

**City of Gem Lake
City Council Meeting – April 19, 2022
Meeting Minutes**

Mayor Gretchen Artig-Swomley called the meeting to order at 7:00 p.m. Councilmembers Len Cacioppo, Laurel Amlee, Ben Johnson and Jim Lindner were present. Also present: City Attorney Patrick Kelly, Acting City Clerk Melissa Lawrence, Building Official Mike Johnson, Landform Principal Steve Sabraski, Luther Auto Representative Linda McGinty, Ramsey County Attorney John Choi, Ramsey County representative Mark Haase, County Road E Corridor representative Tracy Shimek, and residents Jim Wilson, Kathy Rafferty and Cindy Scruggs.

April 19, 2022 Agenda

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

Minutes

A motion was made by Councilmember Lindner, seconded by Councilmember Amlee to approve the March 15, 2022, City Council Meeting Minutes. Voice vote taken, four voted yes, Councilmember Cacioppo abstains, motion passes, minutes approved.

A motion was made by Councilmember Lindner, seconded by Councilmember Cacioppo to accept the April 12, 2022, Planning Commission Meeting Minutes. Voice vote taken, all voted yes, motion passes, minutes accepted.

Committee Reports – Planning Commission

Three public hearings were held to discuss the Luther Cadillac Project at 3516 Highway 61 which included a Variance, CUP, and Zoning application. The Commission is recommending approval to the City Council based on the conditions for each application recommended by City Planner Evan Monson. These conditions can be found on the attached Staff Report from the City Planner.

Some concerns that came up during the meeting involved the park dedication fee and the amount that would be collected from Luther. Another concern was that the construction vehicles needed a way to enter the property and want to use Hoffman Road until a route off Highway 61 becomes available. The concern for this was the damage that it could cause to the public roadway, but Luther is willing to make any repairs where necessary. Each of these issues is being worked on and will be resolved shortly.

Old Business

Mayor Artig-Swomley presented ideas for the next edition of the City Newsletter to include pieces such as information on the Luther Cadillac project, septic education, the City clean-up, new public works relationship and the corridor study.

New Business

Special Presentation: Ramsey County Attorney John Choi

Ramsey County Attorney John Choi gave a presentation to the Council and those in attendance on Public Safety in Ramsey County. It included information on adult and youth cases in regards to motor vehicle thefts and aggravated robbery cases and adult cases, in regards to simple robbery cases, possession of ammo/firearm cases, and drugs – 5th degree cases. It also included information on non-public safety traffic stops. Ramsey County has formed a violence reduction leadership group which was used towards focused deterrence and a Carjacking & Auto Theft Team (CAT Team).

Councilmember Cacioppo asked if there was a standard for reporting violent crimes to the FBI, to which Mr. Choi replied yes. He also asked if it could be known if the amount of guns being sold are being sold legally or illegally to which Mr. Choi replied that more guns have been sold legally. His last question was asking if the carjackings that are happening are a ring or if they are random groups doing it.

Councilmember Lindner asked about the information on the presentation where it showed case referrals and charge rates, but wondered if there was a conviction rate to which Mr. Choi replied there was, it just isn't represented on the report.

Councilmember Johnson asked how the officers decide to charge for drug cases and referrals to which Mr. Choi replied that he leaves it up to the officers to come up with solutions or ways to approach it.

Luther Cadillac Project

Luther Automotive is looking to build a new dealership on a site that straddles two municipalities. One parcel for the site is located in Gem Lake at 3516 Highway 61, which is east of Highway 61 on the southeast side of the city, while the other two adjacent parcels are located in Vadnais Heights. The Gem Lake portion of the project would include parking, landscaping, and a future frontage road with a cul-de-sac. The portions of the site within Vadnais Heights would have the showroom building and parking.

The proposal requires multiple zoning approvals. The use of the site is a permitted use within the city of Vadnais Heights; uses permitted in adjacent municipalities are able to be permitted in Gem Lake via a conditional use permit (CUP). The project will also require variances to zoning requirements, due to the setbacks of the parking facilities from the south lot line. The south lot line is the municipal boundary with Vadnais Heights. The plat of the site also requires approval from the city.

The project originally went through review and approval through the city in 2019. Some unexpected delays, and the COVID-19 pandemic, put the project on hold. The city's approvals from 2019 have since expired, so the applicant is now restarting the approval process with the city. The applicant recently received approvals from the city of Vadnais Heights at their March 1st council meeting. The applicant has made some minor revisions to the project plans compared to those that were approved in 2019, most of which are on the portion of the site within Vadnais Heights.

Conditional Use Permit for Luther Cadillac

See attached staff report from City Planner Evan Monson

Variance for Luther Cadillac

See attached staff report from City Planner Evan Monson

Zoning for Luther Cadillac

See attached staff report from City Planner Evan Monson

The Council briefly discussed the project and Mayor Artig-Swomley stated that the development agreement is being finalized between the City Attorney Patrick Kelly and Luther Cadillac's Attorney, which will address the park dedication and entry location for construction vehicles.

Councilmember Lindner introduced a motion to approve the Variance based on the four recommendations suggested by City Planner Evan Monson, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, Variance request is approved. (See attached Staff Report)

Councilmember Lindner introduced a motion to approve the Conditional Use Permit (CUP) based on the five recommendations suggested by City Planner Evan Monson, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, Conditional Use Permit is approved. (See attached Staff Report)

Councilmember Lindner introduced a motion to approve the Zoning Minor Subdivision Plat based on the two recommendations suggested by City Planner Evan Monson, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, zoning request is approved. (See attached Staff Report)

Gem Lake Infrastructure Issues

Water Study/Well Situation Update

City Engineer Justin Gese submitted phase 2 and it will be discussed at the May meeting. Mayor Artig-Swomley shared that the MPCA that testing of some private wells in Gem Lake will be ongoing throughout the 2022 year.

Stormwater Discharge and Pipeline License Update – Patrick Kelly

City Attorney Patrick Kelly and the railroad company were able to come to an agreement on the insurance portion of the contract to allow it to fall under the City’s current insurance with the League of Minnesota Cities. Additional terms are being adjusted and City Attorney is waiting on the railroad to get back to him.

Septic Discussion

Mayor Artig-Swomley discussed some of the concerns regarding the current Annual Septic Maintenance Inspection process. Several residents were concerned that they were being told their inspection was satisfactory, but the inspector never actually got to look at the tank because the access point was buried underground and not accessible at the time of the inspection. A tab will be created on the City’s website page to include some information what home owners should expect during the inspections and approximately when they would take place. A handout from the University of Minnesota Extension will also be published on the website.

Also discussed was the two ordinances that the City has on septic information. Mayor Artig-Swomley suggested that Ordinance No. 108 and Ordinance No. 67D should be combined into one. Councilmember Lindner introduced a motion to combine the two Ordinances into one by adding No. 108 into No. 67D, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, the two Ordinances will be combined into one.

Facilities Report Energy Consumption – Jim Lindner

Councilmember Lindner asked to table this report until the May meeting due to the packed agenda for April. Mayor Artig-Swomley agreed that this would be a good idea. Councilmember Lindner introduced a motion to table this discussion until the May council meeting, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, report is tabled.

Internal Management

Employee Right to Know: Chemicals in the Workplace – Jim Lindner

Councilmember Lindner went over the research that he did and the creation of the hazardous materials inventory list. Councilmember Lindner wants to have a policy in place to make the City compliant and would like all the paperwork to be put into a 3-ring binder. Councilmember Lindner introduced a motion to accept the general compliance policy, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, policy accepted.

City-Wide Clean Up Event May 21 Planning

The City will be holding a city-wide clean-up event on Saturday May 21, 2022 from 9:00 a.m. – Noon. The City will supply those who come to participate with industrial strength garbage bags. These trash bags can be dropped off in the Heritage Hall parking lot at the conclusion of the event. At noon hotdogs, chips and soda will be served to celebrate the conclusion of the event.

The City is also holding a “trash to treasure” event that day. Items that you have been looking to get rid of can be put at the bottom of driveways with a “FREE” sign. It is the homeowner’s responsibility to bring the items back up at the end of the day if they have not been taken. This even will run from 9:00 a.m. – 4:00 p.m.

Discussion of County Road E Corridor Study

Tracy Shimek, County Road E Corridor Study representative shared a little about the study. LISC’s Corridor Development Initiative (CDI) process offers a proactive and interactive way for communities to guide development along major corridors and on key opportunity sites. This hands-on experience allows participants to:

- Better understand the factors (financial, land use, design, etc.) that inform development,
- Learn how to leverage community goals and values through redevelopment and infrastructure investments, and
- Build community consensus to guide future development for selected sites.

The CDI process will facilitate a series of community workshops designed to build consensus around a County Road E Corridor Action Plan (Centerville Road to Century Avenue), to include recommended guidelines for the redevelopment of 3 – 5 key opportunity sites. The process will be led by a Project Team, a Citizen Advisory Group, and 5 - 6 community workshops that are open to the public over a four month period.

The study is requesting that Gem Lake put \$6,000 towards the project. Gem Lake City Council is concerned with the amount of money being requested as the city's budget and population is much smaller compared to Vadnais Heights and White Bear Lake. Mayor Artig-Swomley had a couple questions that included when the money would be due, if it could be accepted in the following year when it can be budgeted for or of the City can be presented with a different price point. The representative from the study that came to speak will look into these questions and get back to the Mayor with an answer.

Councilmember Johnson introduced a motion to touch back on this topic when the requests of the Council can be answered, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, this study will be revisited once the requests have been addressed with the study group.

Public Works and White Bear Township Rate Discussion

A rate structure was presented to the Mayor for White Bear Township to take over all Public Works duties for Gem Lake at a cost of \$80.00 per hour. Public Works Director Dale Reed will be the main point of contact and the City will work with Pat Christopherson of White Bear Township on the flow of services. Public Works is currently looking for summer help which will be used for this new relationship.

Resolution #2022-0010 was created amending Resolution #2022-002 to include the rate for Public Works. The motion for adoption of the foregoing Resolution was duly introduced by Councilmember Lindner and seconded by Councilmember Cacioppo, and upon vote being taken thereon, the Resolution passed with a vote of 5 in favor and 0 against.

Charitable Gambling Donations

Resolution #2022-006 April 2022 Donation to White Bear Lake Area Food Shelf

The City of Gem Lake requested a donation in the amount of \$500.00 to the White Bear Lake Area Food Shelf.

The motion for adoption of the foregoing Resolution was duly introduced by Councilmember Lindner and seconded by Councilmember Cacioppo, and upon vote being taken thereon, the resolution passed with a vote of 5 in favor and 0 against.

Resolution #2022-007 April 2022 Donation to Newtrax

The City of Gem Lake requested a donation in the amount of \$500.00 to Newtrax.

The motion for adoption of the foregoing Resolution was duly introduced by Councilmember Lindner and seconded by Councilmember Cacioppo, and upon vote being taken thereon, the resolution passed with a vote of 5 in favor and 0 against.

Gem Lake Scholarship Award

Resolution #2022-008 Varley Scholarship Award

The City of Gem Lake received a scholarship application from a soon to be high school graduate resident OwenvVarley. The City Treasurer is authorized to issue a check to Saint John's University in the amount of \$1,000, through the Gem Lake Scholarship Program, which is funded by charitable gambling receipts.

The motion for adoption of the foregoing Resolution was duly introduced by Councilmember Lindner and seconded by Councilmember Cacioppo, and upon vote being taken thereon, the resolution passed with a vote of 5 in favor and 0 against.

Discussion on Prevailing Wage – Patrick Kelly

City Attorney Patrick Kelly felt that it is in the City’s best interest to adopt a Resolution and Ordinance regarding prevailing wage, as detailed below.

Resolution #2022-009 Prevailing Wage Rate/Ordinance No. 137.

It is in the public interest that public buildings and other public works be constructed and maintained by the best means and highest quality of labor reasonably available and that persons working under contract on public works be compensated according to the real value of the services they perform. It is, therefore, the policy of the City of Gem Lake that wages of laborers, workers, and mechanics on contracted projects finances whole by the City funds should be comparable to wages paid for similar work in the community as a whole.

The motion for adoption of the foregoing Resolution was duly introduced by Councilmember Lindner and seconded by Councilmember Cacioppo, and upon vote being taken thereon, the Resolution passed with a vote of 5 in favor and 0 against.

Councilmember Lindner introduced a motion for adoption of Ordinance No. 137 on Prevailing Wage Rates for the City of Gem Lake, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, Ordinance No. 137 has been adopted.

Proposed Transition to Calendar Year Licenses for Contractor’s, Dog and Chicken Licenses

To stay consistent with other licenses granted by the City of Gem Lake it was suggested that all City licenses transition to a calendar year license. The current renewal forms being sent out to residents for dog, chicken and golf cart licenses will have language stating that this renewal will be good for 18 months, good until December 31, 2023.

Councilmember Lindner introduced a motion to change all licensing in the City of Gem Lake to be renewed each calendar year beginning for January 2024 renewals, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, all licensing in Gem Lake will fall on a calendar year time frame.

Community Outreach to Other Cities and Government Bodies

City Attorney Patrick Kelly is working on sending out a letter to Vadnais Heights for water billing at the Villas of Gem Lake.

RCLLG is holding a workshop on May 13 on workforce trends. A presentation will be available and those that wish to attend should contact Councilmember Johnson. A workshop was held in early April on mental health from pandemic to pandemic.

Claims

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

Monthly Financial Report

February financials were submitted for review. No questions from City Council.

Presentations from the public, 2 minutes maximum

Residents in attendance had no comments or questions.

Open Items for Council Members to Bring Up

City Attorney Patrick Kelly wanted to make sure that the motion that was brought up earlier in the meeting included approval of Luther based on the staff report recommendations. Mayor Artig-Swomley confirmed that it was based on the recommendations.

Councilmember Lindner brought up threats to other cities Council Members and was curious if Gem Lake should adopt an Ordinance to help protect elected officials. The Ordinance would dictate where people can picket and protest. Councilmember Lindner will look into an Ordinance and will bring to the next meeting to share.

Councilmember Cacioppo informed the Council that he will not be able to attend the October 18, 2022 City Council meeting. He will also be attending the Purple Line meeting on April 29, 2022.

Mayor Artig-Swomley reminded the Council that at the May meeting a joint discussion with the Planning Commission will take place on the Comprehensive Plan and that a Ramsey County Emergency Services Coordinator will be coming to speak at the June Council Meeting, although no representative has yet been confirmed as a speaker. She also shared that the laptops have arrived for Gem Lake and that the City Clerk is going to work on putting together a Facebook page for the City to be able to more quickly address emergency situations and special events.

Performance Review/Pay Discussion – Closed Meeting Council Only

City Council asked the public to exit for a closed meeting. Once the public had left Councilmember Lindner introduced a motion to open the closed session for a performance review/pay discussion at 8:50 p.m., seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, closed meeting is in session.

Council discussed a pay raise for the Acting City Clerk Melissa Lawrence. Annual performance was discussed and a raise was suggested based on the last year's performance and impending graduation from college. Council suggested a \$5.00 raise to cover the annual raise and graduation, which would be retroactive back to April 1, 2022.

Councilmember Lindner introduced a motion to approve a wage increase for Acting City Clerk Melissa Lawrence retroactively to April 1, 2022, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, wage increase approved retroactively to April 1, 2022.

Councilmember Lindner introduced a motion to close the closed session for performance review/pay discussion at 8:59 p.m., seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes.

Future Council Meetings

City Council, Tuesday May 17, 2022, Workshop, Monday May 9, 2022 CANCELED.

Adjournment

Being there no further business, following a motion from Councilmember Lindner, seconded by Councilmember Cacioppo, the meeting adjourned at 9:00 p.m.

Respectfully submitted, Melissa Lawrence