

REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT

7:00 pm

Minutes of November 16, 2021

APPROVAL DATE: January 18, 2022

1. **CALL TO ORDER** the November 16, 2021 meeting of the White Bear Lake Conservation District was called to order by Chair Bryan DeSmet at 7:00 pm
2. **ROLL CALL** Present were: Chair Bryan DeSmet, Vice Chair Mark Ganz, Sec/Tres Diane Longville, Directors: Scott Costello, Mike Parenteau, Susie Mahoney, Meredith Walburg, Chris Churchill, Darren DeYoung, and Scott O'Connor A quorum was present.
3. **AGENDA** – Chair DeSmet asked for any changes. Motion DeSmet/second to add under New Business a general discussion in regards to Commercial Bay items discussed with the City of White Bear vote all aye Passed
4. **APPROVAL OF MINUTES OF** – October 2021 board meeting. Motion (Parenteau/second) to change third bullet on 2nd page invoice submitted by Lake Management not McComas all aye passed.
5. **PUBLIC COMMENT TIME** – None
6. **NEW BUSINESS** – Presentation of annual lake treatment by Steve McComas. A summary report was provided to the board. Samples were taken from 780 sites around the lake July 1, 2021 with 50.53 acres being treated on July 15th. He came back in August and rechecked to make sure treatment was working. All was good. They alternate the chemicals used from year to year to avoid areas becoming resistant to the chemicals. This has worked out to be a very effective method of treatment. Starry Stonewort is found is usually found in the public access boat launch sites all were checked and none was found. Water quality was checked and found to be excellent. The entire report can be found on our website.

Public Hearing items discussed with the City of White Bear. To be discussed and action taken at January 2022 meeting.

When determining dock length what is the starting point? Ordinance states from the Ordinary High Water Level this is an elevation, could be determined differently between operators. Should we get with the Commercial Bay operators in the spring and mark the spot each is to start from? How do we confirm if a dock exceeds the allowable distance, what action will the board take if out of compliance? Board will have to determine protocol. Because due date is October 15th of each year for submission of applications to avoid any late fees we will need to make adjustment as the public hearing was after the October 15th date which the 300 ft. maximum was not changed in the ordinance. Motion (DeSmet/second) to extend date for Commercial Bay properties to February 1, 2022 to resubmit their applications if needed to reflect 300 ft. maximum dock length which is two weeks prior to the February meeting which they will be on the agenda for review. Vote all aye passed

7. **UNFINISHED BUSINESS** – Ordinance changes
Ord No. 2021-01 How to handle if a property exceeds the permitted amount of boat slips
1st Reading

Motion (DeSmet/second) to amend ordinance 2021-01 as follows:

ORDINANCE NO. 2021-01

AN ORDINANCE AMENDING THE DISTRICT CODE TO FURTHER DEFINE OPTIONS FOR ENFORCEMENT OF COMMERCIAL BAY PERMITS ON WHITE BEAR LAKE

THE BOARD OF THE WHITE BEAR LAKE CONSERVATION DISTRICT DOES ORDAIN THAT THE TEXT OF ORDINANCE 5 SECTION 4.01 SUBDIVISION 2.1 IS HEREBY AMENDED (see italicized text) TO READ:

Subd. 2.1. Any license issued under this Ordinance may be suspended or revoked by the Board of the District for violation by the licensee of this Ordinance or any other Ordinance of the District. *Any licensee that exceeds their permitted number of slips will have that number of slips removed from their license for the following 2 seasons.* Action to suspend or revoke a license *or reduce subsequent-season's permitted slips* shall not be taken by the Board except upon at least 10 days prior written notice to the licensee, notifying the licensee of the time and place of the meeting at which the Board will consider such suspension or revocation *or reduction*. At such meeting the licensee shall be given a reasonable opportunity to be heard. Any proceedings to suspend or revoke a license *or to temporarily reduce subsequently permitted slips* are not to be deemed to penalize the licensee for violations of the Ordinances of the District but shall constitute regulatory action of the District

Vote all aye passed

Motion (DeSmet/second) to waive the second reading of the ordinance 2021-01 vote all aye passed
Ordinance amended

Ordinance 2021-03 Markings on items left in the water over the winter

1st Reading

Motion (DeSmet/second) amend to insure markings are visible 100 feet and remove the verbiage and or beacons vote all aye

Motion (DeSmet/second) anything left in the water after December 1st must be marked, removing beyond OHW vote all aye passed

ORDINANCE NO. 2021-03

AN ORDINANCE AMENDING THE DISTRICT CODE TO FURTHER DEFINE DOCK REGULATIONS ON WHITE BEAR LAKE

THE BOARD OF THE WHITE BEAR LAKE CONSERVATION DISTRICT DOES ORDAIN THAT THE TEXT OF ORDINANCE 5 SECTION 3.01 SUBDIVISION 1.1a IS HEREBY AMENDED (see italicized text) TO READ:

Section 3.01. Subdivision 1. The following regulations are applicable as provided.

Subd. 1.a. No dock, buoy, mooring, or other structure shall be so located as to: (1) obstruct navigable waters, (2) obstruct reasonable use or access to any other dock, buoy, mooring or other structure authorized under this ordinance, (3) present a potential safety hazard, or (4) come within ten feet of any other structure. No dock, buoy, mooring area or other structure shall be located or designed so that it unreasonably or unnecessarily requires or tends to encourage using it to encroach on any other authorized dock use area. *No dock shall be left in the waters ~~beyond the OHW~~ beyond December 1st without its vertical supports and terminus being clearly marked with reflective tape or paint ~~and/or beacons~~ visible to a distance of 100 ft. to ensure their visibility to off-season (winter) users in the interest of public safety.* Mooring buoys must meet additional standards for size, color and marking as specified by State of Minnesota Administrative Rule 6110.1500, which also requires that no buoy may be placed in state waters without first obtaining a permit from the sheriff of the county.

Second reading to be at January 2022 Board meeting to allow any further discussions and changes

8. REPORTS/ACTION ITEMS

Executive Committee – No meeting

9. Lake Quality Committee – Mike Parenteau

- 923.26 Lake Level less than an inch down from last month
- 40 Degrees

10. Lake Utilization Committee – LUC reviewed the following applications and recommends Board to approve or table the following for 2022 permits. Motion Ganz/second to approve or table the following each voted on individually Vote All aye 1 abstain on vote for ESDA

- Fletcher Driscoll – Approved (Kim to verify amount paid if possible overpayment)
- White Bear Yacht Club – Tabled questions regarding rental slips
- Cottage Park – Tabled checked renewal with changes but did not indicate changes
- Scott Bohnen – Tabled diagram no measurements
- Derek Skeie – Tabled Confusion on amount of boats applying for application different from diagram
- Polar Plunge – Approved fee waived
- Bearly Open – Approved fee waived
- ESDA – Approved 1 abstain from vote
- Redpath water ski course – Approved with stipulations, course is to be moved every two weeks after every move they will contact WBLCD office and let them know so we can keep log of dates each time it is moved to avoid complaints. Also will make sure the WBLCD phone number is on the first and last buoys.

11. Lake Education – Scott Costello

None

Treasurer’s Report – Motion (Longville/Second) approval November 16, 2021 and Estimated December 31, 2021 Treasurer’s reports payment of check numbers 4731-4734 vote All Aye passed.

12. Board Counsel – Alan Kantrud

None

13. Announcements – None

14. Adjournment – Motion (Costello/Second) Move to adjourn. All aye Passed.

Meeting adjourned

ATTEST:

Kim Johnson: Kim Johnson
Executive Administrative Secretary
Date: 1/18/22

Bryan DeSmet: Bryan DeSmet
Board Chair
Date: 1/18/22