



## White Bear Lake Conservation District

### Regular Board Meeting – Approved Minutes

Jun 20, 2023, 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, Treasurer Mike Parenteau, Chris Churchill, Scott Costello, Darren DeYoung, Mark Ganz, Diane Longville, Susie Mahoney, Mark Wisniewski, and Alan Kantrud. A quorum was present.
2. **Call to Order** – The meeting was called to order at 7:07 pm by Bryan DeSmet.
3. **Approval of Agenda** – Motion to approve the agenda was made by Mark Wisniewski, seconded and passed.
4. **Approval of Previous Board Meeting minutes** – Motion to approve the May 2023 Board meeting minutes was made by Darren DeYoung, seconded, and passed.
5. **Public Comments** – none
6. **New Business**
  - Introduction DNR conservation officer Matthew Paavola – Matt Paavola is the new DNR conservation officer for northern Ramsey, and southern Anoka counties. The main issue on the lake is watercraft registration violations. The public can contact him by calling the DNR Information Center (651-296-6157) about non-emergency issues public water complaints and active violations (i.e.-fish take is over limit).
  - Bylaw amendment – Audit Frequency – Motion to approve the bylaw change was made by Mike Parenteau, seconded and passed.
  - Lake Use Study – volunteers for scope of work collaboration – The last lake use study was conducted in 2005, and a new lake use study was added to the 2024 budget. A group, including Meredith Walburg, Mark Wisniewski, and Alexander Schwartz (LUC), will review the District's lake studies from the last 25 years, determine what should be in the next lake study, and develop a draft scope of work to bring to the Board for review and approval. Request for bids will go out in October.
  - St. Germain signage – Mike Parenteau is waiting to hear back from property owners regarding permission to install a St. Germain Bay sign in Dellwood. Discussion on the sign has been in the works for a while to honor George St. Germain, who served on the WBLCD Board for 40 years, and whose family has a long history on White Bear Lake. Motion to approve up to \$500 to order the St. Germain Bay sign, once installation is approved, was made by Mike Parenteau, seconded and passed.
7. **Unfinished Business**
  - **Commercial Bay**
    - VFW Expansion-Environmental Assessment Worksheet (EAW) – The Board received the EAW to review as the Responsible Government Unit (RGU). The Executive Committee will do the initial review, and bring a report to the July Board meeting for approval. It's unlikely the expansion would take place this year. If the EAW is acceptable to the Board, the DNR will be notified regarding the VFW's revised permit, and the VFW would submit

an amended permit application for approval. It's possible, but not probable, that the Board could determine that an Environmental Impact Study (EIS) needs to be conducted.

- Luke Michaud, on behalf of the VFW, noted that transient slips have been included on the VFW expansion diagram.
- Docks of White Bear Lake and City of White Bear Lake-Lions Park ADUA Boundary agreement – The City of WBL and Docks of WBL have come to an agreement on the placement of the ADUA line between Lion's Park and Docks of WBL, starting in 2024.
- **EG Rud and Sons survey services**
  - ADUA marker locations – EG Rud monumented the OHWL with an updated survey and notations on how they marked them.
  - ADUA/dock length compliance check survey – On June 8, all dock lengths in Commercial Bay were surveyed for compliance with District ordinances. All marinas, except Docks of WBL, are compliant with dock lengths of 300 ft or less from the OHWL. A second marker to help site the 2024 Docks of WBL/City of WBL ADUA line couldn't be done as there was no room. The surveyors can come out next year to assist with the site boundary.  
The DNR was notified of the results of the survey.
  - Addition of Lions Park-Docks of WB ADUA for 2024 to survey – The 2024 ADUA information has been added to the surveys.
  - GPS coordinates – Cheri will send the converted survey file to Board members that can be uploaded into Google Earth to show GPS coordinates.
  - Approval of last payment - initial contract (\$1,000) – The final payment for contracted services is being paid. Cheri will ask for a final bill of the additional services (up to \$2,000) that they performed in addition to the contracted services.
- **2024 Draft Application Form 5/watercraft storage fees update**
  - Form 5 – It is still being looked at, and will be brought to the Board in July.
  - Watercraft storage Issue – Fees for watercraft on storage racks, whether situated in the water or on land, may not be necessary, but knowing where and how many watercraft are on storage racks is valuable information, and was included on the last lake use study. Form 5, for multi-user docks, should have an area where applicants can record this information. We can reach out to other places, such as municipalities, to gather information.

## 8. Reports/Action Items

- **Executive Committee** – The committee discussed agenda items and: putting together a map that marks where the district places shallow water buoys and 'no wake' buoys; reviewing ordinances with a group made up of Meredith Walburg, Mark Wisniewski, Scott Bohnen, and Darren DeYoung; using a credit card with a cashback option); the St. Germain Bay sign; and asking the DNR to allow the Conservation District to define what the acceptable dock configuration(s) are in low water situations (below 922ft).

The committee also discussed businesses operating on WBL and that if it is a commercial enterprise on the lake, a permit application needs to be submitted. The City notified the WBLCD that a watercraft rental business was seen operating on the lake without a WBLCD permit and was also launching out of Matoska Park which violates City code. Cheri will contact the city about their business licensing procedures. The issue was tabled until next year after WBLCD ordinances have been reviewed, and a better approach is developed.

- **Lake Quality Committee**
  - Lake level – The lake level is 923.18 ft.
  - Lake temperature – The lake temperature is 77 °F
  - Approval of Eurasian Watermilfoil (EWM) Management Proposal – Lake Mgmt Inc. – There's not much EWM visible right now. The survey will be done next week, and other

members are welcome to join. The survey will go to the DNR, and then to the applicator for treatment. The bid for treatment includes two chemical options (liquid Triclopyr and ProcellaCor EC). ProcellaCor is a higher cost chemical, but is good for large areas and is guaranteed to control EWM for 3 years. Mike Parenteau has a call into the DNR to see if there are any other chemical agents that could be used. Once the areas are defined, the use of which chemicals will be decided. Funds for treatment include \$25,000 that was budgeted for 2023, and a \$6,750 DNR grant. Motion to approve the cost of EWM treatment up to \$31,750 was made by Mike Parenteau, seconded and passed.

- **Lake Utilization Committee – Mark Ganz**

- Docks of White Bear Lake – amended 2023 application – The LUC recommended approval of the Docks of WBL amended permit application of 250 boats and less than 300 ft docks as configured on the submitted diagram. Mark Ganz stated that much progress has been made in Commercial Bay with the City and Docks of WBL moving to an agreed upon change in the ADUA boundary with Lions Park in 2024, and Tally's and Docks working together to propose abutting their docks at the Whitaker St. ADUA boundary for better boat navigation, and Whitaker ADUA alignment. A motion to approve the application was made by Mark Ganz, and seconded.

In the discussion, it was noted that the application was for 250 boats, and the DNR's permit allows for 260, while the Board has approved permits for 240 boats for the last three years. A question was raised about permitting authority and Alan Kantrud reminded the Board that the DNR permit sets a limit of what is allowed. And, although the WBLCD cannot approve anything that exceeds the limit, it has authority to set lower limits than the DNR permit. It was noted that, from the summary of marina boat counts for the last three years that was requested from the District, the DNR is revising its 2024 permit to the Docks of WBL for 240 boats. Chris Churchill noted that all marinas should get their DNR permits up-to-date with what the WBLCD has approved, like the City of WBL did earlier this year.

Mark Wisniewski observed that boats would need to be situated at the end of the docks if the dock lengths are reduced to 300 ft or less, which would still be out of compliance. Bryan DeSmet added that in 2022, Docks of WBL was approved for 240 docks but drone photos show at least 260 boats docked at the marina. He also cited Ordinance 5, Part IV, Subd. 2. I. regarding the penalty for boat slip overage and stated that if we are to enforce the ordinances, then the District could only approve up to 220 boats. Wisniewski followed up with a question about how compliance would be checked and enforced and on what timeline, should the application be approved. Ganz stated that the water patrol will do random boat counts twice a month, and a drone can scan all the commercial bay marinas.

Churchill stated that the District needs to make sure it enforces its ordinances with all marinas. It was suggested that the letter sent to commercial operators with the approved permit certificate should include language that details the consequences if they don't abide by the ordinances.

Meredith Walburg noted that the last lake study advised against increasing boat counts, and the District has kept dock association boat counts the same for many years. Walburg suggested that the RSCO boat counts be reviewed in October to make decisions on the enforcement of any boat count overages before permit applications are reviewed for approval.

DeSmet made a friendly amendment to adjust slips to 240, and Ganz rescinded his motion. Then, a motion to approve the permit application for 250 boats and all docks

under 300 ft was made by Chris Churchill, and seconded.

In the discussion, Wisniewski stated it is time to move onto some type of enforcement action, and DeSmet said that they have been without a permit all season, and we will ask the RCSO to enforce our provision.

It was noted that there was no time frame decided in which Docks of WBL needed to shorten the dock lengths. Mike McGoldrick, partner/manager, Docks of WBL, spoke and stated he would start the work immediately, but he didn't know how long it would take. He also stated that the 250-boat request came from working with many parties, not wanting to disrupt the community, and wanting to meet in the middle to work toward resolving the permitting issue.

Wisniewski proposed that to amend the motion to add a 45-day grace period on enforcement to bring the docks into compliance with the permit application.

The vote was called to approve the permit application of 250 boats and docks under 300 ft with a 45-day grace period before enforcing compliance of the permit. The motion failed with Chris Churchill, Diane Longville, Mark Ganz, and Mark Wisniewski voting in favor, and Scott Costello, Bryan DeSmet, Meredith Walburg, Mike Parenteau, Susie Mahoney, and Darren DeYoung opposed.

It was noted, after the vote, that the proposed Tally's shared ADUA/dock placement agreement was contingent on the approval of the Docks of WBL application, and so that will not happen. Docks of WBL was advised to come back with an application for 240 slips. Motion to send a letter to Docks of White Bear Lake letting them know that a permit application of 240 slips, and docks within 300 ft is something the Board can approve was made by Bryan DeSmet, seconded, and passed with Chris Churchill opposing.

- o Tally's Dockside – amended diagram (shared ADUA/dock placement) – Due to the lack of approval of the Docks of WBL permit application, the proposed ADUA/shared dock placement at Whitaker St. between Tally's and Docks of WBL was tabled.
- o 4955 Lake Ave. – debris issue – A letter will be sent giving the resident 7-10 days to remove the wood debris that is floating from their property to the Memorial Beach area. The letter will also state that a criminal citation will be processed for failure to abide by the order of the WBLCD Board. Mark, Alan, and Cheri will work on the letter and send to the resident.
- o 479 and 483 Lake Ave. - ADUA issue – Darren DeYoung spoke to both parties, and the issue is the definition of what is “unreasonably and unnecessarily entering the ADUA.” Susie Mahoney, 479 Lake Ave., stated that, while the neighbors are in compliance with a past order that their dock be centered in the middle of their property, it does not allow enough space for them to maneuver without always entering into Mahoney's ADUA. Chris Churchill stated that he viewed the site, the county lake surveys, photos and diagrams, and that there is enough navigable water for the neighbor's pontoon to get in and out. Bryan DeSmet suggested having an LUC member meet them on the site. Darren DeYoung stated that he could meet and had met with the other party, but there's still the definition of what is ‘unreasonable and unnecessary’ to enter someone else's ADUA that he can't define. What one person may see as reasonable, another might not. When asked what she expected the Board to do, Mahoney said she wants the other party to move their dock further south. It was brought up that that would then cause a problem on the other side of their dock. DeYoung provided documentation from a 2017 dispute that ordered 483 Lake Ave. to place their dock in the middle of their property. Larry Mahoney spoke that the center dock placement is fine, it's the platform at the end of the dock that has them entering and exiting toward the Mahoney's dock.

- DeSmet asked the LUC to look at the issue and bring it back to the July meeting.
- o Jensen-Rindelaub - dock issue – This issue was brought up by the Browns who are north of the easement in question. Jensen had a survey done, and the easement dock does veer off a little from the 5 ft straight-into-the-lake easement. Rindelaub will talk to the Jensen and come up with a solution as to where it should be, and the Browns will be informed after that. The LUC will reach out to the parties.
- o Properties with five (5) boats on their dock – It was brought up at the LUC meeting that there are properties with five boats at their docks. Mark will write a letter to inform them of our ordinances and that they have 7-10 days to remove one boat.

- **Lake Education Committee**

- o Educational outreach update –
  - o Scott Costello reported on the WBLCD’s work with the White Bear Press and that we’re pleased with the results. We should be receiving an invoice, and information about its distribution. The LEC provided material for the 2<sup>nd</sup> edition regarding what citizens can do to maintain the water quality of WBL. The committee will need to come up with more material for the next two issues.
  - o Marketfest – We won’t be at Marketfest this year, but possibly next year. We will need to come up with something that pulls people to the booth.
- o Social media update – Meredith Walburg reported that she’s starting to develop one page of content for the Aug. 11 Laker issue. If there are any ideas that should be addressed, email someone on the LEC. Social media posts this month will include something about the Marsh, lake level and temperature, lake survey, and a link to the Laker material that will be coming out before July 4.

**9. Treasurer Reports**

- Approval of June Treasurer’s Report – Motion to approve June Treasurer’s Report, debit card #7, and checks #4866 to #4874 was made by Mike Parenteau, seconded and passed.
- 2024 Final Budget – Motion to approve the 2024 budget was made by Mike Parenteau, seconded and passed. The budget and community apportionments for 2024 will be sent out to the municipalities. Mark Wisniewski noted that we’re going to run a deficit and wanted to know how the reserve cash balance was calculated. Mike Parenteau stated that the ideal cash balance is 1½ times the annual budget. Cheri will send the Board the resolution regarding its fund reserve policy. It was noted that we should explain our fund reserve policy to the municipalities.

**10. Board Council Report** – Alan Kantrud reported that the DNR has been issuing fishing and registration warnings, and the Ramsey County water patrol has encountered speeding issues.



The photo session is postponed for tonight and will reschedule for July.

**11. Announcements**

- The next Board meeting will be held on July 18.

**12. Adjournment** – Motion to adjourn at 9:29 pm was made by Darren DeYoung, seconded and passed.

ATTEST:

Bryan DeSmet, Chair  Date 7-18-2023  
 Cheri Howe, Administrator  Date 7/18/2023