



REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 P.M. WHITE BEAR CITY HALL
MINUTES of June 15, 2010

APPROVAL DATE: 7/20/10

1. CALL TO ORDER The June meeting of the White Bear Lake Conservation District was convened by Chair Mike Stawnychy at 7:05pm.

2. ROLL CALL Present were: Chair Mike Stawnychy, Vice Chair Luke Michaud, Directors Mike Parenteau, Diane Longville, John Steinworth, George St. Germain, Yale Norwick, Sue Cernohous, Joe Allaben, Doug Danks. A quorum was present. Recording secretary was Julie Yoho.

3. AGENDA

Add items from LQC report (handout)

Add item "WB Press" under new business 6a

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

4. APPROVAL OF MINUTES

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

5. PUBLIC COMMENT TIME

Brian McGoldrick, DWB

Having issues with parking and gas tank. Last year it was incorrectly reported that parking issue was resolved It has not. City needs to address parking and gas tank issues.

6. NEW BUSINESS

6a. WB press

Editor is offering wblcd participation in weekly article in WB Press. Would be in rotation with other local groups & information has to pertain to our mission. Let Mike know if interested in participating.

Norwick – LEC would be appropriate to address

Stawnychy – would appreciate someone who wants to write it

Danks – agree LEC should take on.

Michaud – board as a body should approve articles before they go in

7. UNFINISHED BUSINESS

Move Ord. 5 discussion to July agenda

8. REPORTS/ACTION ITEMS

8a. Lake Quality Committee /see handout

8a1. Lake level 920.00 which is within 1" of last month. Temp 69 degrees

8a2. LQC will plan to meet the 1st Tuesday of the month (July 6)

8a3. We received \$11,000 grant from DNR for EWM treatment, plus \$10,000 of WBLCD funds.

Stawnychy – is the treatment date set?

Steinworth – need final papers with signatures, then are ready. Applicator has been to site. Hopeful for next week, conditions will determine once paperwork is done. Everything is taking longer than hoped.

Allaben – is there protocol for communication to public regarding treatment?

Steinworth – when we know, we will notify WBLHA, applicator will buoy area and place notice at access points.

Danks – back to the sign grant, standard sign will be used. Would like to discuss having sign with more information? Not sure DNR signs go far enough to provide information on zebra mussels.

Steinworth – agree. DNR is still developing what sign will look like

8a4. WBL Homeowners Assoc, Mike Crary president

Fundraising for milfoil treatment was successful. 505 letters sent out to homeowners. To date, \$50,000 has been raised. Over 100 people have donated. Will be providing approximately \$5,000 for treatment of 60 acres identified by DNR. Remaining 30 acres will cost \$13,000 – will provide funds for that treatment after permit is secured.

Steinworth - plan is to do another assessment in end of June/beginning of July to check for other sites. Final approval rests with DNR.

Stawnychy – all treatment depends on what else they approve?

Steinworth – I'd predict there will be more areas to treat in later assessment.

Crary – can get permit to treat additional if it is nuisance by DNR criteria. Will hold funds

Steinworth – Process is complicated by fact large number of DNR offices and individuals involved. In the end it comes down to what is our goal, need to state clearly. We want to expand into managing invasive species, beyond recreational nuisance criteria.

8a5. WBL Homeowners Assoc. Crary – Also have a new initiative proposed for tonight regarding water level. '98 study done on lake level of WBL. Homeowners agreed extra funds could go toward additional research on lake level. Propose to have further water level study done. See handout. Will provide funding for study, 5k to start. Would like to donate thru wblcd for tax write off purposes.

Steinworth – there are studies that show pumping did nothing, some say it did. I'd suggest this issue is bigger than us. Groundwater is a state

resource. Lake has maintained 8' fluctuation over time. It's a complex thing, bigger than 5k.

Crary – solution is bigger than the board. First would like to get simple answers.

Steinworth – before thinking of a well, talk to people who have jurisdiction over – many state agencies. Too premature to ask what it costs, ask if feasible. Reason why old wells were capped...don't see how wblcd board fits in

St Germain – or if they'll let you

Parenteau – I think its good idea

Norwick – good idea, I have suspicions it could be more than drought.

Maybe due to development to north and runoff control. 5k for study will just begin to look at ..

Crary – more funds will be available if needed

Danks – timely issue. There is monitoring by DNR to check municipal wells and groundwater recharge rates. Is drought sole cause? See if there are other factors.

Crary – would like to proceed and put together more questions

Michaud – this report was '98. Do we know if DNR has done anything newer? Let's remember 5 yrs ago we had high water levels and erosion.

The lake cycles. There was more stability when they were augmenting.

Steinworth – Understand looking at level, but I'm concerned you are focused on augmentation. Past studies in that area are all over the board.

Michaud – would have liked this issue on the agenda prior to the mtg.

Back to milfoil, is the permit complexity due to the grant request? Why are we not starting 2nd permit request now?

Steinworth – permit is what was approved based on all information in front of them. Our study and theirs.

Michaud – based on available funds?

Crary – DNR staff came out and surveyed lake. Other 30 acres should still be under consideration

Steinworth –it has to meet their criteria of nuisance

Michaud – should we make motion to apply for next permit?

Steinworth – no. They will assess again. Will do no good to go tomorrow and ask for more acreage.

Stawnychy – need further study on lake to identify further problem

Parenteau – we submitted 90 acres. We need to go back out there and re-submit with new assessment and new information.

Stawnychy – this has been very quick already. Have to follow procedures.

Parenteau – next procedure won't be delayed by grant request

Crary – will set funds aside for further treatments later in summer. Or to treat rock bar site

Stawnychy – rock bar area is mixed species, not monoculture

8b. Lake Utilization Committee

8b1. Park ave dock dispute - updated draft resolution

Michaud – draft resolution adjusts Schoeller and Hodgson docks, moves T's & L's back. This is not a recommendation from LUC, there was no consensus in committee.

Stawnychy – has been to site, thought this proposal may work. Have asked many time in past for the parities to work it out to no avail. No disrespect to anyone, but a decision has to be made.

Michaud – if adopted and sent as an order, it still allows for homeowners to work out alternate solution.

Mr.Fruth, attorney for Hodgson - Approach is wrong and not permissible by ordinance. Similar to a land use/ zoning problem. Think of it as conditional use. Bay, “bookend” docks on each end causes rush inside. To avoid every year, do what LMCD does, treat as conditional use. Get legals, establish coordinates for every dock so that everyone is in same place every year. Michaud is trying to deal with situation this year, not permanent.

Schoeller - Concur what with Mr. Fruth said. Norwick had good ideas also. Want a permanent solution. Appreciate efforts, but don't like proposed solution. Don't want to come back every year.

Marylyn Kaplan, 1165 Park – also wants permanent solution.

Stawnychy – resolution has to come within property lines. “bookends” don't seem to be the issue

Norwick – believe we have every right to do a site plan from Keller to McCartney estates, done by a surveyor to solve permanently.

Stawnychy – Kantrud, can we do that?

Kantrud – havn't seen the materials. Believe we do have authority, as we have in the past to move docks

Stawnychy – can hire surveyor and tell everyone where to move?

Kantrud – the people are asking for that. Would be nice if they did this on their own, but they can't and have come to us.

Mr. Fruth – no one would be told dock could be outside of their property, but where on property. Easement should be looked at. Need someone to take time to sort thru and figure where docks can be and develop plan.

St Germain – angle of docks is the problem, not where they start from

Michaud – agree, angle

Fruth – proving point, we all disagree, need to sort out

Michaud – Schoeller can't get to north side of his dock. Solution is move L or T, measure 10' clearance.

Norwick – does first L beat the others in?

Fruth – who is enforcing as docks are going in?

Michaud – offered solution, you don't like

Fruth – If we have to go to court to get formalized, we can. Comes down to which way is best way. Difference of opinion.

Parenteau – are property lines available there? With GPS we could figure out degree of angle docks should go in at.

Fruth- would like it to be scientifically established

Parenteau – still have to have 10' measuring stick, because L, T could go on and cause problems

Fruit – could then limit as needed. Would like survey and map

Steinworth – seems we need end points for docks.
Stawnychy – wings and Ts have become problem. Are these docks or decks? Decision will have to be made by board. Schoeller wants access, but he has a wing. Neighbor has put boat right next to. This proposal adjusts.
Norwick – don't have to move people to south much. Won't hurt to move a bit and establish degree.
Stawnychy – ADUA hardship
Norwick – that is what site plan is for, hardship
Danks – if we establish and record legal positions, would you agree to limits on T's, and L's & lifts?
Fruth – if you have site plan, it follows that restrictions could be placed on lifts, locations, etc. I feel if south dock moves, it won't be a problem.
Danks – if we record position of docks, can we record restrictions?
Fruth – I'd call it definitions. Yes, you can have rules.
Danks – since they are asking for more definition I can't see how we can refuse
Stawnychy – other folks would need to be notified of site plan proposal.
Fruth – go to more of land use approach process
Norwick – this approach has been used by LMCD
Schoeller – after 15 yrs your now asking me to give up more. I want a permanent solution. Be sure no one adds on to T or L.
Norwick – if board is inclined to do site plan, could Hodgson move L and lift to other side for this year?
Fruth – will discuss, in favor of interim solution as we move toward permanent solution
Roxanne Hodgson – I've put dock in same place since '06. Notified Luke and Yale when docks went in this spring and asked for help. It took until May 28 before board member came down to look. What am I supposed to do? This is a process issue also. Not my fault, but now your asking me to make all the concessions.
Norwick – I talked to you many times. No one there agrees on solution. I've always maintained we need site plan. You called, knew it was same problem as last year. I can't go one 1 phone call and order docks moved. Unsure what you expect.
Hodgson – I have to spend money to have anything done or moved. If you are asking me to move, will you pay for?
Norwick – if I would have come in May and said move your lift would you have?
Hodgson – likely no, perhaps I can work with Dennis
Michaud – this document is labeled draft. Board has to take some action or we are part of problem
Danks – framework has merit. Would suggest we take it further and establish location and appurtenances. Would like site plan with locations established.
Stawnychy – who is going to be responsible to do this? Do we hire?
Won't happen fast. If we don't want to order them to do that, they will

live with the situation for rest of summer, plan won't be done in one month.

Norwick – expect litigation that no matter what. Do we have authority to recover fees from parties?

Kantrud – can't charge for conditional use permit. If it's a study could charge back

Stawnychy – We can't spend that money just for 3 or 4 peoples docks. I'm disappointed they can't figure it out on their own. Seems simple.

Fruth – request you withdraw or table draft resolution. We'll work to see if we can get majority to agree to something until site plan can be developed.

Mr. Schoeller will make adjustments for temporary solution, we'll meet with to take attempt at site plan.

MOTION # 3 (Norwick/Michaud) Move to table draft resolution. All aye, passed.

8b2. Fishing tournament application. Doesn't appear to be complete, no one was here to answer questions. LUC was not compelled to approve without more info.

Norwick – Lets contact them

Stawnychy – event is prior to next meeting, there is no insurance, etc.

MOTION # 4 (Michaud/Norwick) Move to conditionally approve cystic fibrosis fishing tournament with condition that minimum of 3 members of LUC are satisfied with questions answered. All aye, passed

8b3. Docks of White Bear complaint

Majority of items are for city to resolve.

MOTION # 5 (Michaud/Cernohous) Send response letter to DWB and look into alleged expansion of Tally's. All aye, passed

8c. Lake Education Committee

Lake tour will be Wed 23rd 6 pm. Change location to Ramsey co beach (not Matoska)

8d. Treasurers report

8d1. June Treasurers report

MOTION #6 (Longville/ Parenteau) Move to approve and pay checks 3981 - 3987. All aye, passed.

8d2. Budget 2011

MOTION #7 (Longville/Danks) Move to approve 2011 budget as drafted in workshop.

Discussion

Allaben – drafted a balanced budget. Took out all numbers we were speculating at to see what it would look like. If we propose to raise assessment I will vote no.

Norwick – My take is that this body is under-funded for the many tasks we are charged with. We are dealing with low water levels, milfoil, dispute resolution. Agree initial proposal was big number.

Parenteau – how do we know \$9800 is adequate for water patrol?
Norwick – Based on WA Co patrolling 16 hrs week. Could adjust. Having hard time meeting with Ramsey Co to nail down what they will do for routine patrol.

Michaud – lake use study could be delayed with lake levels. Should look at and see if there is value in doing mini study.

Steinworth – echo Norwick’s comments that we have been under-assessing all these years. Not doing everything we should be doing. Bumps and real problems should not take away from other tasks the board does. Schedule of surveys and activities established by board after community came to board and requested. If that is what it takes to run, that is what it takes. There are things we need to do, can’t back off the rest of budget. Honor pattern of studies. Lake has been up, we don’t have numbers for when lake is low. There are benefits to know. Bigger than what we think, bigger than board.

Stawnychy – would like to know how board feels about study

Allaben – no, but not experienced on board. What decisions are made from it?

St Germain – Just remember we have been deficit spending for past 5 years. License fees will be down as well.

Steinworth – many of you want to put study off. I’ll plead for small study this year if big is off until ’12. to offset.

Norwick – We need stop spending fund balance

Michaud – agree. If we had maintained balance, we could attack milfoil this year.

Steinworth – look at cities fund balance

Allaben – would like to understand why we cant use reserve, isn’t this emergency? What is base?

Kantrud - 37% of annual budget is typical reserve

Danks – are there other ways of funding milfoil in the future? A more equitable way of funding? Grants? Problem is broader than 5 communities.

Norwick – state has limit on what it can spend on milfoil.

Allaben – with economy today, it’s always pass the buck and not make decision. Would like to challenge thinking.

Stawnychy – milfoil won’t go away. State is not going to give us more \$. What do you propose?

Allaben – spend more reserve, smaller increase in assessment

Kantrud – submit the budget to cities, cities ok. By statute this is not a partnership. Present responsible budget/spending plan.

MOTION # 8 (Steinworth/Norwick) Move to approve 2011 budget. 8 aye, 2 nay (Allaben, St. Germain) Passed.

8e. Board Counsel Report

8e. no decision on dispute yet

8f. Administrative Staff Report

Items included in packet this month:

- Agenda
- May draft minutes
- May LUC draft notes
- 2011 budget
- Permit applications – 1
- Finance report
- Copies of letters sent regarding water use and the ice fishing contest

9. CONSENT AGENDA

MOTION # 9 (St Germain/Michaud) Move to approve consent agenda. All aye, passed.

10. ANNOUNCEMENTS

11. ADJOURNMENT

MOTION # 10 (St German/Michaud) Move to adjourn. All aye, passed.

Meeting adjourned at 10.43pm

ATTEST:

Administrative Secretary

Date

APPROVED:

Board Chairperson

Date