



REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 P.M. WHITE BEAR CITY HALL
MINUTES of August 18, 2009

APPROVAL DATE: 9/15/09

1. CALL TO ORDER The August meeting of the White Bear Lake Conservation District was convened by Chair Thomas Hoffman at 7:02 pm.

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

3. AGENDA

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

4. APPROVAL OF MINUTES

MOTION #2 (Parenteau/Michaud) Move to approve July minutes. All aye, passed

5. PUBLIC COMMENT TIME

none

6. NEW BUSINESS

6a. DNR Area Hydrologist, Craig Wills

Provided handout showing lake level status around the state. Low levels all over. Low groundwater. Extreme draught conditions. Short 12” – 16” in past year of rain. Similar to '90, '91 in lows. Bounces up and down from 1924. Groundwater recharge depends on precipitation.

Parenteau – August 6 unofficial reading was below low of '91.

Wills – will check with county, hadn't seen that

Danks – can you talk about groundwater monitoring and recharge rates

Wills – observation wells are used to track elevation of aquifer. Also track large appropriations from aquifer.

Danks - do you see a trend line from city use of aquifer?

Wills – complex question

Danks – is there direct draw from same aquifer from communities such as Hugo, WBL, etc?

Wills – yes and they are tracked

Danks – are they a major contributor of the low levels independent of precipitation?

Wills – everything indicates aquifer levels follow precipitation.

Danks – watershed is small, is there recharge from runoff?

Wills – east metro groundwater working group, board could have rep. on it so everyone knows what's going on with ground water in area

Steinworth – there are homeowners with lots of dry lakebed. We're finding more structures being placed on lakebed. Who handles?

Wills – conservation officers or me. Getting calls about people moving sand, dragging, etc. I will meet with owner to resolve. Is there a problem with people obstructing others with fencing? Complaints are confidential, but we have to be right if we go there.

6b. Ordinance 5 revision/first reading

Purpose is to revise ADUA language, add canopy language

discussion on canopy language

Michaud – LMCD is having issues with large intrusive canopies on the shoreline. Suggestion was to add language to our ordinance to control. A definition has been added. Question over setbacks, multi user docks

Parenteau – definition needs to be clearer, define

Norwick – more important issue is if the canopy has 30" of drop or more

Parenteau – no shore stations or canopies on multi user docks?

Norwick – yes, they can seem like a wall

St. Germain – 2 separate definitions, shore station , slip structure

Norwick – do we allow multi user docks to have canopies?

Michaud – propose to discuss these as separate amendments for discussion and voting purposes

Kantrud – for each definition, the subject has to be addressed in the ordinance somewhere. Be consistent

Michaud – can multi user docks be regulated during permit process?

St Germain – could add on the permit that no more than 4 canopies are allowed on 1 dock

Danks – is this language leaving open a structure intended to cover more than 1 boat / a big garage?

MOTION # 3 (Hoffman/Norwick) Move to amend ordinance 5 Part 2, Subdivision 18; and Part 3 Subdivision 4 changes as first reading.

Discussion

Michaud – these ordinances have lasted a long time. Encourage reading through carefully. I'm not eager to change quickly.

Kantrud – you can also refer back to subcommittee for discussion

Vote – all aye, passed

Hoffman – discussion on canopies at multi user docks

Norwick – allow with permit process

Hoffman – agree

Kantrud – could make it conditional

Stawynchy – what about commercial docks?

Kantrud – or you could say 4 maximum/conditional

Norwick – make them all conditional
Kantrud – then opens to interpretation
Michaud – not in favor of this

MOTION # 4 (Parenteau/Michaud) Move to approve Ordinance 5, Part 4, subdivision 2n changes as first reading. All aye, passed.

Hoffman – do we want to address lift canopies?
St Germain – we can address if there is a problem during permit process
Kantrud – Board has ability to arbitrate and settle disputes if they arise.
Hoffman – ADUA language discussion
Danks – purpose was to develop more precise language of the ADUA definition. Language is similar to LMCD language. DNR has language regarding boat placement if lot lines were extended
Norwick – frustrated by the vagueness of our ordinance on this. Need basis such as LMCD uses. Would like it to be less arbitrary.
Michaud – would be comfortable using language the DNR uses “if they were extended” rather than indicating the property continues.
Danks – language is trying to suggest the line is not property line, but new line extending out
Hoffman – replace it with “if it were”
St Germain – DNR makes it vague purposely. Our language has worked most of the time. We use as guide.
Norwick – fine with not property lines, just want more description
Danks – would like practical mechanism to define where ADUA is. A way homeowners can stand and look at without it coming to LUC for resolution.
Hoffman – agree
Michaud – will cause people to come to LUC saying “neighbor is 6” too close to my ADUA”.
Parenteau – discussion over OHWM. Not practical
Steinworth – low water levels cause problem

***MOTION #5 (Danks/Parenteau) Move to adopt Ord 5, Part 2, Subdivision 11 as 1st reading of amendment to Ordinance 5.
8 aye, 1 nay (Stawnychy)***

MOTION # 6 (Hoffman/Norwick) Move to strike “come within 10’ of any other structure” in part 3, Subd. 1a.

Parenteau – this hasn’t been proposed until right now.
St Germain – have used that in the past, now your saying they can be closer?
Danks – would there be problems with swim floats, etc being placed too close?
Trampolines, etc.? Would it be navigation issue?
Michaud – need to think through consequences. I will vote against.

Motion Vote

2 aye, 7 nay. Motion failed

Hoffman – rest of ADUA language changes can be done later
Norwick – so the 1st reading of others will be later?
Danks – procedure?
Kantrud – pull out pieces separately next month for 1st reading. Changes tonight can be 2nd reading next month.

7. UNFINISHED BUSINESS

none

8. REPORTS/ACTION ITEMS

8a. Lake Quality Committee

8a1. EWM harvesting update (Steinworth)

Harvesting EWM from lake concluded this a.m. Cut for 5520 minutes, removed 149 loads, 30 trips to compost site. Took 2 weeks to get operational – needed DNR permit, 3 communities cooperation, and a wait for contractor. Have gotten both complaints and compliments. Was impressed with harvester operation. Used Birch Beach as off-loading site as it worked the best. Site will need a little seed/dirt by shoreline to remediate damage.

Hoffman – what sites were done?

Steinworth – worked on large site 20. Did Birchwood and Mahtomedi sites. No channel in commercial bay, ran out of time. Also was not specific to motion.

Danks – I've received a few phone calls about Birch Beach damage

Steinworth – Overall, would like to be more proactive in the future. Committee will be looking at ways to be more ready to deal with the problem faster. Also, LQC may change meeting time.

Public comment

Janet Callahan

Did people receive email from Birchwood resident regarding harvest? It was hard to find email/contact information for Board members– can it be added to website?

8a2. water temp 73 degrees. 79 at this time last year. Lake level is 920.005 1" lower than last month. Nearly 2' lower than last year.

8b. Lake Utilization Committee

8b1. Leukemia Cup regatta

MOTION # 7 (Michaud/ St Germain) Move to approve permit for the Leukemia Cup regatta. All aye, passed

8b2. Winter Carnival ice fishing permit

LUC has reviewed and there are still some open questions. LUC recommends the organizers continue to gather their information. LUC most likely will recommend approval. Need a few more answers yet. No action tonight.

8b3. Commercial Bay meeting tomorrow at 10:30

Steinworth – What was the purpose of the meeting tomorrow?
Michaud – to look at criteria and allocation of slips in commercial bay....come to the meeting

8b4. South Shore dock dispute
Property was sold in Snyders Bay. Have not previously had dock there. The angle of the bay is such that the parties need to agree on dock placement.

8c. Lake Education Committee

8c1. Email address database. Would like to have database of lakeshore owners for communication. A few ways we could go about doing this. (Doug handout).
Hoffman – thinks it s a good idea.

8c2. AIS signs
Aquatic Invasive Species sign draft. Review and make comments to Doug for action next month.

8d. Treasurers report

MOTION #8 (Longville/Parenteau) Move to accept Treasurer's report for August and pay checks 3926 -.3931. All aye, passed.

City of WBL letter regarding 2010 budget. They are requesting a reduction in spending. Tom will write response. Mike & Mike also please attend city council meeting.

8e. Board Counsel Report

Documents were filed today in the ongoing dispute. Hearing is scheduled for Friday for injunction.

8f. Administrative Staff Report

MOTION # 9 (Michaud/St. Germain) Move to amend and waive fee for Leukemia cup regatta event. All aye, passed.

Parenteau – do we need to have Board contact info on the website?

Kantrud – you likely are required to post the info as elected officials

MOTION # 10 (Hoffman/Michaud) Move to post email on website, provide email or phone contact, or both.

Steinworth – are we elected officials?

Kantrud – yes, city council elects

8f1. Items included in packet this month:

Copies of correspondence:

- Commercial Bay meeting letter
- City of White Bear letter re: budget

- S. Shore Blvd. complaint
- Other items:
- Agenda
 - July draft minutes
 - Finance reports
 - Ordinance 5 draft changes & drawing
 - Permit applications – Leukemia Cup Regatta, Ice Fishing

9. CONSENT AGENDA

MOTION # 11 (Michaud/Parenteau) Move to accept consent agenda. All aye, passed.

10. ANNOUNCEMENTS

none

11. ADJOURNMENT

MOTION # 12 (Michaud/St Germain) Move to adjourn. All aye, passed.

meeting adjourned at 9:50 pm

ATTEST:

Administrative Secretary

Date

APPROVED:

Board Chairperson

Date