Date 6-18-2024

Cheri Howe, Administrator *Cheri Howe*

Date 6/18/2024