

**City of Gem Lake  
City Council Meeting – August 16, 2022  
Meeting Minutes**

Mayor Gretchen Artig-Swomley called the meeting to order at 7:00 p.m. Councilmembers Len Cacioppo, Ben Johnson and Jim Lindner were present. Councilmember Laurel Amlee was not present. Also present: City Attorney Patrick Kelly, City Treasurer Tom Kelly, Acting City Clerk Melissa Lawrence, Planning Commission Chair Don Cummings, and residents Jim Wilson, Nick Cress and Sharon Roland.

**August 16, 2022 Agenda**

A motion was introduced 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 introduced by Councilmember Lindner, seconded by Councilmember Cacioppo to approve the July 19, 2022, City Council Meeting Minutes. Voice vote taken, all voted yes, motion passes, minutes approved.

A motion was introduced by Councilmember Lindner, seconded by Councilmember Johnson to accept the August 8, 2022, City Council Workshop Minutes. Voice vote taken, Councilmember Cacioppo abstained. All others voted yes, motion passes, minutes accepted.

**Committee Reports – Planning Commission**

There was no Planning Commission meeting held in August. No projects have been proposed, and the two public hearings that were scheduled for the August 10, 2022 meeting were not held due to the applications being deemed incomplete.

Mayor Artig-Swomley suggested to the Commission that the City needs a better defined list of permitted uses within the Gateway District and that a couple Ordinances throughout the year should be reviewed for any possible changes. Another suggestion was to begin looking at language to put in the zoning ordinance regarding the sale and distribution of delta-9-tetrahydrocannabinol (THC).

**Old Business**

Mayor Artig-Swomley presented ideas for the next edition of the City Newsletter to include pieces such as information about the corridor project and scheduled meeting dates, an invite to the water summit, preliminary budget and MS4 meetings, Purple Line BRT, donations made to Willow Lane Elementary and the White Bear Lake Area Food Shelf, the moratorium on the sale and distribution of THC in the city, summary of the audit and who filed an affidavit of candidacy for City Council.

**New Business**

**2021 Audit Presentation**

MMKR CPA James Eichten gave a report on the 2021 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 31, 2021:

- MMKR has issued an unmodified opinion on the City's basic financial statements.
- One matter involving the City's internal control over financial reporting was considered to be a material 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*.
- Two findings based on MMKR's testing of the City's compliance with Minnesota laws and regulations:
  - Minnesota Statutes require prompt payment of local government bills within a standard payment period of 35 days from the receipt of goods and services for governing boards that meet at least once a month. If such obligations are not paid within the appropriate

time period, local governments must pay interest on the unpaid obligations at the rate of 1.5 percent per month or part of a month. One of twenty-five disbursements tested was not paid within the statutory time limit.

- Minnesota Statutes require where a claim for money due on goods or services furnished can be itemized in the ordinary course of business, the person claiming payment, or the claimant's agent, shall prepare the claim in written items. One of twenty-eight disbursements tested did not have a claim in writing to support the payment made.

As a part of MMKR's audit of the City's financial statements for the year ended December 31, 2021, MMKR performed procedures to follow-up on the findings and recommendations that resulted from the prior year audit. The prior auditor reported the following findings that are no longer findings in the current year audit of the City:

- Minnesota Statutes require the governing body of the City to annually delegate the authority to make electronic funds transfers to a designated business administrator or chief financial officer or the officer's designee. The City did not complete this delegation for the year ended December 31, 2020. This is not a finding in the current year.
- Minnesota Statutes require payroll time sheet approval for employees. The prior year audit reported 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. This is not a finding in the current year.
- Minnesota Statutes require unclaimed property held for more than three 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 prior audit year. This is not a finding in the current year.

Councilmember Lindner introduced a motion to accept the 2021 audit, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, 2021 audit accepted.

## **Gem Lake Infrastructure Issues**

### **Well and Municipal Water Update**

Mayor Artig-Swomley has had several long conversations with Tim Grape at the MPCA. The MPCA is planning to conduct follow-up sampling for residential wells that were previously impacted and/or wells that are adjacent to locations that previously had detections above the health risk limit (properties currently supplied with bottled water). They anticipate this work taking place in the coming months. At this time the MPCA is 95% sure that the contamination is not from Water Gremlin and they are still investigating the possible source.

The City Council Workshop that took place on August 8, 2022 to plan for the Water Summit in September went well. A plan on how to approach the issue and explain it to the residents has been developed. The MPCA will be joining the Water Summit to help answer any question that the Council or residents may have.

### **Gem Lake Trail Update**

The foundation for the bench has been put in along the trail. Mayor Artig-Swomley has had several long conversations with Kim Anderson Uzpen on a plan for the public land around the Gem Lake Trail. Ms. Uzpen is searching for wooden signs that can be placed in the wildflowers along the trail. At this time the Washington Ramsey Watershed is still holding on to money from Hanson's Builders, the Villas developer, and will not release it until reseeding has happened. Ms. Uzpen suggests that the reseeding should take place next year, as the area was over seeded.

There are several dead trees located along the trail and along the North side of house 50 that are not Tree Trust trees. Mayor Artig-Swomley suggested that the City use some of the money in the Parks and Trails fund to replant six (6) of the dead trees. She suggested that we reach out to White Bear Township Public Works to request a proposal from the contractor that they use to replace trees in the Township, which is Rum River Tree Farm.

Councilmember Lindner introduced a motion for the City to approach White Bear Township Public Works with a request for a proposal, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, Acting City Clerk will reach out to White Bear Township Public Works to request a proposal.

#### **Recycling Hauler Transition**

City Attorney Patrick Kelly has reviewed a draft contract for Republic Services and redlined it and sent it back to Republic for their lawyers to review and redline. At this time the city has not received a revised contract from Republic. Once a revised version has been received, City Attorney Patrick Kelly will review it once more. The city is hoping for an October transition date.

#### **Possible Sprinkler System for Heritage Hall & White Bear Township Recommendation**

The City received a proposal from Albrecht Company that was discussed at the July 19, 2022 City Council Meeting. This project would be a shared cost for the City of Gem Lake and White Bear Township. The proposal was then passed along to the White Bear Township Board to review. The Township at that time requested that the City request another proposal. Acting City Clerk requested a proposal from Minnesota Irrigation and submitted it to White Bear Township Board for review and recommendation. At this time the White Bear Township Board is has declined to support the purchase and installation of a new irrigation system at Heritage Hall. The decision is based on the fact that the Township is considering an irrigation ban, so it is hard for the Board to be comfortable approving a new irrigation system. The City will table this and return to this idea next year.

### **Internal Management**

#### **Software Package for Permits**

At this time the City uses Permit Works as the permitting software. White Bear Township is in the process of changing software packages and when it is finalized White Bear Township can no longer be the City's backup for permits. The Township is moving to BS&A Software. Acting City Clerk Melissa Lawrence contacted BS&A to receive a proposal on what it would cost to change over everything, change over just the permitting software, and change over the permitting and utilities software.

Mayor Artig-Swomley, Councilmember Cacioppo and Acting City Clerk Melissa Lawrence had a zoom meeting earlier in the day with a chance to view the software and ask questions about it. The proposals were shared with all other Councilmembers. At this time the City is more interested in getting the software to do permits and utilities. The City will do a little more research and discuss it again at the September 20, 2022 City Council Meeting.

#### **Scanning Software**

The City has access to a program called Laserfiche. This program is used to store scanned documents and place them into a paperless viewing option/availability for employees and the public. Using this program will allow the City to lighten the amount of paperwork being stored in the file room. This is a very time consuming task and there is the possibility of hiring interns or hiring the workout to a company that can scan all the documents in for the City.

#### **Primary Elections Logistics Follow-Up**

Election went well. There was still an issue with parking due to the amount of spaces that Heritage Hall has. Councilmember Lindner came to lock up the building after the polls closed and shared that while voting went well the election team ran into a couple issues when counting ballots and were in the building until about 11:00 p.m.

At the end of the day August 16, 2022 there had only been two (2) affidavits for candidacy submitted for the open City Council seats. The City Clerk was unsure if anyone had filed at Ramsey County.

### **Interim Ordinance No. 139 for Sale and Distribution of CBD and Cannabis in Gem Lake**

Many cities have adopted Interim Ordinances or regulations on aspects of planning and zoning regulation to study their impacts and determine whether the regulations are appropriate in order to protect the public health, safety and welfare of their citizens; and the City is undertaking a study to effectuate changes to the Zoning Ordinance and City Code that would regulate the sales, testing, manufacturing and distribution of cannabis and cannabidiol (CBD) for medical, recreational and other purposes and may implement many of the suggestions from the study. The Planning Commission will be asked to look into this more in depth.

Councilmember Lindner introduced a motion to approve the moratorium Ordinance No. 139, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion passes, Ordinance No. 139 has been approved. The moratorium would be in effect for up to 12 months.

### **Summary of Proposed Amendments to Animal Ordinance**

Mayor Artig-Swomley stated that the City has been having issues with owners picking up their dog's poop again. The Mayor asked the City Attorney if a fee can be added to the Ordinance for not picking up after your pet. City Attorney stated that the City could and that he would help find some language to put in the Ordinance. Another comment was about charging a fee for not getting a dog license. City Attorney said that the City could also put language in the Ordinance regarding not getting a license when one is required. The City Clerk is in the process of going over the animal Ordinance and will get it to the City Attorney for review once completed.

### **Charitable Gambling Donations**

#### **Resolution #2022-0017 August 2022 Donation to White Bear Lake Area Food Shelf**

The motion for adoption of the foregoing Resolution was 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.

#### **Resolution #2022-0018 August 2022 Donation to Willow Lane Elementary**

The motion for adoption of the foregoing Resolution was 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.

#### **Willow Lane Elementary School Supplies Status Report**

The Mayor and City Clerk went to Walmart and purchased school supplies for Willow Lane Elementary. The City was authorized to spend up to \$1,000.00 and spent \$596.61. All of the items on the schools wish list were able to be purchased. The City Clerk will deliver the items to the school in the next couple days.

### **Community Outreach to Other Cities and Government Bodies**

#### **Letter to City of Vadnais Heights**

City Attorney Patrick Kelly sent a letter to the City of Vadnais Heights regarding the meter readings and utility bills. At this time there has still been no response from the City regarding the letter.

#### **Met Council – Purple Line**

Three (3) meetings have been canceled, and federal requirements still have not been met to authorize the plan. The project is not dead yet and is in the process of route planning.

#### **Ramsey County Emergency Management Conference**

The conference is free to attend for two (2) members, but the City is having trouble finding someone to attend. Mayor Artig-Swomley may or may not attend.

**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 Reports**

The financials for July were submitted and the Council had no comment.

**Quarterly Financial Report**

The 2<sup>nd</sup> Quarter 2022 financial report was submitted and the Council had no comment.

**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 reminded the Council of the MS4 hearing in September and that the preliminary budget will be discussed. The Chief of Police will be coming to the September meeting. Councilmember Lindner will be reaching out to the Ramsey County Public Works Director to see if they can attend the September or October City Council meeting.

Councilmember Johnson will not be in attendance at the City Council Water Summit Workshop or be at the October City Council meeting. Councilmember Cacioppo will not be in attendance at the November City Council meeting.

**Future Council Meetings**

City Council, Tuesday, September 20, 2022, Workshop, Monday, September 12, 2022 for the Water Summit.

**Adjournment**

Being there no further business, following a motion from Councilmember Lindner, seconded by Councilmember Cacioppo, the meeting adjourned at 8:39 p.m.

*Respectfully submitted, Melissa Lawrence*