

**City of Gem Lake**  
**City Council Meeting – December 19, 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, City Treasurer Tom Kelly, City Engineer Justin Gese, SEH Water Resources Engineer Emily Jennings, Planning Commission Member Don Cummings, Gem Lake Business Owner Chris Bettis, high school students Tanner Noel, Dalton Jones, Brea Rautenberg, Kaitlyn Maynard, Jack Goethe, Ahghstus Bloomquist, Michelle Mato, Aidan Kiritschenko, Dylan Rodeski, Devin Whitcomb, Omar Wani and Gem Lake residents Jim Wilson and Daniel Epelboim.

**December 19, 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 November 21, 2023, City Council Meeting Minutes. Voice vote taken, all voted yes, motion carried.

**Special Presentations**

**MS4 Presentation / Public Hearing**

SEH Water Resource Engineer Emily 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

Some events that took place in 2022 included one (1) active construction site > 1 acre (Luther Cadillac) and there were no illicit discharges reported.

In 2023 changes were suggested and made to Ordinance No. 131 Section 22.1 Erosion, Sediment, and Waste Controls and 22.2 Stormwater Management to align to MS4 permit requirements.

The City was notified on September 12 that it would be part of a routine audit which has been scheduled for Friday, January 5, 2024.

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 7:13 p.m. on the MS4 report, seconded by Councilmember Cacioppo. Voice vote taken, all in favor, motion passes, the public hearing is opened at 8:12 p.m.

Councilmember Lindner had a questions regarding the new public involvement activity that includes pollution prevention or water quality theme. He was curious if a cleanup day would fulfil that requirement. Mrs. Jennings replied that the MPCA requires documentation for the activity and that it could be a possibility, but it may be hard to prove. The City would have a better chance fulfilling this requirement if it partnered with a watershed. The public and Council had no additional comments or questions.

Councilmember Lindner introduced a motion to close the public hearing at 7:14 p.m. on the MS4 report, seconded by Councilmember Cacioppo. Voice vote taken, all in favor, motion passes, the public hearing is closed at 8:14 p.m.

### **Truth-in-Taxation Public Hearing**

City Treasurer Tom Kelly gave an overview of the 2024 budget and property tax levy for the City of Gem Lake. The City Council is asked to approve (pass) Resolution #2023-0029, Adopting the Final 2024 General Fund Budget and Property Tax Levy. The 2024 proposed final property tax levy is proposed at \$697,081, which is a 7.042% increase from the 2023 final property tax levy. The 2024 preliminary property tax levy consists of a debt levy of \$84,418.00 (an increase from 2023 debt levy of \$2,094.00) and the general operating levy of \$612,663.00 (an increase of 7.693% from the 2023 tax levy). The following changes were made from the 2023 adopted budget as a basis for the 2024 proposed budget and property tax levy:

1. Based on the 2015 Refunding Bond schedule the debt levy for 2024 is set for \$76,269.00. In addition, in 2018, the City issued bonds for the improvements on Scheuneman Road and the 2024 debt levy for this issue is \$5,285.00. The two of these debt levies makes up the City's 2024 debt levy of \$81,554.
2. Did not include small government aid from the State since the City no longer qualifies. This reduces revenues by \$7,000.00.
3. City Council contingency left at \$9,000.
4. Clerk/General Government budget includes \$60,000.00 for wages and \$11,000 for health insurance coverage.
5. Clerk/General Government budget does not include \$75,815 for the new software.
6. Planning & Zoning budget increased \$4,000.00 based on past expenditures.
7. Police budget was increased 12.38% to \$129,466 based on the City of White Bear Lake budget provided us and includes \$115,877 for police services and \$13,589 for debt payments on the new public facilities building.
8. The cost of fire services could increase 43.04% to \$48,669.00. It includes \$31,982 for fire services, \$7,746 for fire marshal services, and \$8,941 for debt payments on the new public facilities building.
  - a. Overall, the City of White Bear Lake would like you to pay \$22,530 for the next 20 years for their new facility.
9. Road Maintenance budget includes \$20,000 for road maintenance/repair and \$10,000 for trimming boulevard trees.
10. Salt/sand reduced \$3,000 to \$12,000 and snow plowing contract decreased from \$17,000 to \$14,000, both based on past expenditures.
11. Heritage Hall budget includes \$12,000 for building improvements to the office doors and front window for security and \$12,000 for the irrigation system.

12. Included a park maintenance budget of \$7,000 for maintaining park area of the Villas of Gem Lake.
13. The 2024 budget includes \$20,000.00 for future improvements.
14. Revenue and other expenditure line items adjusted based on past history.

These changes result in the City proposed final tax levy of \$697,081.00 for 2024. This compares to 2024 preliminary levy of \$717,742.00 and 2023 final levy of \$651,221.00. Using a 2024 property tax levy of \$697,081.00 and the City's 2024 tax capacity (\$1,760,258.00) and median valued home (\$429,600.00) for Gem lake, that median valued home, would pay City property taxes of \$1,530.99 in 2024 compared to 2024 preliminary levy of \$1,733.53 (an decrease of \$202.54) and the 2023 final levy amount of \$1,450.95 (an increase of \$80.04).

Mayor Artig-Swomley informed those in attendance that the Council would begin with the Truth-in-Taxation public hearing, and that they public would have a chance to provide input on the topic. Councilmember Lindner introduced a motion to open the Truth-in-Taxation public hearing at 7:28 p.m., seconded by Councilmember Cacioppo. Voice vote taken, all in favor, motion carried.

Mayor Artig-Swomley had a question for City Attorney Kevin Beck regarding the White Bear Lake debt levy basically double charging the City for White Bear Lakes building upgrade and if the City should be pursuing a lawsuit and where the City currently stands. City Attorney Kevin Beck shared that the City is not currently pursuing anything and that it would most likely end up costing a lot to pursue and the City may not win. White Bear Lake does not agree that what they are doing is wrong. Mr. Beck stated "is it illegal? I feel it is, but White Bear Lakes lawyer does not". There is no case law on this topic specifically, so it is difficult to say which way it could go if the City does pursue it.

Planning Commission Member Don Cummings asked if there was a specific line item for the depreciation of the Summit Farm Lane utility pipe. City Treasurer Tom Kelly said it is not listed on the general fund budget, but there is a line item in a different report.

The public and Council had no other comment.

Councilmember Lindner introduced a motion to close the Truth-in-Taxation public hearing at 7:35 p.m., seconded by Councilmember Amlee. Voice vote taken, all in favor, motion carried.

### **Consent Agenda**

**Resolution #2023-0028 December 2023 Donation to White Bear Lake Area Food Shelf**

**Resolution #2023-0029 Accepting 2024 Budget & Levy**

**Tobacco Licenses**

**Resolution #2023-0030 Smoke Den Tobacco & Vape 2024**

**Liquor Licenses**

**Resolution #2023-0031 Country Lounge Liquor Licenses 2024**

**Edible Cannabinoid Products License**

**Resolution #2023-0032 Smoke Den Edible Cannabinoid Products License 2024**

**Resolution #2023-0033 Approving Operating Transfers**

**2024 Annual Designation of City Official Depository**

**2024 LMCIT Liability Coverage Waiver Form**

**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**

There was no Planning Commission meeting held in December, so there is nothing to report.

## **Old Business**

### **Newsletter Updates / Topics / Suggestions**

Mayor Artig-Swomley presented ideas for the next edition of the City Newsletter to include pieces such as information on the 2024 City Budget, the presentations from the City of White Bear Lake, Cadillac Ribbon Cutting, MS4 Report, Recycling, Smart Salting, and possibly something on the Corridor Project.

### **Code Violation – 1621 Goose Lake Road**

December 4th, 2023 has come and gone. Mr. Igo's lawyer did not reach out before that deadline. A new hearing date has been scheduled for January 26th for a motion for default. This hearing date could grant motion to schedule removal to which the property owner would be billed for.

## **New Business**

### **2024 Fee Schedule Approval**

Minimal changes were made to the fee schedule for 2024:

- Commercial flat rate demolition fee was changed to be based off of valuation.
- Fire Protection section were added
- Sewer and Water connection fees were updated to fall in line with a similar fee
- City sewer charges were increased by \$5.00 per quarter to match the metered rate
- Edible Cannabinoid License fees were added

Councilmember Lindner requested that a change be made to the Heritage Hall Rental fee for the cleaning/staffing fee. Currently the fee is a flat rate of \$30.00. Councilmember Lindner suggests we change it to a per hour fee with a minimum of 2 hours and change the fee for \$20.00/hr for residents and \$25.00/hr for non-residents. Mayor Artig-Swomley agreed with this suggestion.

Councilmember Lindner introduced a motion to accept the 2024 Fee Schedule with the suggested changes to the room rental fees, seconded by Councilmember Cacioppo. Voice vote taken, all in favor, motion carried.

### **2024 Meeting Schedule**

Council reviewed the meeting dates for the year and had no issues.

### **2024 COLA Discussion**

According to the Consumer Price Index there was a 3.1% COLA increase for 2024. While an increase is not guaranteed each year, the budget included a 3.1% increase for all city employees. Councilmember Lindner introduced a motion to approve a 3.1% increase for city employees, seconded by Councilmember Cacioppo. Voice vote taken, all in favor, motion carried.

### **Earned Sick and Safe Time (ESST) Discussion**

January 1, 2024, Minnesota's new earned sick and safe time law goes into effect. This law requires employers to provide paid leave to employees who work in the state. The Council would like to ask City Attorney Kevin Beck to take a look at the City's current employee manual to include language on the new law.

Councilmember Lindner introduced a motion to request the services of the City Attorney to review the employee manual and suggest language for the new law, seconded by Councilmember Cacioppo. Voice vote taken, all in favor, motion carried.

### **Clerk Training**

#### **University of Minnesota – Permit Technicians – 1/22/2024**

Acting City Clerk Melissa Lawrence will be closing the office on January 22, 2024 to attend permit technician training. The City Council encourages training whenever available.

## **Future Charitable Gambling Donations**

### **White Bear Lake Emergency Food Shelf**

Mayor Artig-Swomley suggested that the Council make a donation in January 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 has a call scheduled for Thursday, December 21, 2023 with to get an update on the Vadnais Heights water proposal with the City Attorney. Vadnais Heights has made it clear that no progress will be made until the court proceeding's with the DNR have been settled.

### **Presentations from the Public, 2 Minutes Maximum**

None

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

Mayor Atrig-Swomley brought up that the Acting City Clerk has an inquiry about cats being licensed. At this time the City does not license cats, but many surrounding Ramsey County cities do. This is something for the Council to discuss further.

### **Future Council Meetings**

City Council, Tuesday, January 16, 2024. City Council Workshop, Monday, January 8, 2024 is CANCELED.

### **Attendance Inquiry**

At this time all Councilmembers in attendance will be at the January meeting.

### **Adjournment**

Being there no further business, following a motion from Councilmember Lindner, seconded by Councilmember Cacioppo, the meeting adjourned at 7:46 p.m.

*Respectfully submitted, Melissa Lawrence*