

**City of Gem Lake  
City Council Meeting – February 19, 2019  
Meeting Minutes**

Acting Mayor Artig-Swomley called the meeting to order at 7:00 p.m. Councilmembers Cacioppo, Lindner and Kuny were present. Mayor Uzpen was absent (excused). Others in attendance: City Attorney Chad Lemmons, residents Paul Emeott and Pete Oswald.

**February 19, 2019, Agenda**

A motion was made by Councilmember Lindner to change the City Attorney to Chad Lemmons on the agenda and with that change Councilmember Lindner made a motion to approve the agenda, seconded by Councilmember Cacioppo, motion passed. Agenda approved.

**Minutes**

A motion was made by Councilmember Lindner, seconded by Councilmember Cacioppo to approve the January 15, 2019, City Council minutes. Motion passes, minutes approved.

**Committee Reports**

None

**Newsletter**

Rush Line article to be written by Councilmember Lindner, HyVee update, Gem Lake Villas, false alarm article.

**New Business**

**Fritz Magnuson Decision – Attorney Lemmons**

Discussion took place in regard to Outlot A which located within the Villas of Gem Lake. The following statement was taken from the correspondence from Attorney Patrick Kelly to the Mayor and City Council members on February 14, 2019. "The plat of Villas of Gem Lake contains language which dedicates to the public, easements for drainage and utility. All of Outlot A was dedicated as a drainage and utility easement. When Outlot A was deeded to the City, the City took title as trustee for the benefit of the public. As trustee it lacks the power to divert the land from the uses intended by the original dedication. To convey any portion of Outlot A to a private party would be such a diversion and therefor invalid." A brief discussion ensued in regard to the sixty day rule for the Villas of Gem Lake, who was responsible for the deadline of the sixty day rule, boundaries and elevations.

**Presentations from the Public**

Paul Emeott, question about the TCE plume from Water Gremlin settling on wetlands, will that go into the well water of residents of Gem Lake? Council suggested Mr. Emeott attend the public meeting that will be held on Thursday, February 21, 2019, for a response to his question.

**Open Items for the Councilmembers to bring up**

Councilmember Artig-Swomley, workshop on development process, what is the status of 4140 Otter Lake Road, failing septic property? Attorney Lemmons response: 4140 Otter Lake Road, failing septic property owners were under the impression that the assessment part of the bill to hook up to the manhole on Scheuneman Road could be assessed to the property. (The assessment in question was the

assessment that residents of Scheuneman Road were assessed for the street reconstruction and sewer construction PIP 2004-01) Council response: No, the City Council when first discussing this (October 17, 2017, City Council meeting) stated that the entire bill is due before work commences, no partial payment, no assessments, the entire bill is to be paid upfront in addition to our conditions stated in the minutes. Councilmember Lindner and Paul Emeott are working on reviewing the Comprehensive Plan.

### **Claims**

A motion was made by Councilmember Lindner, seconded by Councilmember Cacioppo to approve the claims for February. Motion passes. Claims approved.

### **Next Meetings/Workshop**

March 11, 2019, workshop cancelled.

### **Adjournment**

Being there no further business, following a motion from Councilmember Lindner, seconded by Councilmember Cacioppo, the meeting adjourned at 8:07 p.m.

*Respectfully submitted, Gloria Tessier.*