

**City of Gem Lake
City Council Meeting – April 18, 2023
Meeting Minutes**

Mayor Gretchen Artig-Swomley called the meeting to order at 7:00 p.m. Councilmembers Jim Lindner, Laurel Amlee and Ben Johnson were present. Councilmember Len Cacioppo was remote from his home on Labore Road. Also present: City Attorney Kevin Beck, City Treasurer Tom Kelly, City Engineer Justin Gese, City Building Official Mike Johnson, White Bear Montessori Head of School Marnie McPherson, Minnesota Pollution Control Agency (MPCA) representatives, Michael Ginsbach, Tim Grape, Minnesota Department of Health (MDH) representative Emily Hansen, Acting City Clerk Melissa Lawrence, Commission Chair Joshua Patrick, and residents Erin Florin, Tom Bolfing, Lynn Yadeau, Carl Wallin, Jim Wilson, Carol Schacht, Gloria and David Nathanson, Sharon Roland, Steve Varley, Richard and Roberta Pientka, Jon Reigstad, Jeff Tschetter, Jeremy Charles, and Ray Tessier.

April 18, 2023 Agenda

A motion was introduced by Councilmember Linder to accept the agenda, seconded by Councilmember Amlee. 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 March 21, 2023, City Council Meeting Minutes. Voice vote taken, all voted yes, motion passes, agenda accepted.

A motion was introduced by Councilmember Lindner, seconded by Councilmember Johnson to accept the April 11, 2023, Planning Commission Meeting Minutes. Voice vote taken, all voted yes, motion passes, agenda accepted.

Special Presentation

MPCA Water Report – Minnesota Pollution Control Agency (MPCA) Representatives Time Grape and Michael Ginsbach

Michael Ginsbach of the MPCA shared with those in attendance that the MPCA has found one potential source to the contamination of 1,4 Dioxane in several of the wells located within Gem Lake. While most residents expected Water Gremlin to be the source, testing proved that not to be the case. The business Cortec Corporation located on White Bear Parkway in White Bear Township is showing trace signs. The contamination may be due to the commercial cleaning products the company uses. Cortec opened its own plant and laboratory in White Bear Township in 1992. Mr. Ginsbach invited those in attendance to ask any questions they may have regarding their findings.

Many of the residents in attendance asked questions along the lines of:

- What the potential long term effects of consuming the contaminated water could have?
- Is municipal water the right way to go, or can filters be installed or brand new wells be drilled?
- Will more well testing be conducted and will the testing be expanded to cover more homes or areas within Gem Lake?
- How long will it take for the MPCA to come to a resolution?
- Is the MPCA looking into other possible sources for the contamination?

A summary from Emily Hansen was that the State does not get involved, because it is hard to connect a health concern with environmental exposure and in Minnesota 4 out of 10 people have a chance of getting some sort of cancer. A summary from Michael Ginsbach was that municipal water is a way to go, filters don't work very well to remove this type of contamination and need to be changed multiple times throughout the year and it would cost a lot of money to drill new wells that may not even fix the contamination long term. More testing is set to take place in the next month or so, the MPCA is waiting to see if that will be funded by Cortec or if it will come out of the MPCA's funds. The MPCA hopes to come to a resolution sooner rather than later. This is an ongoing investigation and the MPCA will continue to look at other possible sources of the contamination.

The Mayor would like to invite the MPCA back around August to give another presentation on their findings after this next round of testing and further investigation of other possible sources.

Consent Agenda

Resolution #2023-007 April 2023 Donation to White Bear Lake Area Food Shelf
2023 Pay Equity Compliance Report
Quarterly Financial Report
Monthly Financial Report(s)
Claims

All items on the consent agenda were reviewed by the Council. Councilmember Lindner introduced a motion to approve all the items listed on the consent agenda as is, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion passes, consent agenda is approved.

Committee Reports - Planning Commission

Commission Chair Joshua Patrick shared with the Council that a Public Hearing was held during their April meeting for an Ordinance amendment to the Consolidate Land Use Ordinance increasing the number of students allowed to a maximum of 182. The Commission discussed this and support was given from the public in attendance. The Commission voted to recommend approval to the City Council based on the recommendations by City Planner Evan Monson.

The Commission is also making progress with the Nuisance Ordinance and hope to have a draft Ordinance with suggestions and new language from City Planner Evan Monson at the next meeting to review. The Commission is hoping to have something to recommend for approval in the near future.

Old Business

Newsletter

A newsletter for the month of May has been drafted and will be completed after the City Council Meeting taking place tonight, April 18, 2023. The Mayor is waiting on the report from the MPCA to finish a story and then it will be sent to the Acting City Clerk to be reformatted.

Next Steps Corridor Project

The team working on this project is working towards getting a grant through Ramsey County to help fund the continued effort with the initial application being submitted the week of April 10, 2023. This project will unite County Road E between the three communities, White Bear Lake, Vadnais Heights and Gem Lake. The first step is for the team to secure funding, once that has been completed next steps will be shared.

Councilmember Lindner introduced a motion to form a coalition to support this effort, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion passes, the City of Gem Lake agrees to show support of this effort.

Update on Water Funding Request

The City of Gem Lake's application for federal funding for a partial municipal water system has been selected to advance to the next stage in the U.S. House appropriations process. The City received the official notice of nomination on April 11 from the office of U.S. Representative Betty McCollum. The Mayor and City Engineer Justin Gese worked very hard to ensure all required paperwork was in on time in order to be considered for the funding.

New Business

Request Ordinance Amendment to the Consolidated Land Use Ordinance – White Bear Montessori School

The White Bear Montessori School (WBMS) operates at 1201 County Road E East, at the southwest corner of the city. The parcel is zoned Executive Residential (RX), and is also identified as being within the Institutional Overlay zone (the 2017 zoning map refers to the Institutional Overlay as a 'Conditional Use Institutional'). The Consolidated Land Use Ordinance states in Section 15.1 that the purpose of the Institutional Overlay is for permitting uses that serve the public, and that are providing uses on a nonprofit basis. Section 15.2 lists 'religious institutions' and 'private child care and education facilities' as uses that are permitted within the zone; Sections 15.3 and 15.4 lists accessory and conditional/interim uses permitted in the overlay.

The overlay zone establishes limitations on uses within the zone. WBMS would be considered as a 'private child care and education facilities' use in the ordinance. WBMS is considering improvements to their facility, and is

requesting changes to the ordinance that would allow for an increase in students, as well as potential expansion of their existing facilities. The requested increase in students would be to establish a new maximum of 182. The applicant has also requested allowing structures on the site to occupy up to 30% of a lot in the Institutional Overlay, and that the minimum amount of green space on a lot in the Institutional Overlay be reduced from 25% of the lot to 20%.

The Council felt as though this was a reasonable request and City Planner Evan Monson recommends approval prepared by himself which include:

1. Redlined ordinance with proposed amendments (Page 7 of Staff Report)
2. 2017 Gem Lake Zoning Map
3. Ordinance No. __ - Amendment to Section 15 of the Consolidated Land Use Ordinance

Councilmember Lindner introduced a motion to approve the suggested ordinance changes based on the recommendations by City Planner Evan Monson, seconded by Mayor Artig-Swomley. Voice vote taken, all voted yes, motion passes, Acting City Clerk Melissa Lawrence will amend the current ordinance and make note of the changes.

Rental License at 3930 Scheuneman Road Discussion

Both the renter, Jeremy Charles, and owner, Jeff Tschetter, of 3930 Scheuneman Road were in attendance. Mayor Artig-Swomley stated that there have been about fifteen (15) complaints the City has received regarding this property. With each complaint the Building Official, Mike Johnson, was informed and followed up, but was not able to get a violation until recently when it was discovered that the renter has been running a business out of the home. The Acting City Clerk sent out violation letters to both the renter and the owner and then a letter inviting each of them to the April City Council meeting.

Mr. Charles shared that he has been working on being compliant with the letter and wants to do anything he can to ensure he will continue to stay compliant. At this time Mike Johnson has not yet been invited back to the property to inspect it to ensure they have been compliant. Mr. Charles then stated that Mike Johnson would be allowed to stop by any time. It was suggested that the occupant send a written plan to the Council documenting what the plan is to ensure their compliance. At this time the Council is going to wait for Mike Johnson's report to determine what next steps should be taken and if a Public Hearing will need to be scheduled to discuss the issue more in depth.

Roadway Sealcoat Quotes

As part of the City's infrastructure management program, the City provides funding for sealcoating of the streets. By proactively treating the road surface with sealcoat (an oil and rock application) on a regularly scheduled intervals (3 to 5 years), the street's useful life can be extended. This recommendation is based upon current research, using a surface treatment sooner rather than later, like sealcoat, prolongs the pavement life. The shortened interval for the application of sealcoat protects the asphalt from Ultraviolet (UV) Rays from degrading the asphalt surface, thus shortening its life cycle. The timing for the sealcoat of these streets is giving the stakeholders the greatest return on investment (ROI), ultimately increasing the life of the road by providing the right surface maintenance treatment at the right time.

This year's project includes the following street segments: Summit Lane Farm, Big Fox Road, Little Fox Road, Haven Lane, Scheuneman Road (both North and South), and Hoffman Road.

Quote requests were sent to Allied Blacktopping Company, Pearson Brothers, and T.A. Schifsky. Quotes were received from Allied Blacktop Company Inc. and Pearson Brothers Inc., with no response, to date, from T.A. Schifsky.

Public Works staff is recommending that this year's sealcoat project be awarded to Allied Blacktop Company Inc. for \$63,500.06. The Public Works Director's estimated cost for this year's sealcoat project was \$75,000.00. Staff is recommending award to Allied Blacktop Company Inc. for a total of \$63,500.06. Action requested is to accept the quotes and award the 2023 Sealcoat quote to Allied Blacktop Company Inc. for \$63,500.06.

Councilmember Lindner introduced a motion to accept the Allied Blacktop Company quote in the amount of \$63,500.06, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion passes, Allied Blacktop's quote has been accepted.

Gem Lake Trail and Sign Discussion

The City is in the process of designing signs to put along the Gem Lake public trail near the Gem Lake Villas. Quote requests were sent to Vacker Sign and Bright Idea Shops. At this time a quote has only been received from Vacker Sign. The City is waiting to receive a quote from Bright Idea Shops which was delayed due to a ransomware attack on the company. The Mayor is requesting that this discussion be tabled until May when both quotes have been received.

Councilmember Lindner introduced a motion to table the Gem Lake trail and sign discussion until the May 16, City Council meeting, seconded by Councilmember Amlee. Voice vote taken, all voted yes, motion passes, discussion will be tabled until the May 16 City Council meeting.

Future Charitable Gambling Donations

Each month the City receives money from the Country Lounge for their pull-tab and bingo sales. Most cities in Minnesota are able to get up 10% of gross revenues from the charitable gambling that happens within city limits. They then have to contribute all of these funds to charitable organizations or use it for very specific public safety or educational purposes. The City decides who they would like to donate some of these funds to each month, a favorite of the City is the White Bear Lake Emergency Food Shelf.

White Bear Lake Emergency Food Shelf

Mayor Artig-Swomley suggested that the Council make a donation in May in the amount of \$1500.00 to the White Bear Lake Emergency Food Shelf. Councilmember Lindner introduced a motion to request a donation in the amount of \$1500.00 for the White Bear Lake Emergency Food Shelf, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion passes, Acting City Clerk will request a donation to be approved at the May City Council meeting.

Community Outreach to Other Cities and Government Bodies

Mayor Artig-Swomley recently had lunch with the new Mayor of Vadnais Heights where they discussed the corridor project. Another topic of discussion was regarding the outstanding request for the Villas water bills and the installation of a new meter per, Vadnais Heights suggestion. The Mayor of Vadnais Heights let the Mayor know that he would look into the request.

Councilmember Linder is still on the VLAWMO board.

Presentations from the Public, 2 minutes maximum

None

Open Items for Council Members to Bring Up

The City of White Bear Lake recently sent out an invitation for the members of the Gem Lake City Council to attend the White Bear Lake Public Safety Facility Groundbreaking on Monday, May 8, 2023 at 4:00 p.m. Mayor Artig-Swomley said that she plans to attend and Councilmember Amlee may attend.

Mayor Artig-Swomley shared that the audit results should be ready in time for the May Council meeting. The tree ordinance in Gem Lake will need to be reviewed in the coming months.

Future Council Meetings

City Council, Tuesday, May 16, 2023, Workshop, Monday, May 9, 2023 is CANCELED.

Attendance Inquiry

At this time all in attendance will be at the May meeting. Councilmember Amlee will not be here for the August meeting.

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 8:59 p.m., seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion passes, closed meeting is in session.

Mayor Artig-Swomley shared with the Council her evaluation of the Acting City Clerk Melissa Lawrence and asked if any of the other Councilmembers had anything they would like to add. Councilmember Amlee asked the Mayor what the goals were, because the goals listed aren't necessarily considered improvement goals. At this time the Mayor would like Mrs.

Lawrence to continue additional training and work on becoming a certified City Clerk. All Councilmembers agreed with the Mayor's evaluation.

City Treasurer Tom Kelly gave a presentation on pay equity and shared with the Council how the Township does their pay scale. Mayor Artig-Swomley would like to see the City of Gem Lake adopt a scale for future reviews to ensure that the employee(s) are being paid fairly. Councilmember Lindner will help to evaluate the evaluation process.

The Council suggested a merit increase for the Acting City Clerk Melissa Lawrence. Mayor Artig-Swomley met with the City Treasurer and discussed how to make this happen. Mayor Artig-Swomley suggested that the Acting City Clerk be given a 5% merit increase based on her performance over the last year, which would be retroactive back to April 1, 2023.

Mayor Artig-Swomley introduced a motion to approve a 5% merit increase for Acting City Clerk Melissa Lawrence retroactively to April 1, 2023, seconded by Councilmember Lindner. Voice vote taken, all voted yes, motion passes, merit increase approved retroactively to April 1, 2023.

Councilmember Lindner introduced a motion to close the closed session for performance review/pay discussion at 9:16 p.m., seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion passes.

Adjournment

Being there no further business, following a motion from Councilmember Lindner, seconded by Councilmember Johnson, the meeting adjourned at 9:17 p.m.

Respectfully submitted, Melissa Lawrence