



REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 P.M. WHITE BEAR CITY HALL
MINUTES of January 19, 2010

APPROVAL DATE: _____

1. CALL TO ORDER The January meeting of the White Bear Lake Conservation District was convened by Chair Thomas Hoffman at 7:05 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. A quorum was present. Recording secretary was Julie Yoho. Absent were Sue Cernohous, Diane Longville (both excused).

3. AGENDA

Add item 8b.6 Event permit for WBLCD lake clean up; Add item 8c1. WBLCD lake clean up.

MOTION #1 (Stawnychy/Norwick) Move to approve agenda with additions above. All Aye, PASSED

4. APPROVAL OF MINUTES

correction on page 8, WBLCD lake clean up date is march 6, 2010 not 2nd

MOTION #2 (Parenteau/Michaud) Move to approve minutes of January, 2010. All aye, PASSED.

5. PUBLIC COMMENT TIME

none

6. NEW BUSINESS

6a. Ordinance 5 revision

Hoffman – Sept, Oct, Nov were discussion and public comment. Would like to come to a resolution on proposed changes for the ordinance.

Parenteau – issue is tabled

Danks – item was off table in November

Hoffman – divide out canopies, slip structures, ADUA discussions

Parenteau – with number of public comments on this, we should leave it alone

MOTION #3 (Norwick / Steinworth) Move to approve language in draft subd. 11 and part 3, subd 1c1 regarding ADUA language.

Discussion

St Germain – would agree with part, some text, not all

Norwick – other parts of ordinance clarify hardships and variances. LMCD, Prior Lake, other entities have more descriptive language of what ADUA is. Why is WBL the only one without better description? Don't need to be afraid of this. Good baseline for decision making.

St Germain – would guess there are maybe 10 lakes in state with a description. When ordinance was created, we purposely did not extend lines. Already seeing problems of people thinking other boats can't cross into ADUA. Does disservice to put this in, it will cause more problems. We were trying to regulate where structures could be with no need for permit, that was original reason for creating ADUA.

Michaud – disagree that we don't have well defined ADUA, we do. Comments from past meetings indicate problems on other lakes. Maybe others should emulate ours. Not perfectly in every case, but it works. Will vote against any changes to language.

Danks – language does not indicate ownership of lake. ADUA does not imply ownership. That issue will stand regardless of language in ordinance. Much of public comment that came from Aug – Nov was in relation to shoreline conditions and potential conflicts. New language (11/16/09) helps resolve this. Took on this assignment from workshop last year, trying to find way for neighbors to work this out on their own. Found there could be more objective criteria.

St Germain – can't assume 2 people are going to agree when one has an advantage over the other.

Danks – liability comes in when criteria are open for interpretation, trying to set up so that situations are not as dependent on LUC to make a decision. Precedent matters, if board members change, will there be consistent interpretation of ordinance? Opens up questions. Would be benefit to have objective, repeatable criteria.

Stawnychy – don't want to agree to these changes. Too many people are going to stand and argue over neighbor's line location. Wanted to be able to go to site to tell them. This will increase hardship.

Hoffman – feels it will solve problems

Motion#3 Vote

4 aye (Norwick, Hoffman, Danks, Steinworth); 4 nay (Stawnychy, Parenteau, Michaud, St. Germain) Motion FAILS for lack of majority.

Norwick – hate to see a tie, can we bring this back next month?

Michaud – motion has been defeated, would start from scratch. Language has been voted on and failed

Norwick –unfortunate all members are not here

Hoffman – could go back as 1st reading and start over, ADUA language was what was voted down

Hoffman – next look at language in regard to canopies and slip structures, text is 3 areas in draft.

St Germain – do we define slip structure as like a house? Is it defined differently?

Parenteau – no, and this is our chance to describe

Michaud – originally was referring to canopy that exceeded canopy drop of 18"

Hoffman – Julie look up original language that was proposed

MOTION #4 (Steinworth/Parenteau) Move to defer until February any further discussion on canopy language. All aye, PASSED

6b. Officer Nominations

Nominations for Chair: Steinworth – nominates Norwick. Michaud nominates Stawnychy. Hoffman nominates Michaud, declined.
Vice chair – Norwick nominates Danks, declined. Parenteau nominates Michaud.
Treasurer – Michaud nominates Longville.

7. UNFINISHED BUSINESS

none

8. REPORTS/ACTION ITEMS

8a. Lake Quality Committee

8a1. Steinworth – attended an AIS prevention meeting.
8a2. Next LQC meeting will be Feb 9 . At previous meetings we applied for grant money and also received Steve McComas report. Applied for 3 different grants
Parenteau - one grant is for informational signs on aquatic hitchhikers. Signs are done per DNR standard.
Danks – 2nd grant is for public awareness, for \$3500 to develop an e-newsletter and print newsletter to identify AIS. \$1500 cash, 2000 in-kind match
Steinworth- 3rd grant is for watercraft inspection \$6500. These are matching grants, board will be committed to spending matching money. Watercraft inspection grant is unbudgeted \$. (LEC will match awareness grant). DNR wanted good faith applications. Would like to ask board for commitment for \$6500, could wait until contract signing but would like to know what direction the board is leaning
Hoffman – can matching be volunteer hours?
Steinworth – no, not for this one. Paying for DNR inspectors at our launches. Zebra mussels are going to be prevention only
Our money is matched, divided by \$12/per hour, paid to inspectors from May til Sept. We can direct when.
Michaud – how big is a zebra mussle?
Steinworth – they can be very small
Michaud – would it make more sense to focus on the signs, and spend that money toward something else? (milfoil?).
Steinworth – a lot is education, intangibles
Danks – education and interaction is great opportunity
Hoffman – do we need commitment tonight, or wait and see?
Steinworth – amount would be this amount or less. We need to let them know our level of commitment.
Parenteau – city of WB does have a boat inspector, and also at Ramsey Beach, not sure on number of hours.
Steinworth - This would be 70+ hours/week coverage

Hoffman – we need to be very conscious of money here. It comes down to tradeoff of using funds. Was there a committee recommendation?

Steinworth – \$10,000 was available between 3 grants. Direction of board was to go for as much grant money as possible.

MOTION # 5 (Steinworth/Danks) Move to have WBLCD commit to spending \$6500 for the watercraft inspection grant program.

Discussion

Norwick – tough to pass opportunity to double the \$

Parenteau – will vote against, maybe a less amount...

Stawynchy – launches are covered well on weekend, maybe spend less on this

Michaud – may need funds for something else

Steinworth – no doubt we will spend more than budgeted for lake management in 2010

St. Germain – we are already deficit spending. We have lowest reserve since I've been here. With public demand, we don't have much to work with.

Hoffman – in favor of lesser amount

Danks – friendly amendment to come to lesser amount

Norwick – this is a proactive approach, which we've been accused of not doing in past

MOTION #5 Vote

3 Aye (Steinworth, Danks, Norwick) 5 nay. FAILED

MOTION #6 (Hoffman/ Norwick) Move to commit \$3000 for matching grant money. 7 aye, 1 nay (Michaud). Passed

MOTION #7 (Steinworth/Norwick) Move to approve Blue Water Science contract for \$6100, not to exceed 7000.00 for 2010.

discussion

Parenteau – with contract he attends 3 meetings. 1 is report presentation, other 2 at board discretion.

Steinworth – wrote into contract the option of 3 additional potential meetings due to severity of problems this year.

Norwick – additional meetings would be at board discretion

Public comment

Beverly Driscoll

Has served as 30 yr public service employee and also a consultant. Would like to suggest we be very careful about how public dollars are spent. Any time there is a state contract for more than \$5000 there is an RFP. It's an important consideration. Would offer to volunteer to prepare an RFP and bring to the board for approval. Advantage is clarification on both ends of what is needed when. Would be happy to help. Also, has map for sailing course – distribute to committee.

Steve Johnson

There are other people out there at the level of Steve McComas. Experience in private sector, every year did review of contracts/consultants. Also could help out. Same person for long time can result in biases.

Granger Whitely

McComas was not describing the lake as he knows it. Was unable to sail due to infestation. Not accurate representation of lake condition.

Norwick – appreciate RFP idea. Understand and agree with concern.

Michaud – agree as well. There was RFP when we first hired Steve. Has enjoyed the consistency of reporting from year to year. Would support an RFP going forward, use this contract for 2010. St. Germain – Steve was not original consultant. First was fired

MOTION # 7 Vote

All aye, PASSED. Contract approved

8b. Lake Utilization Committee

8b1. 2010 Ramsey Co water Patrol

MOTION # 8 (Michaud/St.Germain) Move to approve 2010 water patrol contract with Ramsey County.

Discussion

Michaud – Norwick is coordinating with both counties.

Norwick – Ramsey Co has been very cooperative and wants to come up with something. Could adjust the supplemental agreement at a later date.

Steinworth – potential to reduce expenses?

Michaud – not clear, but likely

Norwick – they are on lake now, need contract, approve as is, they will amended as needed before ice out

MOTION # 8 Vote

All aye, passed. Contract approved.

8b2. No update on commercial bay slip allocation

8b3. Board received letters from city of WBL0, and DWB regarding past due amounts. Committee has discussed.

MOTION #9 (Michaud/Stawnychy) Move that the Board Chair draft letters to the Docks of White Bear and the City of White Bear Lake informing them that their 2010 dock applications will not be considered until all 2009 fees are paid.

Hoffman – disappointed in this philosophy from city, should have clear understanding of obligation regardless of lake level.

Danks – do we have a policy on this?

MOTION # 9 vote

All aye, PASSED

Michaud – approach has been what is permitted for, is paid for. We could consider requiring full payment up front prior to season. LUC will continue to consider some things.

8b3. Commercial bay slip allocation

Jim Gasparini, Afton Law office for DWB

Could you comment on slip allocation progress?

Michaud – committee developed a list of formulas with various options

Gasparini – is there a timeframe ? Would like to know that its moving forward and will be done at some point.

8b4. Black Bear Yacht racing.

MOTION # 10 (Michaud/St Germain) Approve permit conditional to naming WBLCD as also insured and coordinate with WBYC. All aye, PASSED

8b5. Vacation sports

MOTION # 11 (Michaud/St. Germain) Move to approve Yukon Days Fun Run event. All aye, PASSED

8b6. Tim/Julie Hoffman ice fishing

Party / ice fishing gathering that grew to over 50 people, water patrol stopped last year because they did not have permit.

MOTION # 12 (Michaud/St Germain) Move to approve Hoffman ice fishing.

Parenteau – insurance?

Michaud – private, not a condition

Steinworth – are we taking their \$ for app fee?

Michaud – yes

MOTION # 12 vote

All aye, passed

MOTION # 13 (Michaud/St Germain) Move to approve slate of 2010 dock applications: Hickory Street, VFW, WBYC, Fletcher Driscoll, East Shore Dock Association.

Danks – Hickory indicates change in frontage from previous years. Diagram does not match letter. Not clarity. If only 10' setback on 1 side, are they out of ADUA?

Michaud – app. needs to get filed with letter attached – they did not update the diagram. Yes, in this situation they encroach. Site owners agree.

Hoffman – any comments on any of these?

Michaud – neighbor of Driscolls came, they are working out their issues on their own.

MOTION # 13 vote

All aye, passed.

8b12. Tallys 2010 dock application

Change request of 30' extension due to low water levels.

MOTION # 14 (Michaud/ St Germain) Move to approve application. without extension, same as last year, naming WBLCD as also insured on insurance policy.

Discussion

Stawnychy – agreed to approve as last year, and look at potential extension if needed.

Gasparini – issues they would like addressed: setback, 1 slip per 4' of frontage rule, insurance for catastrophic event such as gas tank, riparian rights – title, insurance should name city as co-insured.

Would like comments on these items.

Michaud – setbacks are same, code issue will be addressed if board chooses to do reallocation. Insurance noted as condition

Parenteau – riparian rights stated in our ordinance

MOTION # 14

All aye, PASSED

Michaud – extension request could be a problem if every one goes 30', open to looking at each situation and seeing spring conditions

8b13. WBLCD Lake clean up event permit

MOTION # 15 (Michaud/St Germain) Move to approve WBLCD clean up permit.

All Aye PASSED

8c. Lake Education Committee

March 6, 2010 clean up. Need volunteers to staff sites. Boy scout troops will be going from Bellaire beach. Contact Doug.

8d. Treasurers report

MOTION # 16 (Hoffman/ Parenteau) Move to accept December & January Treasurers reports and pay checks 3952 - 3962. All aye, PASSED

8e. Board Counsel Report

Substitute from Maplewood, Kantrud unavailable

Letter requesting extension of time until April 6 in the Dellwood case.

8f. Administrative Staff Report

Items included in packet this month:

- Agenda
- Nov draft minutes
- Nov LUC draft notes
- Permit applications – 3
- Dock permit applications – 6

- 2010 Ramsey Co Water Patrol contract
- 2010 Steve McComas contract
- Letters from City of WBL, DWB regarding 09 dock fees

9. CONSENT AGENDA

MOTION # 17 (Michaud/Parenteau) Move to approve consent agenda. All aye, PASSED

10. ANNOUNCEMENTS

Hoffman - Joe Allaben has been appointed by Birchwood as my replacement. Will start in March.

11. ADJOURNMENT

MOTION #18 (Michaud/Parenteau) Move to adjourn. All Aye, PASSED

Meeting adjourned at 9:04pm.

ATTEST:

Administrative Secretary

Date

APPROVED:

Board Chairperson

Date