

**City of Gem Lake**  
**City Council Meeting – November 15, 2022**  
**Meeting Minutes**

Mayor Gretchen Artig-Swomley called the meeting to order at 7:03 p.m. Councilmembers Jim Lindner and Ben Johnson were present. Councilmembers Len Cacioppo and Laurel Amlee were not present. Also present: City Attorney Patrick Kelly, City Treasurer Tom Kelly, White Bear Lake Fire Chief Greg Peterson, White Bear Lake City Manager Lindy Crawford, BS&A Software Account Executive Dan Burns, Acting City Clerk Melissa Lawrence, Planning Commission Chair Joshua Patrick and residents Mike Murzyn, Jim Wilson, Daniel Epilboim and Brad Naylor.

**November 15, 2022 Agenda**

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

**Minutes**

A motion was introduced by Councilmember Lindner, seconded by Mayor Artig-Swomley to approve the October 18, 2022, City Council Meeting Minutes. Voice vote taken, all voted yes, motion passes, minutes approved. Councilmember Johnson abstained because he was not present at the October meeting.

A motion was introduced by Councilmember Lindner, seconded by Councilmember Johnson to accept the November 9, 2022, Planning Commission Meeting Minutes. Voice vote taken, all voted yes, motion passes, minutes accepted.

**Committee Reports – Planning Commission**

Commissioner Chair Joshua Patrick gave a report of the Planning Commission meeting held Wednesday, November 9, 2022. A public hearing was held regarding a Variance Request at 10 Hillary Farm Lane for a 100' pool setback. The Commission recommends approval based on City Planner Evan Monson's recommended conditions. Old business that was discussed included permitted uses in the Consolidated Lane Use Ordinance and the Metropolitan Council 2040 System Statement. At this time the Commission had no extra input on the Permitted uses and wants to handle them on a case by case basis. The Commission would still like to come up with a formal statement at some point regarding the System Statement.

**Newsletter**

The Mayors goal is to get another Newsletter out in early December. The Newsletter would contain topics such as the election results, the new restaurant on County Road E, and article written by Councilmember Lindner, an update on Luther Cadillac, MPCA, feature story on White Bear Townships Public Works Director and the Corridor study results.

**New Business**

**Guest Speakers from City of White Bear Lake – Greg Peterson, Fire Chief & Lindy Crawford, City Manager**

Gem Lake contracts for Fire Services through the White Bear Lake Fire department. Fire Chief Greg Peterson gave a summary of fire calls in 2022, Gem Lake has had approximately 36 calls for service. They have consisted of 27 medical, 1 commercial fire, 1 rubbish fire, 2 alarm sounding, 1 brush fire, 1 natural gas leak, 1 carbon monoxide and 2 lift assists. The Fire Department has 32 Firefighters/Paramedics, eleven (11) full-time firefighters/paramedics, three (3) full-time Captains, sixteen (16) part-time Firefighters/EMTs/Paramedics and three (3) full-time Chief Officers.

The average response time is 6:10 up a couple seconds from last year. On average WBL has 14 calls per day with an average run duration of 39 minutes. Training is done throughout the year which includes water rescue, airplane crash rescue and bus rescue. The department purchased an old bus and tipped it on its side to practice rescues.

City Manager Lindy Crawford shared information regarding some projects the City has scheduled. The City of White Bear Lake will be replacing the current fire apparatus bay, adding a police garage, interior remodeling to support current and future operations, adding secure staff parking and other needed building updates. The Council recently awarded a contract which exceeded the planned budget, but it was decided that the current plan was already a basic one and no additional alterations could be made. All quotes exceeded the planned budget. Construction is set to begin March 2023 and the project is set to be substantially complete June 2024. The Council recently awarded a contract which exceeded the planned budget, but it was decided that the current plan was already a basic one and no additional alterations could be made. All quotes exceeded the planned budget.

### **Software Demonstration from BS&A – Dan Burns, Account Executive & Ryhan Carrier, Solution Specialist**

Account Executive Dan Burns gave a summary of the company BS&A Software. The company was created in 1987 and is based out of Michigan. The success of their products has solidified BS&A Software's reputation for providing industry leading applications, innovative solutions, and unmatched service and support... all for an exceptionally affordable price. BS&A Software partners with Microsoft Azure. At this time BS&A has 2,000 plus clients, more than 1,700 Finance Management customers in 17 EST/CTL states. At this time the company is not looking to expand into other states. At this time BS&A has 24 customers in Minnesota with 6 more signing on.

Solution Specialist Ryhan Carrier gave an overview of what the software will look like. Mr. Carrier showed the Council many different tools and options in the software. The Council liked what they saw and thought it would be a good idea to have all the City's programs under one system, but would like to wait until December to make a decision because not all Councilmembers were present for the meeting.

### **Gem Lake Infrastructure Issues**

#### **Gem Lake Trail update**

Next year when the City decides to plant new trees in the Villas and along the public trail the Council would like to get citizen feedback. The residents of the Villas would have more knowledge on the trees in the area that are dead and need to be replaced and areas that more trees could be needed.

#### **BNSF Contract for Drainage Pipe Update**

City Attorney Patrick Kelly reported that a license agreement in the amount of \$1,250.00 has been met by negotiation, down from \$7,000.00. BNSF is also going to waive the \$1,266.00 RPLI fee, and the annual charge because those items were not part of the initial discussion. It will be a 25 year license.

Councilmember Lindner introduced a motion to finalize and conclude the negotiations with BNSF and pay the \$1,250.00 license fee, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion passes.

#### **Recycling Hauler Transition Update**

The City has had a couple pickups and everything seems to be going well for the City. There are a few residents that still have some of the old haulers recycling containers. A mass email will be sent out to residents that we have an email for to let them know that if they still have a bin that they can bring it to Heritage Hall and the City Clerk will call Waste Management to come pick them up.

### **Internal Management**

#### **Office Printer**

The main printer in the office is beginning to slow down and not work as effectively as it used to and is 7 years old. The City Clerk contacted Roseville IT and requested a quote on a new basic

printer that can function the same as the current one. A new printer was found and ordered per the Mayor's approval for \$525.49.

### **Variance Request for a 100ft pool setback at 10 Hillary Farm Lane**

The property owner is proposing to build an in-ground pool in the backyard of their property. Their lot is a lakeshore lot, located on the east side of Gem Lake. The owner's residence is located near the middle of the property, and at a distance of approximately 154 feet from the ordinary high water level (OHWL) of the lake. The pool would be placed just west of the house, and at a setback of 128.4 feet from the lake at the nearest point.

Due to the lot's proximity to the lake, it is within the Shoreland Overlay, which is further detailed in Section 21 of the city's Consolidated Land Use Ordinance. The setback from the lake (as measured from the OHWL) shall be at a minimum of 150 feet. The proposed pool would encroach within this setback by 21.6 feet, hence the variance request.

City Planner Evan Monson recommends approval based on the recommendations prepared by himself which include:

1. The applicant is permitted to build the proposed pool and impervious surfaces at a setback of 128.4 feet from the OHWL of the lake, as shown in the plans submitted to the city and reviewed with the request.
2. The applicant is required to acquire all necessary permits and approvals from the city for the proposed project.
3. The applicant is required to adhere to all applicable local, State, or Federal regulations.
4. The applicant is required to acquire any other applicable local, State, or Federal permits for this request.
5. The applicant shall pay all fees and escrows associated with the variance request.

Councilmember Lindner would like to make sure that although recommendation number 3 includes any conditions from the DNR he would like it called out specifically that DNR approval is required.

Councilmember Lindner introduced a motion to recommend approval of the Variance Request pending the DNR's opinion and City Planners conditions and recommendations, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion passes, Variance Request is approved.

### **Annual Septic Maintenance Inspection Discussion**

The City's annual septic inspection took place in October, unfortunately a tighter time frame was not given to inform residents that may have had to locate their access point. The Council discussed the possibility of adding language to the Septic Ordinance that would require pumping every three (3) years and the possibility of changing the company the City uses for the inspections.

### **Resolution #2022-0024 Designated Polling Places City of Gem Lake 2023**

Minnesota Statute 204B.16 requires the City Council to designate polling places for the upcoming year by resolution. The motion for adoption of the foregoing Resolution was offered by Councilmember Lindner and was supported by Councilmember Johnson and upon vote being taken thereon, the Resolution passed with a vote of 3 in favor and 0 against.

### **Resolution #2022-0025 SCORE Grant Funding 2023**

The motion for adoption of the foregoing Resolution was duly introduced by Councilmember Lindner and supported by Councilmember Johnson, and upon vote being taken thereon, the resolution passed with a vote of 3 in favor and 0 against.

### **Corridor Project Update**

Councilmember Johnson shared that the project is in the final review phase and the near, mid and long-term plans are being reviewed with the community. Councilmember Johnson thinks the project looks very good and the Mayor says it was money well spent. Gem Lakes next step is going to be to hold a workshop to go

over the results and is asking Councilmember Johnson to invite people from the project to the workshop to come and talk about it sometime possibly in January. A report is expected to be completed in December.

### **THC Ordinance Discussion**

The Mayor feels that based on the election results the City would be better off creating an Ordinance to cover the topic. City Attorney Patrick Kelly has supplied the City with some samples that the City can borrow language from to create the Ordinance. The City of Willmar would be a good one to tailor to Gem Lake. Gem Lake will want to coordinate with White Bear Lake when creating the Ordinance.

### **Charitable Gambling Donations**

#### **Resolution #2022-0026 October 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 Johnson, and upon vote being taken thereon, the Resolution passed with a vote of 3 in favor and 0 against. A donation in the amount of \$1500.00 will be sent to the White Bear Lake Area Food Shelf.

#### **Resolution #2022-0027 October 2022 Donation to Newtrax**

The motion for adoption of the foregoing Resolution was introduced by Councilmember Lindner and seconded by Councilmember Johnson, and upon vote being taken thereon, the Resolution passed with a vote of 3 in favor and 0 against. A donation in the amount of \$500.00 will be sent to Newtrax.

### **Liquor Licenses**

#### **Resolution #2022-0028 Gem Lake Hills Golf Course Liquor Licenses 2023**

The motion for adoption of the foregoing Resolution to approve the 2023 Liquor License Renewals for Gem Lake Hills Golf Course was introduced by Councilmember Lindner and seconded by Councilmember Johnson, and upon vote being taken thereon, the Resolution passed with a vote of 3 in favor and 0 against.

#### **Resolution #2022-0029 Country Lounge Liquor Licenses 2023**

The motion for adoption of the foregoing Resolution to approve the 2023 Liquor License Renewals for the Country Lounge was introduced by Councilmember Lindner and seconded by Councilmember Johnson, and upon vote being taken thereon, the Resolution passed with a vote of 3 in favor and 0 against.

#### **Resolution #2022-0029 Country Lounge Tobacco License 2023**

The motion for adoption of the foregoing Resolution was introduced by Councilmember Lindner and seconded by Councilmember Johnson, and upon vote being taken thereon, the Resolution passed with a vote of 3 in favor and 0 against.

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

The Mayor, City Clerk and City Attorney are going to be meeting with some residents of the Villas to discuss the water rates so that the City can go to Vadnais Heights with more information. The Mayor was able to talk with a member of the Met Council and discovered that there are actually many more Cities confused about the System Statement and the Mayor was able to get some clarification on it. Councilmember Lindner is working on getting a member from Ramsey County Public Works to come to a future meeting.

### **Claims**

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

### **Monthly Financial Reports**

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

**Quarterly Financial Report (3<sup>rd</sup>)**

City Treasurer Tom Kelly gave an overview of the 3<sup>rd</sup> quarter financial report and the Council had no comment. At this time the revenue is exceeding expenditures which will carry over and can be used for the new software package.

**Presentations from the public, 2 minutes maximum**

Residents in attendance had no comments or questions.

**Open Items for Council Members to Bring Up**

Council had no comments or questions.

**Future Council Meetings**

City Council, Tuesday, December 20, 2022, Workshop, Monday, December 12, 2022 is CANCELED.

**Attendance Inquiry**

At this time all Councilmembers in attendance plan to be in attendance at the December 20 Council meeting.

**Adjournment**

Being there no further business, following a motion from Councilmember Lindner, seconded by Councilmember Johnson, the meeting adjourned at 8:51 p.m.

*Respectfully submitted, Melissa Lawrence*