

**City of Gem Lake
City Council Meeting – January 18, 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, City Engineer Justin Gese, Senior Professional Engineer Richard Parr, Minnesota Pollution Control Agency (MPCA) Representatives Tim Grape and Michal Ginsbach, Planning Commission Member Joshua Patrick and Planning Commission Chair Don Cummnigs, Summit Farm Villas HOA Board President Sharon Roland, residents Gloria Nathanson, Jean & Roys Andrews, Rick Nordstrom, Bob & Cindy Scruggs, Jerry Thomson, Jeff & Ramsey James, Jim Wilson, Sheri Smith, Paul Emeott, Richard & Roberta Pientka, Tom Bolfing, Ray Tessier, Rick Bosak, Katie Stuemke, Bruce Shirley and Isaac Nelson.

January 18, 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 Cacioppo to approve the December 21, 2021, City Council Meeting Minutes. Voice vote taken, all voted yes, motion passes, minutes approved.

A motion was made by Councilmember Lindner, seconded by Councilmember Cacioppo to accept the January 11, 2022, Planning Commission Meeting Minutes. Voice vote taken, all voted yes, motion passes, minutes accepted.

Committee Reports – Planning Commission

Planning Commission Chair Don Cummings gave an overview of the Planning Commission Meeting on January 11, 2022. Two public hearings were held, 1) to discuss a CUP at 3825 Scheuneman Road for an accessory building and 2) to discuss changes to the Home Occupation Ordinance, both of which are being recommended to the City Council for approval. The CUP is being recommended with conditions.

Old Business

Mayor Artig-Swomley presented ideas for the next edition of the City Newsletter to include pieces such as a recap of what the MPCA will be presenting at tonight's City Council Meeting along with another story on hydrology. A story about the VLAWMO presentation at the February City Council Meeting.

New Business

Resolution #2022-001 – 2022 City of Gem Lake Appointments

A Resolution appointing individuals and firms to perform the functions necessary for supporting the governing bod of the City of Gem Lake. These appointed position will run from January 1, 2022 through December 31, 2022. The motion for adoption of the foregoing Resolution was duly proposed 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 #2022-002 – 2022 Annual Rate Structure for Service Provided by White Bear Township

The City of Gem Lake and White Bear Township entered into an agreement for services in 2007. The City of Gem Lake and White Bear Township agreed that White Bear Township will charge \$95.00 for all services (Accounting Clerk/Receptionist, Building Inspector, Clerk Treasurer, Finance Analyst and

Officer, Para Legal Secretary, Planner, Secretary Receptionist, Public Works Director and all public works staff) for fiscal year 2022. 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 # 2022-003 – 2022 Country Lounge 2 A.M. Liquor License

The City of Gem Lake is authorized by the State of Minnesota to issue liquor licenses to approved and authorized establishments within their municipality. The Country Lounge, 3590 Hoffman Road West, has met all the requirements set forth within the City of Gem Lake and the State of Minnesota for a 2 a.m. optional Liquor License for 2022. 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 4 in favor and 0 against. Councilmember Amlee abstains from the vote.

Annual Fee Schedule

The fee schedule had some editorial changes made to it and was presented for approval at the City Council Meeting. At the February City Council Meeting the Fee Schedule will be put into an Ordinance format and be submitted for approval. All future amendments made will be towards the Ordinance. Councilmember Amlee had a question regarding the section that outdoor entertainment was located under and the fee attached to it and what it entails. City Attorney Patrick Kelly thought there was maybe an Ordinance on the topic and to review that Ordinance to try and answer the question. The motion for adoption of the Fee Schedule with the additions during 2021 and editorial corrections was made by Councilmember Lindner, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, Fee Schedule is approved for 2022.

League of Minnesota Cities – Liability Waiver Form

The City of Gem lake is currently in the renewal process of its property and liability insurance package with the League of Minnesota Cities Insurance Trust (LMCIT). As part of this renewal process the City must decide if it wishes to waive or not waive the statutory tort limits.

If the City DOES NOT WAIVE the monetary limits on municipal tort liability then an individual claimant could not recover more than \$500,000 and the total which all claimants could recover would be limited to \$1,500,000. These limits would be on only those claims which the statutory tort limits apply.

If the City WAIVES the monetary limits it would then be subject to up to \$2,000,000 on an individual claimant but the total for all claimants would still be limited to \$2,000,000 regardless of the number of claimant.

The City currently carries \$1,500,000 in liability coverage from the LMCIT. The City does not currently purchase excess liability insurance at this time.

Staff recommends the City Council approval to select DOES NOT WAIVE the monetary limits on municipal tort liability as established by Minnesota Statutes 466.04 on the renewal application with the LMCIT.

Councilmember Lindner made a motion to not waive the monetary limits on municipal tort liability, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, the City of Gem Lake will not waive the monetary limits on municipal tort liability from the LMCIT.

Gem Lake Infrastructure Issues

MPCA Well Report – Tim Grape

Michal Ginsbach, hydrogeologist, was joined by Tim Grape, both from the MPCA to give an overview of the well testing that has been completed over the last several months to the City Council and residents in attendance. Recent water sampling from private wells in this area revealed the presence of the chemical 1,4-dioxane above state health risk limits. Where results are above the health-risk limit residents have been provided bottled water as a short-term solution. The agency is working to identify and implement the best long-term solution to provide clean safe drinking water. Municipal wells supplying White Bear Township were tested and 1,4-dioxane was not detected.

The Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Health (MDH) are actively investigating in this area to determine the impacted area and source of contamination. Residents within the study area have received requests from the MDH, MPCA, or a consultant to sample their well. The main use of 1,4-dioxane was as a stabilizer for the chlorinated solvent 1,1,1-trichloroethane (often used for industrial purposes). 1,4-dioxane can also be an unintended contaminant in the production of certain products, including some cleaners, detergents, adhesives, inks, automotive fluids, etc. Groundwater contaminated with 1,4-dioxane is largely caused by the historical use and disposal of chlorinated solvents.

Concentrations detected in well water in Gem Lake are just above the HRL of 1 ppb and present a very low health risk. Information about the health effects of 1,4-dioxane comes mainly from studies of laboratory animals. 1,4-dioxane is considered a likely human carcinogen, based on studies of animals exposed to very high amounts. There are currently no human studies that show a direct link between exposure to 1,4-dioxane and cancer. The HRL of 1 ppb is based on a negligible cancer risk of one additional cancer in 100,000 people consuming the water on a daily basis for a lifetime.

If the MPCA cannot find a responsible party, the state will step in and the state can use tax money to continue the investigation. The MPCA website is updated with any and all new information. In the spring the MPCA will go back out and resample all the wells that were contaminated to check on the levels of 1,4-dioxane. Municipal wells generally sit deeper than private wells. 1,4-dioxane is also dissolved within the water and can move through dispersion. Some of the questions that the MPCA answered were:

Is Gem Lake the only one affected by this contamination or are other cities as well? It is more common than the MPCA would like to see.

Why is my well impacted, but my neighbors is not? There are many layers below our feet and is viewed as 3 dimensional and the layers can be different on the z-axis. In some areas you may have to go lower in order to reach the optimal filtration area below ground. The neighbors well could be shallower or deeper compared to yours.

Where has testing been completed? White Bear Lake has been tested and have come back clean. Vadnais Heights has also been tested and the MPCA is waiting on the results.

Resident Tom Bolfig asked the MPCA if they have any thoughts on the potential source of the contamination. The MPCA responded saying that because it is an ongoing case that information is not available to the public at present. The MPCA is looking at nearby industrial facilities that have hazardous waste licenses and have noticed that there are higher concentrations to the North.

Councilmember Cacioppo asked the MPCA if they could just pull the licenses for all that are licensed producers. The problem is that licenses are only required if the use is over a certain amount, and in many cases, the use might have been small and harder to track. The MPCA has to look at any and all historical contamination as well.

Resident Robbie Pientka asked the MPCA if they tested swamps and around the railroad tracks. The MPCA responded that they collected in that general area. The MPCA has tested wells and surface water, but have not done any soil testing.

Resident Tom Bolfig asked the MPCA what the risk factors of ingesting 1,4-dioxane were. The MPCA responded that health risks are continually being evaluated but the effects of consuming the water over a lifetime is not showing a major health risk.

Mayor Artig-Swomley asked the MPCA if she was correct in reading that this contamination is not one that is routinely tested for. The MPCA responded that she was correct, but it is becoming a contaminant of emerging concern.

Mayor Artig-Swomley also asked the MPCA how long they think this will take to come up with a solution. The MPCA responded that they can't pin down an exact date, but that they don't want the City of Gem Lake residents to be dependent on bottled water longer than they have to.

Water Study – Justin Gese, SEH

In 2006 the City of Gem Lake had a Municipal Water Supply Feasibility Study completed. This study evaluated potential for constructing an independent water system, as well as a city-wide water distribution system with source water provided by one of the neighboring communities. The City of Gem Lake has commissioned SEH for an update. Gem Lake will have an average day demand (ADD) of 64,800 gpd residential based and 87,572 gpd land use based. The maximum day demand (MDD) of 194,400 gpd residential based and 262,716 gpd land use based. This is a conservative assumption. Total MDD of 457,116 gpd or 0.457 million gallons per day (MGD).

The water quality of White Bear Township meets all State and Federal regulations. WBT has six (6) wells that are treated with chemical additives, but only one (1) of the six (6) wells is treated with filtration. The water is not softened, and is around 18 grains per gallon, which is considered very hard water. Manganese levels were detected in their wells in the range of 0.116-0.200 mg/l.

The water quality of White Bear Lake meets all State and Federal regulations. Water from all four (4) wells goes through treatment at a water treatment plant. The water is softened to a level of 5 to 7 grains per gallon, which is considered moderately hard water.

The WBL water system has excess capacity and should be able to supply Gem Lake's estimated ADD of 0.15 MGD and MDD of 0.46 MGD. WBT water systems may require increased water appropriations permit limit and additional capacity to be able to supply Gem Lake.

The hydraulic model created would be if Gem Lake was served from a single connection to either WBL or WBT. A loop based distribution system would essentially be the same for either WBL or WBT. WBL can provide adequate pressures and fire flows. WBT would need a pressure booster to provide adequate pressures and fire flows.

The estimated cost of a connection to WBL (including contingency and engineering) would be \$10,455,660.25. An estimated cost of connection to WBT (including contingency and engineering) would be \$10,965,834.00. The key benefits of a single source for a city-wide water supply system is that a looped watermain system could be provided, minimizing distribution system piping dead ends and associated potential for water quality issues, as well as increased flow capabilities during fire emergencies. This would maintain similar water quality to all customers.

The next step in the process is for SEH to prepare the final report, incorporating any City comments. Also recommendations for additional analysis/discussions for next stage planning. Councilmember Lindner made a motion for SEH to take a deeper dive into the next phase, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motions passes, SEH will begin the next phase or research. The current draft will be tabled and be discussed at next month's City Council meeting. Mayor Artig-Swomley asked SEH to explore the concept of phased connections to municipal water systems, in order to deal with the neighborhood in the greatest need. She also asked them to explore options regarding working with the City of Vadnais Heights.

Villas of Gem Lake Update

Mr Gese and City Attorney Patrick Kelly are in communication with Hanson Builders and have had discussion regarding the punch list items that still need to be completed. There are areas in the Villas that the Ramsey Washington Watershed is unhappy with and trees need to be replanted, until that happens the Watershed will not release their escrowed funds. Mr. Gese and City Attorney Patrick Kelly are working on getting payment for the water used during construction from Hanson Builders.

Heritage Hall – Jim Lindner

Councilmember Linder is putting together a hazard communication plan by putting together an inventory sheet of all the chemicals currently at Heritage Hall. Councilmember Lindner will have a draft ready for the February City Council meeting.

Internal Management Update

City Council/Planning Commission Training Manual

Mayor Artig-Swomley presented a draft to the Council of what the completed manual will look like. The City Clerk will have a completed copy of the manual for each member of the Council and Commission at the February meetings.

City Clerk Annual Review Preparation

Acting City Clerk Melissa Lawrence is coming up on her one (1) year anniversary with the City of Gem Lake. Mayor Artig-Swomley is asking that any Councilmember that would like to complete the employee evaluation sheet and return it to her is more than welcome. The Acting City Clerks annual review will be conducted at the end of March or beginning of April 2022.

Employee Manual Updates

Mayor Artig-Swomley presented to the Council a few a suggestions for sections to be added to the current employee manual. These items reflect what was discussed and approved at the December City Council meeting. Below is the new language:

COLA Adjustments to Pay

From time to time, the Gem Lake City Council may approve a Cost of Living Adjustment (COLA) to employee paychecks. When done, the amount would mirror any CPI-W approved increase and would begin January 1. The CPI-W is the Consumer Price Index for Wage Earners and Clerical Workers. The City does not guarantee that an adjustment will be made each year.

Insurance Allowance

The Gem Lake City Council approved a monthly allowance that can be used to purchase medical insurance, as needed by the employee. However, this allowance can be used at the employee's discretion. It will appear as a separate line item on each payroll check and is taxable. The current allowance in 2022 is \$750 per month. The amount is evaluated and approved by the Council from time to time.

Add to the section on paid holidays

If an approved holiday is observed Monday through Thursday, part-time employees are given 100% pay for the holiday. If the holiday is observed on a Friday, part-time employees who work Monday through Thursday only, are given 80% pay for the holiday.

Councilmember Lindner made a motion to add these topics to the current employee manual, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, items will be added to the current employee manual.

Conditional Use Permit for an accessory building at 3825 Scheuneman Road

The Planning Commission reviewed the request at their meeting on January 11th 2022. The Commission discussed the scope of the project, compliance with zoning requirements, drainage in the area, and the building permit process with the applicants. There were no comments made from the public during the public hearing. The commission recommended approval of the request, with a number of conditions.

The Planning Commission recommended approval of the Conditional Use Permit request to build a detached accessory structure exceeding 1,000 SF in size, at 3825 Scheuneman Rd. The following conditions for approval are recommended:

1. The applicant is permitted to build the proposed detached accessory structure to a size of 1,440 square feet, according to the plans submitted to the city and reviewed with this request.
2. The applicant is required to acquire a building permit from the city for the proposed structure, and to submit a grading & erosion control plan to city staff for review prior to issuance of a building permit, so as to ensure drainage issues from the city engineer are addressed.
3. Any connections of the proposed accessory structure to city utilities shall adhere to applicable city requirements.
4. The applicant is required to adhere to all applicable local, State, or Federal regulations.
5. The applicant is required to acquire any other applicable local, State, or Federal permits for this request so as to ensure that potential drainage issues identified by the city engineer are addressed.

Councilmember Cacioppo made a motion to approve the CUP application for 3825 Scheuneman Road based on the conditions listed, seconded by Councilmember Lindner. Voice vote taken, all voted yes, motion passes, CUP is approved with conditions.

Home Occupations

The city has been looking into ways to improve the requirements and regulating of home occupations. Home occupations can vary in scope and definition from place to place, but typically they are considered a use or activity carried out in a residence by the occupant. Such use or activity does not change the

character of the residence and is often defined as being incidental, ancillary, or secondary to the primary use, which in this case would be residential. The Planning Commission has been working on this project for some time. A rough draft was reviewed and discussed at the December Planning Commission meeting. The rough draft used the existing definition and ordinance (ordinance #85) as a starting point, with some changes made throughout.

The newly drafted ordinance on home occupations would repeal and replace ordinance #85. Along with this, the proposal also includes a minor update to the Consolidated Land Use Ordinance, where zoning items are detailed. Appendix A contains the defined terms used in the Consolidated Land Use Ordinance; home occupations is one of the terms in the appendix. An update to revise the definition of home occupations is the goal. The Planning Commission recommended the City Council approve the revised Ordinance and to approve the new definitions.

Councilmember Lindner made a motion to accept the Ordinance repealing and replacing Ordinance No. 85 regarding the purpose of regulating home businesses, home merchandise sales and other home occupations, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, Ordinance has been accepted.

Councilmember Lindner made a motion to accept the proposed changes amending appendix A of Ordinance No. 131 regarding the definition of home occupations, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, appendix A changes have been accepted.

Public Works and White Bear Township

White Bear Township and Public Works approved using their services for Gem Lake. The process is now being moved into the next phase where pricing will be negotiated.

Ramsey County League of Local Governments 2022 Membership Renewal

The annual renewal for Ramsey County League of Local Governments for 2022 will be \$200.00. Councilmember Lindner made a motion to renew the 2022 membership for Gem Lake, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, Acting City Clerk will renew the membership for 2022.

Community Outreach to Other Cities and Government Bodies.

Mayor Artig-Swomley shared that things are going well and progress has been made. The City is still working on the relationship with Vadnais Heights, and Mayor Artig-Swomley would like to turn responsibility for the Vadnais Heights relationship over to Councilmember Cacioppo for 2022, as Councilmember Lindner, formerly in charge of this relationship, is now Vice Mayor. City Attorney Patrick Kelly is getting ready to submit proposals on utility billing to Vadnais Heights.

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 Report

The monthly financials were not available for review this month. December and January's will be available at the February City Council Meeting for review.

Presentations from the public, 2 minutes maximum

Residents in attendance had no comments or questions.

Open Items for Council Members to Bring Up

Mayor Artig-Swomley wanted to remind those that at next month's meeting the Council will be revisiting the water plan and that VLAWMO will be joining out meeting. Also a reminder that February's meeting will be virtual.

Future Council Meetings

City Council, Tuesday February 15, 2022 will be virtual, Workshop, Monday February 14, 2022 canceled.

Adjournment

Being there no further business, following a motion from Councilmember Lindner, seconded by Councilmember Cacioppo, the meeting adjourned at 8:47 p.m.

Respectfully submitted, Melissa Lawrence