

**City of Gem Lake
City Council Meeting – July 20, 2021
Meeting Minutes**

Mayor Artig-Swomley called the meeting to order at 7:00 p.m. Councilmembers Amlee, Cacioppo, Lindner and Johnson were present. Also present: Planning and Zoning Tom Riedesel, City Engineer Justin Gese, City Attorney Patrick Kelly, City Treasurer Tom Kelly, SEH Water Resources Engineer Emily Jennings, MMKR CPA James Eichten, Planning Commission Chair Don Cummings, Summit Farm Villas HOA Board President Sharon Roland, Residents Jim Wilson and Barry Kostyk.

July 20, 2021 Agenda

A motion was made by councilmember Cacioppo to accept the agenda, seconded by Councilmember Lindner. Voice vote taken, all voted yes, motion passes, agenda approved.

Minutes

A motion was made by Councilmember Lindner, seconded by Councilmember Cacioppo to approve the June 15, 2021, City Council Minutes. Voice vote taken, all voted yes, motion passes, minutes approved.

A motion was made by Councilmember Lindner, seconded by Councilmember Cacioppo to approve the July 6, 2021, Planning Commission Meeting Minutes. Voice vote taken, all voted yes, motion passes, minutes approved.

Committee Reports – Planning Commission

Commissioner Chair Cummings gave an overview of the Planning Commission Meeting on July 6, 2021. There was one (1) public hearing held at the meeting pertaining to language in the Consolidated Land Use Ordinance No. 131 pertaining to truck farming. The Planning Commission recommends to City Council changes to 5.1, 5.3, and 7.3 of the Consolidated Land Use Ordinance No. 131. Commissioner Pratt recommended the Council make changes to 8.3 as well. The Planning Commission decided at future meetings they would look at updates on potential modifications to Home Occupations rules (September), updates of Permitted uses in the Gateway District (Fall), and Updates on the current state of the Comprehensive Plan (Year-end?) Planning Commission will also look at making amendments to language regarding “open space” in a future meeting. Commissioner Pratt recommended we make changes to 8.3 as well.

Old Business – Newsletter Ideas

Mayor Artig-Swomley presented ideas for the next Newsletter to include pieces on the Hoffman Road Construction, Storm Water Report, City Clerk Notary, City Audit, Truck Farming Ordinance change, Archery Deer Hunting, historical dustup over a tree cutting incident 30 years ago. Councilmember Lindner presented an idea on all the improvements being made to Heritage Hall which he will work on putting together.

New Business

Gem Lake Infrastructure Issues

Hoffman Road Update – Justin Gese

Mr. Gese reported that work has begun. The area has been milled and paving will happen beginning next week. Repairs have been done and once the striping has been completed the work should be done.

Gem Lake Villas Update – Justin Gese

Mr. Gese reported that it has been too hot to plant trees. Mr. Gese also reported that construction signs have been placed in the Villas as advanced warning to the construction happening on County Road E.

Scheuneman Road Update – Emily Jennings

Ms. Jennings gave a report on the North Scheuneman Road Surface Water Management Plan.

The primary areas of interest are located at:

- Cross culvert and ditch system discharging to 3999 Scheuneman Road (“Culvert Area”)
- Low areas at 3809 and 3824 Scheuneman Road (“South Area”)
- Low area 4076 Scheuneman Road

Receiving waters:

- Golf Course Pond, Gem Lake, Wetlands, Hillary Farm Lane Pond
- Other Low Areas

Design storm events were created to show the existing conditions:

- 2-year, 24-hour frozen ground
- 10-year, 24-hour frozen ground
- 100-year, 24-hour non-frozen ground

Three (3) scenarios were presented and Ms. Jennings recommendations for the Culvert Area was to go with scenario 2, South Area to go with either scenario 2 or 3, Jennings noted that scenario 2 requires additional investigation and scenario 3 requires agency approvals. For 4076 Scheuneman Road, she recommend the owner install a driveway culvert. It was also recommended that the City do additional soil testing. The full report will be sent out to all members of the Council to review before making any decisions and will be discussed at a later meeting.

Gem Lake Public Trail

The City received one volunteer application to help maintain the public trail at this time.

Committee Chair Ms. Anderson-Uzpen will work on setting up a time with the applicant to go out and work on a plan for maintaining the public land.

Pothole Repair Quote

Schifsky’s gave the City a quote to fix the two large potholes that are located on Scheuneman Road right off of County Road E. The quote was \$1,500.00 which includes milling and the install of the bituminous. Councilmember Cacioppo made a motion to accept the quote from Schifsky’s in the amount of \$1500.00, seconded by councilmember Lindner. Voice vote taken, all voted yes, motion passes, quote accepted.

Hoffman Road Slope Failure – Justin Gese

Mr. Gese reported that there is a pipe system that collects water between the greenhouse and the bar that has failed and has separated halfway up the hill and has caused debris to fall onto the railroad. SEH has put together a quote to get the issue fixed. Mr. Gese is reporting that the incident is an emergency and needs to be handled fairly quickly. Mayor Artig-Swomley asked Mr. Gese if he was sure that this is actually considered City responsibility because it takes water from Hoffman Road as well as County Road E. City Attorney Kelly asked Mr. Gese if he knew who owned it and Mr. Gese responded the railroad and greenhouse. Councilmember Cacioppo asked Mr. Gese if the City has anything to mitigate future storm damage before fixing it and Mr. Gese replied no. SEH will have to work with the railroad and get permission from John Birkeland to take down the rock wall. Mayor Artig-Swomley declared this an emergency and told Mr. Gese to start working on the plans. Councilmember Linder made a motion to consider this an emergency repair, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes,

motion passes, this incident is declared an emergency repair. Councilmember Lindner made a motion for SEH to take the first step in resolving the problem by finding a contractor to complete the work, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, SEH can begin the process.

Heritage Hall

Electrical Repair Part Three – Emergency Lights

The emergency light work was completed on July 15, 2021.

Proposed Plumbing Change

The City will be getting Covid-19 relief funding to make facility improvements to the building. A quote from Metro Plumbing was received in the amount of \$7,806.14 which includes installing three (3) sensor lavatory faucets, three (3) pressure assist toilets, and a new drinking fountain with a bottle filler. A motion was made by Councilmember Lindner to accept the quote for restroom and drinking fountain improvements in the amount of \$7,806.14, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, quote accepted. Proposed work will not begin until Covid-19 relief fund were received.

Possibility of Security Cameras

The City's current security camera system is outdated, not working properly and out of the view of the City Clerk. A quote from Per Mar Security Services was received in the amount of \$4,113.84 which includes one (1) VMAX IP Plus 8 + 4 Channel NVR with Switch, 8TB, four (4) Turret IP Cameras with 2.8mm Lens and WDR, four (4) Bracket, Junction Boxes, four (4) PoE Surge Protectors, one (1) Wiring, Network Cross Connect, and one (1) Installation Services. A quote from Roseville IT was also received in the amount of \$778.76 which includes one (1) Optiplex 7090 MFF Computer and one (1) 27" Monitor. Total quote is \$4,892.60 and this would be a shared expense with White Bear Township. A motion was made by Councilmember Lindner to accept the quotes for the security system, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, quotes accepted.

Corporate Mechanical Automation & Boiler Proposal

Heritage Hall's building automation is out of date and needs to be upgraded from Windows 7 to Windows 10. This upgrade will allow the City to have more control over the cooling of the building. The City is currently cooling the building 24/7. A quote from Corporate Mechanical was received in the amount of \$7,485. Councilmember Lindner made a motion to accept the quote for the building automation upgrade, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, quote accepted. This would be a shared expense with White Bear Township.

Heritage Hall's boiler is in need of updating. This upgrade will make it possible to test the boiler to ensure that it is working properly. A quote from Corporate Mechanical was received in the amount of \$1,385. Councilmember Lindner made a motion to accept the quote for the boiler update, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, quote accepted. This would be a shared expense with White Bear Township.

Outdoor Lighting Bid

Heritage Hall's outdoor parking lot lights are outdated and one is burnt out. Three (3) quotes were received from NEI Electric, option 1 (test) in the amount of \$510, option 2 (if option 1 works) in the amount of \$2,150, and option 3 (guaranteed to work) in the amount of \$4,934. If option 1 doesn't work, it would end up costing more in the long run. Councilmember Lindner made a motion to accept the option 3 quote, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, quote option 3 accepted. This would be a shared expense with White Bear Township.

Internal Management Update

Notary and First Aid Training

The City Clerk is now an official Notary and will be ready to begin notarizing documents August 1, 2021. City Clerk is also now Adult and Pediatric First Aid/CPR/AED trained by CPR 4 Life (USA) for two (2) years expiring 7/2/2023.

Records Management/Historical Documents

The City Clerk is in the process of getting all City ordinances online to be in the same format and searchable. The City Clerk is also putting together a historical folder of all the items that have been brought in from residents and there is also a file on the computer of some pictures that have been received electronically. The City Clerk is also working to ensure that forms, applications and permit fees are consistent and correct.

2020 Audit Presentation

MMKR CPA James Eichten gave a report on the 2020 Audit that was conducted on the City of Gem Lake. Based on MMKR's audit of the City's financial statements for the year ended December 21, 2020:

- MMKR has issued an unmodified opinion of the City's basic financial statements
- One matter involving the City's internal control over financial reporting that was considered a weakness
 - Due to the limited size of the City's office staff, the City has limited segregation of duties in certain areas.
- The results of MMKR's testing disclosed no instances of noncompliance required to be reported under *Government Auditing Standards*
- Three findings based on MMKR's testing of the City's compliance with Minnesota laws and regulations
 - Minnesota Statutes require the City to annually delegate the authority to make electronic funds transfer to a designated business administrator or CFO of the officer's designee. The City did not complete this delegation for the year ended December 31, 2020. Mayor Artig-Swomley suggested that the Council appoint City Treasurer Tom Kelly to handle the authorized electronic transfers for the City.
 - Minnesota Statutes require payroll time sheet approval for employees. The time sheet for the City's one employee did not contain a declaration indicating that the facts recited on the payroll are correct to the best of the employee's information and belief. Mayor Artig-Swomley addressed this issue and made mention that there was an issue in the past, but since the new City Clerk has come on payroll sheets have been signed off on properly.
 - Minnesota Statutes require unclaimed property held for more than three (3) years (or one year for unpaid compensation) to be reported and paid or delivered to the State Commissioner of Commerce each year. This requirement was not met by the City for the current audit year. City Treasurer Tom Kelly stated that it was missed last year and he

will be on top of it for the next year. There was no unclaimed property but the report needs to be filed.

Councilmember Linder made a motion to accept the 2020 audit and to appoint City Treasurer Tom Kelly as the person delegated to do wire transfers, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, 2020 audit accepted.

Initial 2022 Budget Discussion

Mayor Artig-Swomley stated that the Council begin talking about the budget in August with a draft of what increase the Council's expecting. September is when City Council would vote to approve the preliminary budget for the upcoming year. Mayor Artig-Swomley noted that the City should put money aside in the budget to cover the surface water management that Emily Jennings from SEH reported on. The Councilmember had no additional information to add at this time. A draft budget will be presented in August.

Resolution #2021-007 to Accept COVID-19 Federal Funds

City Treasurer Tom Kelly created a resolution for the City of Gem Lake to approve receiving the COVID-19 Federal funds. The resolution allows that City of Gem Lake to use these funds for Corona Virus costs, lost revenue due to pandemic, and water, sanitary sewer, and broadband infrastructure. The City must incur these costs or lost revenue between March 2021 and December 2024. The foregoing resolution was offered by Councilmember Lindner and was supported by Councilmember Cacioppo and was declared adopted based upon unanimous votes in favor.

Proposed Changes to Ordinances Regarding Truck Farming

In order to clarify the City's intent regarding truck gardening and other commercial horticultural uses, those uses are made conditional uses in all Residential Districts. The existing Garden Overlay District can be invoked on lots over ten (10) acres or conditions can be established for those uses on smaller lots. Move from Section 5.1 Permitted uses "5.1.2 Truck gardening and other horticultural uses provided that only those products produced on the premise be sold or offered for sale." to Section 5.3 Conditional & Interim Uses "5.3.8 Truck gardening and other **commercial** horticultural uses provided that only those products produced on the premises be sold or offered for sale.". Councilmember Lindner made a motion to approve the recommended changes to Section 5.1 and 5.3 of the Consolidated Land Use Ordinance No. 131, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, changes approved.

In order to limit truck gardening and other commercial horticultural uses to lots where the garden fence setbacks can be reasonably met. Change in Section 7.3 Conditional & Interim Uses "7.3.1 C) The harboring and housing of agricultural animals on lots greater than one (1.0) acre." to "7.3.1 C) **Truck gardening and other commercial horticultural uses and/or** the harboring and housing of agricultural animals on lots greater than one (1.0) acre." Councilmember Lindner made a motion to approve the recommended changes to Section 7.3 of the Consolidated Land Use Ordinance No. 131, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, changes approved.

Comprehensive Plan Amendment Request, City of Vadnais Heights

The City of Vadnais Heights sent a letter to Adjacent Governments/Affected Special Districts/Affected School Districts concerning the 2040 Comprehensive Plan Amendment Adjacent Review Period. The proposed amendment request is to re-guide a portion of the subject property's future land use designation from "Industrial" to "City Center". The proposed amendment is intended to facilitate construction of a multi-family residential development. The Metropolitan Council's 60-day adjacent review period expires on September 4, 2021. Any written concerns or comments should be submitted the soonest our review

process can accommodate including the form attached to the CPA request. Mayor Artig-Swomley asked for any comments from those on the Council and some concerns that were brought up are:

- Traffic flow
- Overall residential density
- Light pollution

Mayor Artig-Swomley volunteered to construct a letter to send to Vadnais Heights regarding the Councils concerns. Councilmember Lindner made a motion to authorize Mayor Artig-Swomley to construct a letter regarding their concerns of the development, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, Mayor Artig-Swomley has the authority to construct the letter on behalf of the City Council.

Discussion of “Highest and Best Use” of City Land – Patrick Kelly

City Attorney Patrick Kelly gave a review of the Highest and Best Use practices in terms of property taxes. Councilmember Cacioppo asked in regards to the Hy-Vee lot that is currently sitting vacant and being taxed at a lower rate if the City is able to tax them at a higher rate as if they had built something, such as a penalty for not building yet. Mr. Kelly looked at California’s proposition 13 which indicates that real estate tax on a parcel of property is limited to 1% of its assessed value and that it may be increased only by a maximum of 2% per year, until and unless the property has a change of ownership. At this time the City does not have any justification to charge them more. However, the City could keep that in mind when granting future Conditional Use Permits by adding a sunset clause after two (2) years. Mr. Kelly also recommended that the City work with the County on this issue.

Discussion Regarding Zoning Administrator Retirement

Planning and Zoning Tom Riedesels last day with White Bear Township is Friday July 23, 2021. At this time White Bear Township does not have a replacement for his position which leaves both the Township and the City of Gem Lake without a planning and zoning administrator. The City can reach out to the firm that the Township uses or to SEH or the City can leave it vacant for now. The Mayor is not required to take over and it is recommended that the Mayor does not become the Zoning Administrator. White Bear Township and Bay Town Township use TKDA Engineering and the contact is Evan Monson.

Public Data Discussion – Patrick Kelly

City Attorney is a Data Practices Officer. Due to questions from the Council and residents he discussed what is considered public data regarding the sheets that were sent out to all Gem Lake Residents to voluntarily fill out and send back to Heritage Hall. Mr. Kelly is going to look into what the City can send over to the White Bear Lake Police regarding emergency situations. At this time the only thing listed on the form that is considered public data is the name of the resident. Mayor Artig-Swomley suggested that the City save the emergency information to the cloud and grant the police and fire a code if they would ever need access to it. At this time, the City Attorney wants to research the best way to convey the information.

Proposed Ordinance for Collection of Overdue Bills – Patrick Kelly

City Attorney Patrick Kelly gave an overview of our Ordinance No. 129 Municipal Water and Sanitary Sewer System and the section that pertains to delinquent payments. Mr. Kelly stated that the Ordinance is good and that the only change the City needs to make was to the section regarding Discontinuance of Water Service subsection 3 adding the word “not” to the end to have it say “is **not** paid”.

Business Cards and Email Addresses for Council Members – Update

At this time only one (1) Councilmember has ensured that their City email account it working properly. Once the City Clerk has heard that everyone is able to access their City email the business cards will be ordered.

Community Outreach to Other Cities and Government Bodies

Mayor Artig-Swomley stated that the City is still in the process of building bridges with surrounding cities and government agencies. City Clerk has been assigned to work with the Ramsey County Election Board, Councilmember Amlee has been assigned to work with Rush Line, Councilmember Lindner has been assigned to work with the City of Vadnais Heights, Councilmember Cacioppo has been assigned to work with the Ramsey County Sheriff Department and Mayor Artig-Swomley has been assigned to work with White Bear Township and team up with Councilmember Cacioppo working with the Ramsey County Sheriff Department. Councilmember Johnson has been assigned to the City of White Bear Lake, including the Police and Fire Departments. Councilmember Linder is planning on attending the next Vadnais Heights Council Meeting.

Claims

Councilmember Lindner made a motion to pay the bills, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, bills will be paid.

Monthly Financial Reports

May and June Financials were submitted for review. No questions from City Council.

Presentations from the public, 2 minutes maximum

The public had no comment.

Open Items for Council Members to Bring Up

Councilmember Lindner brought up the office changes that will be suggested next month, including adding in some more counters and cabinet space. A quote was received and will be voted on at the next City Council Meeting in August.

Future Council Meetings

City Council, Tuesday August 17, 2021, Workshop, Monday August 9, 2021 canceled.

Adjournment

Being there no further business, following a motion from Councilmember Lindner, seconded by Councilmember Cacioppo, the meeting adjourned at 9:18 p.m.

Respectfully submitted, Melissa Lawrence