



White Bear Lake Conservation District

Regular Board Meeting – Minutes

September 19, 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, Diane Longville, Mark Wisniewski, and Alan Kantrud. Absent: Mark Ganz and Susie Mahoney. A quorum was present.
2. **Call to Order** – The meeting was called to order at 7:02 pm by Bryan DeSmet.
3. **Approval of Agenda** – The LUC report was moved ahead of New Business. A motion to approve the amended agenda was made by Mike Parenteau, seconded and passed.
4. **Approval of August Board Meeting minutes** – A motion to approve the August 15, 2023 Board meeting minutes was made by Mike Parenteau, seconded, and passed.
5. **Public Comments** - none
6. **Public hearing (to commence on or after 7:05 pm)**
 - Request for a variance from Docks of White Bear Lake to allow its docks to extend out from the Ordinary High-Water Level (OHWL) beyond 300 feet (existing limit) in Commercial Bay for the remaining 2023 season – The subject of the hearing is a variance request from Docks of White Bear Lake (WBL) to exceed the 300 ft from the Ordinary High Water Level (OHWL) for their ADUA claiming hardship in operating some their slips due to low water levels.

The public hearing opened and the public was invited to make comments. Having no comments made, the public hearing portion was closed and discussion moved to the Lake Utilization Committee (LUC) report, starting with the variance request.

- **Lake Utilization Committee** – Chris Churchill
 - Docks of WBL – variance request – Chris Churchill stated there was no quorum at the LUC meeting to approve a recommendation but noted that, while three of the five docks have been brought into compliance, they are having a hard time moving so many boats. They are requesting a variance on the noncompliant docks for the remaining 2023 season. The rationale for the variance is due to a decrease in Lake Levels. (The Lake level today was 922.0 ft above sea level, a level the DNR has set as a reasonable elevation to operate at.)

Bryan DeSmet noted that the applicant had been operating without a permit and counted 270 slips (not boats) in the aerial survey. Churchill said that the boat count process needs to be improved and the number and location of slips for rental purposes known. Mike Parenteau noted that the water always drops at the end of the season, and DeSmet noted that 922 ft is a reasonable elevation set by the DNR, and didn't think a variance was needed.

Mark Wisniewski was concerned that if the request was approved due to low water that a precedent would be set for next year's low water levels. Alan Kantrud noted that last month, Docks of WBL stated it would be hard for them to bring all of their docks into compliance, and so we asked them to submit a variance for that. Meredith Walburg suggested that low water variances should be considered for all marinas equally and at the same time. It was also noted that water levels vary at different docks in Commercial Bay, and other marina operators who may be impacted have not asked for a variance.

DeSmet noted that LUC members are going to work with marina owners on their 2024 applications before they submit and hopefully will take care of any issues.

Darren DeYoung asked what the role of the WBLCD is when a marina owner makes a business decision to rent slips near the shore, knowing that Lake levels change. DeSmet agreed that owners have some responsibility for the decisions they make, and it's not necessarily the District that needs to bail them out.

Scott Costello added that the variance request is based on water level and not based on being out of compliance. The lake level has varied eight feet historically and we do need a systemic approach to deal with cyclical lake levels. As various ideas were discussed on how to address water levels below 922 ft, DeSmet stated that during the off-season, the LUC and Board will work on developing a uniform review of how to address low water levels, before April, and offer guidance to Commercial Bay operators and lakeshore residents.

Churchill asked if marina owners should apply for a variance with their 2024 permit application. DeSmet said marina owners should assume that the water level will be 922 ft or above, and should adjust their application appropriately.

Keith Dehnert, Tally's Dockside, stated that he is going to submit a variance with his 2024 application, and present options of how the docks would layout based on what the water level will be. Paul Kauppi, City of WBL, stated that you can't accurately measure the lake levels when the Lake freezes up, so you have to make the decision on docks and slips when you're applying in the fall, or wait until the ice comes off to ask for a variance request. DeSmet suggested that it would be good if marina owners give several options, and then in April if the Lake level is below 922, the District could offer early season guidance. Kauppi stated that the City doesn't have extra sections of dock, so if decisions are made in April, they won't have dock sections ready to use.

Navigable water is the issue with the marinas, not the OHWL, so a different measure should be used with self-triggering events. Kantrud does not recommend that applicants submit a prospective variance, as there are not facts at the time on which to base the variance, but feasible to present options on the application, depending on the water level trigger.

Diane Longville asked if the variance is denied, what would be the next steps. DeSmet said that the Board will need to make a decision whether to enforce the District's ordinances or not, but by the time that is done, the season will be over. A motion to deny the variance request was made by Bryan DeSmet, seconded and passed, with Churchill opposing.

- City of WBL Dock A and VFW ADUA – Lindy Crawford, City of WBL manager, asked for the fire boat to be moored at Dock A starting in the 2024 season along with the Bear Boating pontoon. That pontoon, which offers a public service to the community, is located on Dock A and has never counted toward its slip count, and the City asked that the fire boat not be counted toward their slip count as well as it provides for public safety on the Lake. Both boats would be located in the VFW's ADUA, but the VFW indicated in a letter that they approve. A motion was made by Chris Churchill to allow the fire boat to be moored on Dock A and that it not count toward the City's slip count with the stipulation that they City address any navigation complaints if received from the VFW. The motion was seconded and passed. It is incumbent on the City to work on their permit with the DNR, otherwise if they can't work it out before the 2024 season, they will need to give up one of their slips in their marina.

Other marina owners, such as the VFW that counts the Ramsey County Water Patrol boat in their slip count, will need to be notified of the change, and DNR permits may need to be adjusted. Crawford also stated that they discussed with the VFW that it would be acceptable to the City if the VFW would like to moor the water patrol boat at the City's dock.

7. New Business

- WBLCD official emails - status and protocol – Board members are encouraged to use their WBLCD email for correspondence, and a draft email protocol document was created to guide Board members in its use. A question was brought up about how long emails should be retained; the Administrator will look it up in the retention schedule. It was noted that the Administrator should be copied on all Board and committee correspondence as a matter of public record, and to keep the office in the loop. A concern was raised on how to minimize spam infiltrating the email account, though there is very little at this time. The Administrator will use strategies to reduce spam when posting the contact information. Email addresses will go live on the website once all Board members have sent email confirmations to the Administrator, and an amended protocol document and answers to questions will be sent to the Board when completed.
- Request for Variance application form – change in application submission timing
Bryan DeSmet stated that currently the submission time for a Request for Variance is two weeks before a Board meeting which does not give the District much time to process. A change was made to ask that the form be submitted by the first of the month in which the applicant would like it considered. A motion was made by DeSmet, seconded and passed.

8. Unfinished Business

- VFW EAW status – The VFW submitted an updated EAW. The Administrator will send it to Board members for review and any comments should be sent to the office no later than Oct. 6. The updated EAW will be considered at the October Board meeting.
- Commercial Bay Boat Count Status (RCSO, aerial photos) – The Board had some general discussion about the aerial photos and boat counts which raised questions that will further define the boat count process. Chris Churchill stated that the LUC is focusing on defining the process and determining marina rental slips for 2024 permits. Churchill contacted Tally's as it seemed they were over two slips, but need to know which slips are for permitted boats. Sent an email to Keith because it seemed he was over by 2 slips, need to know what slips are going to be used for permitted boats. The Ramsey County Sheriff's Office has not submitted any boat counts.

9. Reports/Action Items

- **Executive Committee** – The Executive Committee met and discussed the office carpet installation, changes to the variance application, meeting with marina owners prior to the submission of their 2024 applications, email protocols, buoy monitoring, the St. Germain signage, coordinating permitting with the DNR, the VFW EAW, watercraft rental operations, and the St. Germain signage. Alan will request that the DNR conservation officer pay attention to buoys as they monitor the Lake and to notify the Administrator if anything is out of place or missing.
- **Lake Quality Committee** – Mike Parenteau
 - Lake level - The lake level today is 922.00 ft; last month it was 922.58 ft.
 - Lake temperature - The lake temperature today is 66 °F; one year ago it was 71 °F.
 - Phragmites survey and treatment status – The survey is complete, and shows that there is the same square footage area to treat, but only 12 sites, not 24 like last year. The 12 sites had outgrowth that needs to be treated. The majority of sites that initially have been treated, have been eradicated. The date of treatment still needs to be determined, and Steve McComas will present his report sometime after that.
- **Lake Education Committee**
 - Educational outreach update – Scott Costello reported that the handout shows how *The Laker* is being distributed, and locations of its publication racks. This publication is reaching more people than what we could have done on our own. One more issue will be

published at the end of the year.

- Social media update – Meredith Walburg will post the following on social media: the RCWD presentation on Sept. 26, water levels, phragmites, and the Steve McComas presentation, when the date is set.

10. Treasurer Reports

- Approval of September Treasurer's Report - A motion to approve debit card purchases #13-15, and checks #4894 through #4900, was made by Mike Parenteau, seconded and passed.

11. Board Council Report – Alan Kantrud reported that there were no citations from Ramsey County, and did not hear back from the DNR Conservation Officer.

12. Announcements

- Minnesota Government Data Practices – Board members were reminded about the Minnesota Government Data Practices Act and that identities of persons making complaints with government entities concerning violations of state laws or local ordinances concerning real property are classified as confidential data. **Marine Rental Operations** – Members of the public have registered complaints with both the City of WBL and the WBLCD regarding unpermitted marine rental operations, some of which are operating out of City and County parks. The City and Ramsey County now require that marine rental operations apply for a transient merchant license to operate on the Lake; however, they are not able to base their operations out of City or County open spaces. None of the operators had applied for a WBLCD permit, as well, probably because they did not know they had to. The Administrator will send a letter to known operations to notify them about the application process. The District will not approve such applications without City or County approved permits.
- Intern – Peter Merrill started working with the WBLCD as an intern but is ending it next week, as he was hired fulltime elsewhere.
- Carpet installation – Carpet will be installed on Oct. 9 and help is needed on Oct. 7, starting at 9 am, to move furniture. Let the Administrator know if you are available to help.
- Next Board Meeting will be held on Tuesday, Oct. 17.

13. Adjournment – A motion to adjourn at 8:28 pm was made by Chris Churchill, seconded and passed.

ATTEST:

Bryan DeSmet, Chair Bryan DeSmet Date 10-17-2023
Cheri Howe, Administrator Cheri Howe Date 10/17/2023