

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

Mayor Gretchen Artig-Swomley called the meeting to order at 7:00 p.m. Councilmembers Jim Lindner, Len Cacioppo, Laurel Amlee and Ben Johnson were present. Also present: City Attorney Kevin Beck, Acting City Clerk Melissa Lawrence, Planning Commission Chair Joshua Patrick, Planning Commission Member Don Cummings, Gem Lake business owners Chris Bettis and Chris Zimmerman, Gem Lake residents Jim Wilson, Betsy Difabio, Sherrie O'Malley, Richard and Roberta Pientka, Patrick and Melissa Rottach and White Bear Township resident Gary Zerwas.

July 18, 2023 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 June 20, 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 Cacioppo to accept the July 11, 2023, Planning Commission Meeting Minutes. Voice vote taken, all voted yes, motion passes, agenda accepted.

Public Hearing

THC Interim Ordinance No. 139 Moratorium

City Attorney Kevin Beck shared with the Council and those in attendance that according to Minnesota Session Laws – 2023, Regular Session, Section 13 [342.13] Local Control, a local unit of government may not prohibit the possession, transportation, or use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products. The Office of Cannabis Management is still being developed as it is a new State Agency being created from the ground up. Mayor Artig-Swomley informed those in attendance that the Council would begin the public hearing, and that those in attendance would have the chance to ask questions.

Councilmember Lindner introduced a motion to open the public hearing on the THC Interim Ordinance No. 39 Moratorium at 7:06 p.m., seconded by Councilmember Cacioppo. Voice vote taken, all in favor, motion carried.

Gem Lake Business owner Chris Bettis, of the Smoke Den, asked the Council if CBD is allowed to be sold as the local Hyvee is selling it or if it is included in the prohibited items. City Attorney Kevin Beck responded informing Chris that CBD is included in the list of prohibited items and the Hyvee is grandfathered in as they were given permission to sell the product before it became prohibited. The state specifically includes that type of product.

Gem Lake resident Pat Rottach asked about outdoor growth. City Attorney Kevin Beck shared that at this time outdoor growth is prohibited. He also stated that Section 9, Subdivision 2, home cultivation of cannabis for personal use states that up to eight (8) cannabis plants, with no more than four being mature, flowering plants may be grown at a single residence, including the curtilage or yard, without a license to cultivate cannabis issued provided that cultivation takes place at the primary residence of an individual 21 years of age or older and in an enclosed, locked space that is not open to public view.

Gem Lake Business owner Chris Bettis asked about the sale of plant seed and if that is possible. City Attorney Kevin Beck responded informing Chris that the sale of plant seed is also prohibited.

Councilmember Lindner introduced a motion to close the public hearing on the THC Interim Ordinance No. 39 Moratorium at 7:22 p.m., seconded by Councilmember Cacioppo. Voice vote taken, all in favor, motion carried.

Councilmember Lindner introduced a motion to replace the current Ordinance No. 139 with an updated version of the Moratorium, seconded by Councilmember Cacioppo. Voice vote taken, all in favor, motion carried.

Consent Agenda

Resolution #2023-0012 July 2023 Donation to White Bear Lake Area Food Shelf
Corporate Mechanical Proposal
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 Cacioppo. Voice vote taken, all in favor, motion carried.

Committee Reports

Commission Chair Joshua Patrick shared with the Council that the Commission will be ready to recommend approval and adoption of the revised Nuisance Ordinance and two (2) other Ordinances created by the revision of the Nuisance Ordinance by the August 2023 meeting. The City Planner and City Attorney have been very helpful during this process and the Commission is grateful for all the help and hard work.

Old Business

Newsletter

The Next Copy of the Newsletter is almost ready to be sent to the printers, it just need to go through one more round of reviews from the Council and Acting City Clerk. The next addition will aim to go out after the August meeting and will cover topics such as the moratorium, nuisance ordinance, VLAWMO and an article on water.

Tessier Road Condition Update

Tessier Road did not fall under the sealcoating project happening this year, due to its poor condition. At this time Public Works and the Council are waiting on a 2nd quote to come in for the project. Councilmember Lindner introduced a motion to table this discussion until the August meeting when another quote has been received, seconded by Councilmember Cacioppo. Voice vote taken, all in favor, motion carried.

Trail Sign Update

At this time the trail signs are about 95% ready to head to the printers. Vacker Signs is waiting on a few slight revisions to the signs from resident Kim Anderson-Uzpen, once those have been made they will be printed. These signs are made possible by the Luther Cadillac Dealership grant to our park and trail fund.

Irrigation Request Update

The City of Gem Lake has now received two (2) quotes for an irrigation system at Heritage Hall. The expense would be split with White Bear Township. The Acting City Clerk will send both quotes to the Township for review and recommendation. Councilmember Amlee suggested that the discussion be tabled until the September meeting to give the Township time to review and because she would not be at the August meeting. Councilmember Lindner introduced a motion to table the discussion on an irrigation system for Heritage Hall until the September 19 City Council meeting, seconded by Councilmember Amlee. Voice voter taken, all in favor, motion carried.

Nuisance Ordinance Update

At this time the City is trying to tackle a couple junk yard properties and others with code violations. The revised Nuisance Ordinance will help the City to tackle the complaints the Acting City Clerk and Building Official receive.

New Business

Resolution #2023-0013 Order to Abate a Public Nuisance for 1621 Goose Lake Road

The City of Gem Lake City Council has been asked by the City Attorney to adopt a resolution deeming 1621 Goose Lake Road a nuisance for having a storage container on their property. The resolution is giving the Code Enforcement Officer the authority to do what he sees necessary to enforce the City's ordinance and resolve the issue. Councilmember Linder introduced Resolution #2023-0013 and move for its adoption, seconded by Councilmember Amlee. Voice vote taken, all in favor, motion carried.

Rental License Term Discussion

The Gem Lake City Council wants to change the language in Section 10 of Ordinance No. 83 regarding the licensing of rental units. It was suggested at the June Council meeting that the language for the terms be changed from a two (2) year license to a one (1) year license. Councilmember Lindner introduced a motion to approve the revised language, seconded by Councilmember Amlee. Voice vote taken, all in favor, motion carried.

The Council also discussed the possibility of charging a penalty for each inspection needed to enforce that a violation complaint has been resolved. City Attorney Kevin Beck shared some language from the City of St. Paul for the Council to review. The Council will continue to look into this solution more into the future.

Deer Survey Results

Ramsey County conducted a fly over of all Ramsey County cities in early 2023. Based on the report, conditions were poor during the mid-February survey, which prompted the re-survey of certain areas in early March. The early March conditions were fair to poor in certain areas. Survey conditions should be taken into consideration when making management decisions. The survey showed that 23 deer were counted in Gem Lake.

Future Charitable Gambling Donations

Willow Lane Elementary

Mayor Artig-Swomley suggested that the Council make a donation in August in the amount of \$500.00 to Willow Lane Elementary to use at their discretion and then another \$500.00 for the Acting City Clerk and Mayor to go out and get school supplies.

White Bear Lake Emergency Food Shelf

Mayor Artig-Swomley suggested that the Council make a donation in August in the amount of \$1000.00 to the White Bear Lake Emergency Food Shelf.

Councilmember Lindner introduced a motion to request the donations in the amount of \$2000.00 for the White Bear Lake Emergency Food Shelf and Willow Lane Elementary, seconded by Councilmember Cacioppo. Voice vote taken, all in favor, motion carried. Acting City Clerk will request the donations to be approved at the August City Council meeting.

Community Outreach to Other Cities and Government Bodies

The Mayor has been working with White Bear Township to clarify the JPA between the City and Town. Currently under review is what falls into the shared 50/50 expense category and what falls under the 80/20 expense category.

City Attorney Kevin Beck has been assigned to reach out to Vadnais Heights regarding the ongoing water request.

VLAWMO will be at the August meeting to go over their annual report.

Councilmember Johnson attended the RCLLG meeting. At this time the corridor project team is working on trying to find a consulting company to help with municipal branding between the three (3) cities. Councilmember Johnson then shared with those in attendance that it is an open request to those in attendance and to reach out to him if they should have any suggestions.

Presentations from the Public, 2 minutes maximum

None

Open Items for Council Members to Bring Up

None

Future Council Meetings

City Council, Tuesday, August 15, 2023, Workshop, Monday, August 14, 2023 is CANCELED.

Attendance Inquiry

At this time all in attendance will be at the August meeting except for Councilmember Amlee.

Adjournment

Being there no further business, following a motion from Councilmember Lindner, seconded by Councilmember Amlee, the meeting adjourned at 8:02 p.m.

Once the meeting was adjourned a resident in attendance thought he could have the chance to talk and missed the public portion of the meeting to present. Council reopened the meeting to hear what the resident had to say.

Councilmember Lindner introduced a motion to reopen the meeting at 8:03 p.m., seconded by Councilmember Amlee.

Resident Gary Zerwas began to speak and it became clear to the Council that he had attended the wrong meeting. Mr. Zerwas was a White Bear Township resident and thought it was a Town Board meeting that night. The Council informed him that the Town Board meeting was the night before and that he had missed it and would need to attend the next Town Board meeting to be heard.

Councilmember Lindner introduced a motion to reclose the meeting, seconded by Councilmember Amlee, the meeting adjourned again at 8:04 p.m.

Respectfully submitted, Melissa Lawrence