

**City of Gem Lake
City Council Meeting – September 20, 2022
Meeting Minutes**

Mayor Gretchen Artig-Swomley called the meeting to order at 7:02 p.m. Councilmembers Ben Johnson, Laurel Amlee and Jim Lindner were present. Councilmember Len Cacioppo was present via zoom from his home on Labore Road. Also present: City Attorney Patrick Kelly, City Treasurer Tom Kelly, City Engineer Justin Gese, SEH Water Resources Engineer Emily Jennings, White Bear Lake Police Chief Julie Swanson, White Bear Lake City Manager Lindy Crawford, Acting City Clerk Melissa Lawrence, Planning Commission Member Joshua Patrick, and residents Jim Wilson, Nick Cress, Isaac Nelson and Ted and Nikki Pax.

September 20, 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 Councilmember Amlee to approve the August 16, 2022, City Council Meeting Minutes. Voice vote taken, all voted yes, motion passes, minutes approved.

A motion was introduced by Councilmember Lindner, seconded by Mayor Artig-Swomley to approve the September 12, 2022, City Council Workshop Minutes. Voice vote taken, Councilmember Cacioppo, Johnson and Amlee abstained. All others voted yes, motion passes, minutes accepted.

A motion was introduced by Councilmember Lindner, seconded by Councilmember Amlee to accept the September 13, 2022, Planning Commission Meeting Minutes. Voice vote taken, all voted yes, motion passes, minutes accepted.

Committee Reports – Planning Commission

Meeting was held, no Commission Member was present or prepared to report. Mayor Artig-Swomley shared that the Planning Commission received a CUP for goats and discussed permitted uses in the Consolidated Land Use Ordinance regarding the Gateway District specifically.

Old Business

Mayor Artig-Swomley presented ideas for the next edition of the City Newsletter to include pieces such as information on the Water Summit Workshop, Lorraine Birkeland's death, update on Luther Cadillac project, 2023 preliminary budget, recycling hauler, corridor project, trees along the public trail and guest speakers Julie Swanson and Lindy Crawford from White Bear Lake.

New Business

Guest Speakers from City of White Bear Lake – Julie Swanson, Police Chief and Lindy Crawford, City Manager

Gem Lake contracts for Police Services through the White Bear Lake Police Department. Police Chief Julie Swanson gave a summary of Police Calls in 2022, Gem Lake has had approximately 521 calls for service. Those have consisted of 238 police proactive visits, 4 domestics, 5 motor vehicle thefts, 8 thefts, 74 traffic stops, 29 assist medicals/fires and 19 suspicious activity calls. The Police Department has 31 Officers, one (1) Police Chief, two (2) Captains, four (4) Sergeants, four (4) investigators, two (2) School Resource Officers, five (5) Community Service Officers (non-sworn), eighteen (18) police officers assigned to patrol, and four (4) Support Staff (Records, Evidence, BWC/Digital Media).

Officers train monthly on Use of Force and De-escalation techniques and are required to complete a total of 48 hours of continuing education every three (3) years. There is an emphasis on de-escalation strategies and mental health awareness underscoring all training topics. Officers are mandated to train every five (5) years on emergency driving operations and pursuit driving. All training materials and rosters are submitted to the MN POST Board for approval.

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. Construction is set to begin March 2023 and the project is set to be substantially complete June 2024.

2023 Preliminary Budget Presentation / Public Hearing

Under state law, cities must adopt a proposed property tax levy by September 30 of each year. The proposed levy will be used to produce parcel-specific taxpayer notices, also referred to as truth-in-taxation notices, which will be distributed to taxpayers in November. If a city fails to certify its proposed levy to the county by September 30, the county auditor is required to use the authority's previous year's final levy as the levy for the following year.

City Treasurer Tom Kelly gave an overview of the 2023 preliminary property tax levy is proposed at \$748,879, which is a 23.159% increase from the 2022 certified preliminary property tax levy. The 2023 preliminary property tax levy consists of a debt levy of \$84,418.00 (a decrease from 2022 preliminary debt levy of \$2,864.00) and the general operating levy of \$664,461.00 (an increase of 27.59% from the 2022 preliminary tax levy).

The following changes were made from the 2022 adopted budget as a basis for the 2023 proposed preliminary property tax levy:

1. Based on the 2015 Refunding Bond schedule the debt levy for 2023 is set for \$77,873.00. In addition, in 2018, the City issued bonds for the improvements on Scheuneman Road and the 2023 debt levy for this issue is \$6,545.00. The two of these debt levies makes up the City's 2023 debt levy of \$84,418.
2. Licenses and Permits increased \$2,550 based on 2022 and past activity.
3. City Council contingency was increased to \$25,000 (was \$8,000).
4. Clerk/General Government budget includes \$10,000 for health insurance coverage and a wage increase of 5% for the Clerk.
5. Clerk/General Government budget includes \$50,000 for new software.
6. Police budget was increased 23 .16% to \$117,000 based on the City of White Bear Lake budget provided.
7. The cost of fire services could increase 15.96% to \$34,025.00.
8. Removed the \$14,579 for the code enforcement position in the building inspections department.
9. Road Maintenance budget includes \$25,000 for road maintenance/repair and \$15,000 for trimming boulevard trees.
10. Salt/sand remain at \$15,000 and snow plowing contract increased from \$17,000 to \$20,000.
11. Included a park maintenance budget of \$6,000 for maintaining the trail area near the Villas of Gem Lake.
12. The 2023 budget includes \$20,000.00 for future improvements.
13. Revenue and other expenditure line items adjusted based on past history.

These changes result in the City proposed preliminary tax levy of \$748,879.00 for 2023. This compares to 2022 preliminary levy of \$608,060.00 and 2022 final levy of \$558,210.00. Using a 2023 property tax levy of \$748,879.00 and the City's 2023 tax capacity (\$1,601,998.00) and median valued home (\$395,800.00) for Gem lake, that median valued home, would pay City property taxes of \$1,674.69 in 2023 compared to 2022 preliminary levy of \$1,364.02 (an increase of \$310.67) and the 2022 final levy amount of \$1,249.71 (an increase of \$424.98).

Mayor Artig-Swomley informed those in attendance that the Council would begin with the preliminary levy public hearing, and that the public would have a chance to provide input on the topic.

Councilmember Lindner introduced a motion to open the public hearing at 7:58 p.m. on the 2023 preliminary budget, seconded by Councilmember Amlee. Voice vote taken, all in favor, motion passes, the public hearing is opened at 7:58 p.m.

Resident Nick Cress had a question about the reason the budget is greater this year for contingency. City Treasurer Tom Kelly stated that the City has requested additional items this year and it needed to be budgeted for. The amount in the contingency may drop by the time it comes to certify the 2023 budget. The public had no other comments

Councilmember Lindner introduced a motion to close the public hearing at 8:02 p.m. on the 2023 preliminary budget, seconded by Councilmember Johnson. Voice vote taken, all in favor, motion passes, the public hearing is closed at 8:02 p.m.

Resolution #2022-0019 Gem Lake 2023 Preliminary Budget

City Treasurer Tom Kelly created a resolution for the City of Gem Lake to approve the 2023 preliminary budget. As the City prepares its final 2023 budget the property tax levy can be lowered from the preliminary levy, but not increase above the preliminary levy. So tonight, the City Council is requested to pass a resolution adopting the 2023 preliminary property tax levy of \$748,879.00.

The foregoing resolution was offered by Councilmember Linder and was supported by Councilmember Johnson and was declared adopted based upon unanimous vote in favor.

Scheduling of Date and Time of Truth in Taxation Hearing

Cities with a population of 500 or more must hold a “Truth in Taxation” public meeting where the budget and property tax levy will be discussed and public input is allowed. The meeting must occur after November 24th and before December 28th and must start after 6:00 p.m. The budget and levy cannot be approved by City Council until this meeting is held, but can be the same meeting.

Councilmember Lindner introduced a motion to formally set the hearing for the budget for December 20, 2022, seconded by Councilmember Amlee. Voice vote taken, all voted yes, motion passes, Truth in Taxation hearing date is set.

MS4 Presentation / Public Hearing

Ms. Jennings gave a presentation on the NPDES Phase II Stormwater Permit Program for the City of Gem Lake. NPDES is an acronym for “National Pollutant Discharge Elimination System” and MS4 is an acronym for “Municipal Separate Storm Sewer System”. Gem Lake is in phase II small MS4 which is general permit coverage. There are six (6) minimum control measures (MCM) that are looked at for meeting requirements:

1. Public Education and Outreach
2. Public Participation and Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Run-Off Control
5. Post-Construction Run-Off Control
6. Pollution Prevention/Good Housekeeping for Municipal Activities

Some new things the permit is requiring for 2023 and beyond of the six (6) MCM’s is:

- MCM 1: Public Education and Outreach
 - Annual Public Education & Outreach
 - Illicit Discharge Detection and Elimination
 - Deicing Salt Use
 - Pet Waste
 - Intermittently – High Priority Topics
 - Yard Waste and Construction Activities
- MCM 2: Public Participation / Involvement
 - The City must provide (at least) one (1) public involvement activity that includes pollution prevention or water quality theme
 - Possible partnership with VLAWMO

A new permit was issued to Gem Lake on November 16, 2020. An application for reauthorization (part 2) was approved on August 10, 2021. Coverage was extended November 12, 2021 and updates are being worked on now. The annual report was submitted to the MPCA on April 29, 2022.

Mayor Artig-Swomley informed those in attendance that the Council would begin with the MS4 public hearing, and that the public would have a chance to provide input on the topic.

Councilmember Lindner introduced a motion to open the public hearing at 8:12 p.m. on the MS4 report, seconded by Councilmember Johnson. Voice vote taken, all in favor, motion passes, the public hearing is opened at 8:12 p.m.

The public had no comments on the public hearing. Mayor Artig-Swomley had a question regarding the required annual public education and outreach and if past newsletter topics would be ok to reuse as the topics required have been mentioned in past newsletters. Ms. Jennings replied that it is ok to use past newsletter stories as long as they are brought current with any changes that may have been implemented. The public and Council had no additional comments or questions.

Councilmember Lindner introduced a motion to close the public hearing at 8:15 p.m. on the MS4 report, seconded by Councilmember Johnson. Voice vote taken, all in favor, motion passes, the public hearing is closed at 8:15 p.m.

Gem Lake Infrastructure Issues

Review of September 12, 2022 Water Summit / Next Steps

SEH City Engineer Justin Gese, Community Development Specialist Kristin Prosofski and Senior Water Engineer Richard Parr gave a presentation on the Water Project Funding options available for a municipal water system project in Gem Lake. Areas of discussion included:

- Potential Water Supply Issues
- Potential Water System Options
- Water Project Costs
- Project Funding Options
- Project Development
- Next Steps
- Open Discussion & Questions

The presentation helped the council and public get a better understanding of what would need to happen in order to conduct this project. The presentation was strictly informational and not a decision on what the City plans to do.

Although no decision has been made, the City may plan to apply for funding grants and bonds due to the amount of time it can take for the application to go through the lengthy process of a couple years. Applying for funding does not obligate the City to move forward. It is possible for the project to be funded by both State bond funds and Congressional funds.

The presentation was given to inform the community about a potential project. The next steps to be taken are:

- Gather more well samples or analysis by the MPCA
- The City and SEH to gather information from a formal survey from residents
- Discuss more ideas and begin a funding request cycle, if appropriate

Gem Lake Trail Update / Tree replacement Proposals

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 reseeded has happened in the area they oversee.

White Bear Township Public Works contacted two (2) companies and requested proposals to replace six (6) dead trees in the Villas of Gem Lake. Willow River Company sent a proposal in the amount of \$3,429.94 and Wolcyn Tree Farms & Nursery sent a proposal in the amount of \$3,724.94.

Councilmember Lindner introduced a motion to accept the proposal from Willow River Company in the amount of \$3,429.94, seconded by Councilmember Amlee. Voice vote taken, all voted yes, motion passes, the proposal from Willow River Company has been accepted.

The City will evaluate the area again in 2023 to determine additional trees that might need to be added and to check for additional dead trees in the area that might need to be replaced. The City will continue to monitor the area and evaluate the condition of the existing trees as necessary.

BNSF Contract for Drainage Pipe

The contract is still under negotiation. City Attorney Patrick Kelly sent the contract to the League of Minnesota Cities to review the contract for insurance requirements, and the League did not find anything that made them feel uneasy. At this time the City is playing the waiting game, the Railroad does not seem to be in a huge rush to get this resolved. At issue is the amount of any licensing fee.

Recycling Hauler Transition

After many back and forth conversations between the City Attorney and Republic Services Attorneys the contract has been finalized. Councilmember Lindner introduced a motion to approve and accept the contract with Republic Services, seconded by Councilmember Johnson. Voice vote taken, four (4) voted yes and one (1) voted no, motion passes, Republic Services contract has been approved and accepted.

The City Clerk will work on composing a letter to send out to all residents. Republic Services is also working on putting together a welcome letter that will be sent out to all residents. New bins are set to be delivered the week of October 17th and the first scheduled pick up will take place the following week on Wednesday, October 26th. The City will be serviced on blue weeks, and the new schedule will be posted to the City website.

Internal Management

Proposed 2023 Fire and Police Contract

The City of White Bear Lake sent their 2023 preliminary contract cost calculations for fire, fire inspection, and police services for the City of Gem Lake. The preliminary annual police contract for 2023 shows that Gem Lake's budget is \$113,184, compared to 2022 of \$91,186 which is an increase of 24.13%. The preliminary annual fire contract for 2023 shows that Gem Lake's budget is \$26,912, compared to 2022 of \$22,593 which is an increase of 19.12%. The preliminary annual fire inspection contract for 2023 shows that Gem Lake's budget is \$7,019, compared to 2022 of \$6,747 which is an increase of 4.03%.

Councilmember Lindner introduced a motion to accept the 2023 preliminary contract cost calculations for fire, fire inspection, and police services for the City of Gem Lake, seconded by Councilmember Amlee. Voice vote taken, all voted yes, motion passes, 2023 preliminary contracts costs have been accepted.

Facebook Page

The Facebook page has given Gem Lake the ability to communicate with the community in a different way. It has been a great source to put out status updates on topics such as recycling and City Council and Planning Commission Meetings.

Paper Folding Machine

The City Clerk is requesting the approval of a paper folding machine. This machine would help with all residential mailings and newsletter inserts. Instead of it taking hours to get a mailing out it could be done in a more time efficient manner. The item being requested may cost \$749.99, but the City Clerk might be able to find it cheaper on a different purchasing platform.

Councilmember Lindner introduced a motion to approve the purchase of a paper folding machine for the City Clerk, seconded by Mayor Artig-Swomley. Voice vote taken, all voted yes, motion passes, City Clerk is approved to order a paper folding machine for the office.

Archery Deer Hunting Application at 7 Daniels Farm Road

A permit request for a hunt on private property located at 7 Daniels Farm Road was received. The requested dates of the hunt will be on the weekends of September 23-25, October 28-30, and November 4-6. The hunting party will consist of 11 hunters all of which have obtained their Bow Hunters Certification and a License through the state of MN DNR. Deer stand locations have been given and consent of neighbors has been received.

Councilmember Lindner introduced a motion to approve the Archery Deer Hunting application at 7 Daniels Farm Road, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion passes, application is approved with the conditions listed on the application forms.

Conditional Use Permit / Interim Use Permit for Goats at 3944 Scheuneman Road

A Conditional Use Permit (CUP) application was submitted to the City by Ted & Nikki Pax, owners of 3944 Scheuneman Road to harbor two (2) goats on their property. The request was first heard by the Planning Commission on Tuesday, September 13, 2022 where a public hearing was held on the topic. The application was recommended for approval by the Planning Commission to the Council at the September 20 City Council meeting, based on the conditions suggested by City Planner Evan Monson and that it be treated as an Interim Use Permit (IUP) and not a CUP.

City Council agreed that the application should be treated as an IUP and be brought back to the Council one (1) year from now to discuss renewal based on the following conditions being met and followed:

1. The applicant is permitted to utilize the existing barn on-site to house up to two goats.
2. Proposed fencing shall be placed at minimum five feet from property lines to the south, unless written consent and approval is received from the neighboring property owner to place the fence on the property line.
3. The IUP shall expire in one calendar year from the date of approval, so as to allow the Planning Commission to review the request again to ensure the use is in compliance with conditions of this approval, and other city ordinances have been met.
4. Additional goats or farm animals on the site shall require an amendment to the IUP.
5. The applicant is required to adhere to all applicable local, State, or Federal regulations.
6. The applicant is required to acquire any other applicable local, State, or Federal permits for this request.

Councilmember Lindner introduced a motion to approve the application as an IUP based on the conditions suggested by the City Planner for one (1) year, seconded by Councilmember Amlee. Voice vote taken, all voted yes, motion passes, IUP to harbor two (2) goats on the property has been approved.

Corridor Project

September 14, 2022 was the initial meeting where the overview of the project was discussed. A collaboration between cities was discussed. A recap meeting is scheduled for September 21, 2022. Mayor Artig-Swomley asked Councilmember Johnson if he could have a write up made for the October 18 City Council meeting that he will not be able to attend and also something for the Newsletter.

Mayor Artig-Swomley and Councilmember Johnson agree that it would be ideal if someone from the Council could attend each meeting to have representation from Gem Lake. Councilmember Amlee

volunteered to attend the October 5 workshop held at Heritage Hall. Mayor Artig-Swomley volunteered to attend the October 12 workshop held at the Vadnais Heights Fire Station. Councilmember Lindner volunteered to potentially attend the October 26 workshop held at Vadnais Heights Fire Station if he does not already have another obligation that evening.

THC Ordinance Discussion

City Attorney Patrick Kelly shared some information regarding the recent law that was passed on the sale of delta-9-tetrahydrocannabinol (THC) in Minnesota. Mr. Kelly's feelings and thoughts on the topic were shared among the Council that the law was passed too quickly without much regulation on the items. The new law does not state where the items may be sold, what businesses will be able to sell the items and how the items should be categorized.

The City of Willmar is in the process of creating an Ordinance and are proposing some additional items that law enforcement is asking them to consider that are currently being reviewed by their City Attorney. Those considerations are:

1. *Legal Age; Sale.* No person under the age of 18 shall be allowed to sell any licensed product.
2. *Possession.* No person under the age of 21 shall be in possession of any THC product. Any person under the age of 21 in possession of a THC product may be subject to a petty misdemeanor. Any person under the age of 21 in possession of any THC product may have it confiscated by a law enforcement officer.
3. *Hours and Days of Sale.* No sale of THC products may be made between 10:00 p.m. and 8:00 a.m. Monday through Sunday.

The City of Gem Lake would like to have an Ordinance or regulation by the end of 2022 if possible. At this time the City is waiting to see how other cities and towns are going to regulate the product and will look to their Ordinances for ideas on composing an Ordinance for Gem Lake.

Charitable Gambling Donations

Resolution #2022-0020 September 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 5 in favor and 0 against. A donation in the amount of \$1000.00 will be sent to the White Bear Lake Area Food Shelf.

Discussion of Proposed Newtrax Donation

Newtrax has reached out to the City requesting a donation to help with the costs of the service they provide for the White Bear Lake Area Food Shelf delivering food to those that do not have the means to go and get it themselves. Newtrax is requesting up to \$3,000 to help with this cost.

Mayor Artig-Swomley feels that the amount Newtrax is requesting is more than the City can afford to donate. Mayor Artig-Swomley would like to table this discussion until the October 18 City Council meeting where a donation can be proposed for approval at the November 15 City Council meeting. Councilmember Amlee is going to reach out to the Food Shelf to see how much Newtrax does for them helping deliver food to those that can't get it themselves.

Community Outreach to other Cities and Government Bodies

The City is doing well maintaining the relationships it has with the neighboring cities, towns and government bodies, but needs to make more progress with the City of Vadnais Heights. City Attorney Patrick Kelly sent a letter to the City of Vadnais Heights a little over a month ago regarding the meter readings and utility bills and has yet to hear back.

Councilmember Lindner introduced a motion to authorize City Attorney Patrick Kelly to give Vadnais Heights a little nudge to respond to the letter, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion passes, City Attorney is authorized to nudge Vadnais Heights.

Mayor Artig-Swomley attended the recent Purple Line meeting. At this time the three (3) new proposed routes that replace the White Bear end route Purple Line is trying to get approval on have not met the requirements for federal funding. Purple Line plans to keep tweaking the numbers until they can meet the requirements for federal funding.

Claims

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

Monthly Financial Reports

The financials for August were 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 asked the Council what meetings they know they will not be attending to ensure a quorum for the rest of 2022. Councilmember Johnson and Councilmember Cacioppo will not be in attendance at the October 18, 2022 City Council meeting. The Mayor stressed to the other Councilmembers how important it is for them to be at the October meeting to ensure a quorum.

At the October City Council meeting some items that will be on the Agenda will include provisions to the Animal Ordinance, tax roll certifications and the software package discussion. The White Bear Lake Fire Chief and City Manager will be attending the November City Council meeting. Councilmember Lindner is working on getting Ramsey County Public Works to come to a meeting in early 2023.

Future Council Meetings

City Council, Tuesday, October 18, 2022, Workshop, Monday, October 10, 2022 is CANCELED.

Adjournment

Being there no further business, following a motion from Councilmember Lindner, seconded by Councilmember Johnson, the meeting adjourned at 9:20 p.m.

Respectfully submitted, Melissa Lawrence