

**City of Gem Lake
City Council Meeting – October 17, 2023
Meeting Minutes**

Mayor Gretchen Artig-Swomley called the meeting to order at 7:00 p.m. Councilmembers Jim Lindner, Len Cacioppo, and Ben Johnson were present. Councilmember Laurel Amlee was not present. Also present: City Attorney Kevin Beck, Acting City Clerk Melissa Lawrence, MN Senator Heather Gustafson, Planning Commission Chair Joshua Patrick, Commission Member Don Cummings, Gem Lake Business Owner Chris Bettis, and Gem Lake residents Ted and Nikki Pax.

October 17, 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 September 19, 2023, City Council Meeting Minutes. Voice vote taken, all voted yes, motion carried.

A motion was introduced by Councilmember Lindner, seconded by Councilmember Cacioppo to accept the October 10, 2023, Planning Commission Meeting Minutes. Voice vote taken, all voted yes, motion carried.

Special Presentations

Minnesota Legislative Session Update – Minnesota Senator Heather Gustafson, District 36 DFL

Senator Gustafson wanted to come to a City Council meeting to introduce herself and say hello. She lives in Vadnais Heights and is here to help and is happy to represent Gem Lake. Senator Gustafson shared with the Council that she was proud of a bill that recently passed that she authored which gave \$300 million to help with public safety need in Minnesota Cities. From that, Gem Lake received \$23,368 to use towards public safety. She also shared that schools have received historic funding with a 7.4 million increase in public education finding for 2024 and 9.1 million increase for 2025.

Consent Agenda

Resolution #2023-0019 October 2023 Donation to White Bear Lake Area Food Shelf

Resolution #2023-0020 Certify to Tax Rolls – Water and Sewer Bills

Resolution #2023-0021 Certify to Tax Rolls – 2022 Annual Septic Maintenance Inspections

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

Planning Commissioner Chair Joshua Patrick shared with the Council that the Commission held a public hearing for the renewal of a goat Interim Use Permit (IUP). Based on the recommendations of the City Planner Evan Monson and that the home owners fix the fence area and remove the conex container on their property, the Commission suggests that the IUP be renewed for another year. The Commission also heard from Barnett Kia on the refresh they would like to do which involves demolishing the current building once the new one is built in a more practical location on the lot. The current Zoning Ordinance does not allow for this type of construction, so the Commission is looking at amending some language in the ordinance to make it possible. The Commission received from Emily Jennings from SEH regarding some recommended changes to MS4 sections in Ordinance No. 131, definitions in Ordinance No. 131 Appendix A, and language in Ordinance No. 140 to ensure the City is compliant. The Commission is also in the process of reviewing the current garbage ordinance created 30 years ago. The reason for the review is to update any language that may have changed over the past 30 years and to bring it into the 21st century.

Old Business

Newsletter

The next issue of the Newsletter will include pieces on the MPCA presentation to the City Council, 2024 preliminary budget, Tessier Road repaving project, County Commissioners Report, MN Senators visit, dog license renewal reminder, VLAWMO, White Bear Lake police chief old and new, truth in taxation hearing date, trail improvements, and the garbage hauler survey.

Code Violation – 1621 Goose Lake Road Update

This code violation is getting closer and closer to a resolution. The homeowner is currently in default because they failed to respond to the court order. A hearing date is being scheduled for a date in December resulting in the removal of the trailer at that time. Neighbors have been very patient with the whole process. The homeowner was not in attendance for the City Council meeting.

Municipal Water Funding Request Update

The City has grant proposals out at the federal and state level. Each of these are slow moving. At this time the City is a finalist for the state funding. The House Capital Investment Committee stopped by Gem Lake on September 28 to tour the City and to get a better idea of why the City is requesting funding. Gem Lake was the 23rd stop of 23 for the day, so the committee was quite exhausted by the time they got to Gem Lake. Cookies and coffee were served while they attended the presentation portion of the tour.

Update on Cannabis Law: Issues and Questions

The City has one tobacco shop and they would like the opportunity to sell low dosage THC edibles and drinks that have no more than .3% THC. Their competitors in neighboring cities have been authorized to sell this product and because of this the tobacco shop is missing out on sale opportunities. The past moratorium the City adopted prohibited this type of request, the recent adopted one does not. The City is open to approving this request, but would like to adopt an ordinance before issuing any type of license. White Bear Lake and Vadnais Heights both have an application process the City can borrow. City Attorney Kevin Beck suggests that the City propose an interim hemp derived ordinance at the November meeting and gather feedback from Councilmembers and the public.

Trail Sign Update

The new descriptive signs have been set up along the trail and look great. The trail entrance signs were missed being ordered the first time around and the City has received a design and quote for those two (2) signs.

Councilmember Lindner introduced a motion to approve the quote for the trail entrance signs from Vacker Sign, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion carried. Acting City Clerk Melissa Lawrence will put the order in for the signs.

New Business

Interim Use Permit First Year Review for Goats at 3944 Scheuneman Road

Homeowners Ted & Nikki Pax submitted an IUP renewal to harbor two (2) goats on their property located at 3944 Scheuneman Road. The renewal request was first heard by the Planning Commission on Tuesday, October 10, 2023 where a public hearing was held on the topic. No complaints have been reported regarding the property on the keeping of goats over the last year. The homeowners are interested in harboring an additional two (2) goats on the property, but according to City ordinance it would only allow for one (1) additional goat. The applicants have been asked to do some research and submit it to the City Planner. An amendment would then need to be made which would require a zoning request from the applicant as well.

The application was recommended for approval by the Planning Commission to the Council at the October 17, 2023 City Council meeting, based on the conditions suggested by City Planner Evan Monson below:

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.

Including the conditions of the Planning Commission listed below:

1. The homeowners fix the size of the fenced in area to be in compliance with the ordinance
2. The conex box located on the property be removed

Councilmember Lindner introduced a motion to approve the renewal of the IUP for two (2) goats based on the conditions suggested for one (1) year, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion carried.

MS4 Ordinance Changes

The MPCA MS4 Permit was reissued on November 16, 2020 requiring additional changes to the City's Construction Site Stormwater Runoff Control and Post-Construction Stormwater Management program. Redlines to City Ordinances No. 131 (Consolidated Land Use) and 140 (Domestic Animals) have been submitted to the Planning Commission and City Council for review.

Ordinance No. 131 – Redlines to Section 22 and 29

Updates to Ordinance No. 131 include:

- Section 22. Erosion, Sediment, and Waste Controls and Stormwater Management
 - The section title was revised to better align with the content.
 - Erosion, Sediment, and Waste Controls:
 - There are minor changes to the Criteria subsection to align with the MS4 permit.
 - An Erosion and Sediment Control Plan subsection was created to provide clarity to proposers on submittals to the City for review.
 - Stormwater Management:
 - Changes to the Regulation subsection are proposed to align with the MS4 permit requirements.
 - Changes to the Criteria subsection are proposed to provide updated and clear design standards for project proposers.
 - Changes to the Alternative Compliance subsection are proposed to align with the MS4 permit requirements.
 - A Stormwater Management Plan subsection was created to provide clarity to proposers on submittals to the City for review.
 - Not-applicable information was removed from the section.
 - Other minor revisions to content and formatting.
- Section 29. Storm Sewer Use
 - A subsection for Salt and Deicer Storage Requirements was added per the MS4 permit requirements.

Ordinance No. 131 Appendix A – Definitions

An addition of a couple new definitions were added to the current list.

Ordinance No. 140 – Minor Edits to Animal Waste Section

Updates to Ordinance No. 140 include:

- Section 5. Owner to Clean Up After Dog
 - There are minor suggestions to change the term ‘dog’ to ‘domestic animal’ to align with the requirements of the MS4 permit.

The Council felt that all changes recommended by SEH Professional Engineer were reasonable based on her professional experience in the area. Councilmember Linder introduced a motion to approve the recommended changes to the ordinances listed above, seconded by Councilmember Cacioppo. Voice vote taken, all voted yes, motion carried.

Garbage Hauler Survey

The Planning Commission is reviewing the current garbage ordinance, since it has not been reviewed in the last 30 years. While that is happening Acting City Clerk Melissa Lawrence has sent surveys out to all Gem Lake residents and business owners to see who they currently use for a garbage hauler because the City does not regulate the garbage haulers. This survey is being conducted to see how many different haulers the city has coming through to help determine if the City should begin limiting haulers and requiring haulers to be licensed with the City. It will also tell the Council how the City feels about the possibility of contracting out a garbage hauler. The survey collection will end October 31 and a summary will be presented to both the Planning Commission and City Council at the November meetings.

Future Charitable Gambling Donations

White Bear Lake Emergency Food Shelf

Mayor Artig-Swomley suggested that the Council make a donation in November 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 Cacioppo. Voice vote taken, all voted yes, motion carried.

Community Outreach to Other Cities and Government Bodies

City Attorney Kevin Beck shared that he has reached out to White Bear Townships attorney to express concern at the increase in fire services from White Bear Lake so that they could go in together on a way to reach out to White Bear Lake regarding the situation. Mr. Beck learned that an email will be sent to White Bear Lake on the topic.

Mr. Beck has also heard from Vadnais Heights on the water situation at the Villas. At this time it is at a standstill while Vadnais waits on the DNR lawsuit to wrap up. Once that has happened Vadnais will revisit the request.

Presentations from the Public, 2 Minutes Maximum

None

Open Items for Council Members to Bring Up

None

Future Council Meetings

City Council, Tuesday, November 21, 2023, Workshop, Monday, November 13, 2023 is CANCELED.

Attendance Inquiry

At this time all Councilmembers in attendance will be at the November meeting. Acting City Clerk Melissa Lawrence will not be in attendance and the Mayor will take minutes for the meeting.

Adjournment

Being there no further business, following a motion from Councilmember Lindner, seconded by Councilmember Cacioppo, the meeting adjourned at 7:39 p.m.

Respectfully submitted, Melissa Lawrence