

**City of Gem Lake  
City Council Meeting – September 21, 2021  
Meeting Minutes**

Mayor Artig-Swomley called the meeting to order at 7:00 p.m. Councilmembers Lindner, Johnson and Amlee were present. Councilmember Cacioppo was not present. Also present: City Engineer Justin Gese, City Attorney Patrick Kelly, City Treasurer Tom Kelly, SEH Water Resources Engineer Emily Jennings, Planning Commission Member Joshua Patrick, Summit Farm Villas HOA Board President Sharon Roland, Residents Eileen Fewer, Tom Bolfiging, Bill John, Jim Wilson, Rick Bosak, Isaac Nelson, Paul Emeott, Nick Cress, Brent Messing, Dan Marier, Mary Jane Marier, and Kim Anderson-Uzpen.

**September 21, 2021 Agenda**

A motion was made by Councilmember Linder to accept the agenda, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion passes, agenda approved.

**Minutes**

A motion was made by Councilmember Lindner, seconded by Councilmember Johnson to approve the August 17, 2021, City Council Minutes. Voice vote taken, all voted yes, motion passes, minutes approved.

**Committee Reports – Planning Commission**

Nothing to report, September meeting was canceled.

**Old Business – Newsletter Ideas**

Mayor Artig-Swomley presented ideas for the next Newsletter to include pieces such as the Stormwater Report on Scheuneman Road, MPCA zoom meeting scheduled for October 14, MS4 Report, Preliminary Budget, City Clerk is a Notary and the Deer Hunting Ordinance changes.

**New Business**

**MS4 Report Presentation – Emily Jennings, SEH**

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 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

The permit Gem Lake had expired on July 31, 2018, since then, the City has continued operating under expired permit. A new permit was finally issued on November 16, 2020. An application for reauthorization (Part 2) was initially submitted on April 13, 2021 and was approved on August 10, 2021.

Some updates to the permit are here such as ordinance changes, MCMs and TMDL components. There are also audits that should be expected to happen soon.

## **MS4 Public Hearing**

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

- **MS4 Report**

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

The public had no comments on the public hearing. Mayor Artig-Swomley had a question about the audit and what would be audited. Ms. Jennings replied that the audit would be a record retention check to verify documentation to prove what the City is doing or did, is what the City said it would do. If the City did not follow what it said it would then there would be fines.

Councilmember Lindner had a question about TMDL on the ponds. Ms. Jennings replied that there are waste load allocations and currently the City is discharging more waste (nutrients) than should be.

Councilmember Johnson had a question about who the comments would be directed to if anyone were to have any. Ms. Jennings replied that any comments would be sent to the MPCA.

Councilmember Lindner introduced a motion to close the public hearing at 7:17 p.m. on the MS4 report, seconded by Councilmember Amlee. Voice vote taken, all in favor, motion passes, the public hearing is closed at 7:17 p.m.

## **Resolution #2021-008 Gem Lake 2022 Preliminary Budget**

City Treasurer Tom Kelly gave an overview of the 2022 preliminary budget for the City of Gem Lake. The 2022 preliminary property tax levy is proposed at \$588,063, which is a 9.24% increase over 2021 certified preliminary property tax levy. The 2022 preliminary property tax levy consists of a debt levy of \$87,285.00 (a decrease from 2021 preliminary debt levy of \$2,656.00) and the general operating levy of \$500,778.00 (an increase of 11.69% over 2021 preliminary tax levy).

The following changes were made from the 2021 adopted budget as a basis for the 2022 proposed preliminary property tax levy:

1. Based on the 2015 Refunding Bond schedule the debt levy for 2022 is set for \$79,480.00. In addition, in 2018, the City issued bonds for the improvements on Scheuneman Road and the 2022 debt levy for this issue is \$7,805. The two of these debt levies makes up the City's 2022 debt levy of \$87,285.
2. Licenses and Permits decreased \$1,400 due to less building activity.
3. Added \$7,000 for small cities aid from the state.
4. City Council contingency was left at \$10,000.
5. Clerk/General Government increased 8.45% to reflect added expenditures on new city clerk, includes the City's PRA contribution (\$2,145) and additional training (conference registrations \$1,500).
6. Police budget was increased 10.85% to \$95,000 based on the City of White Bear Lake's budget.
7. The cost of fire services could increase 14.40% to \$29,343.00 based on the City of White Bear Lake's budget.
8. Road Maintenance budget includes \$20,000 for trimming boulevard trees.
9. Salt/sand remain at \$17,000 and snow plowing contract increased from \$18,500 to \$20,000.
10. Included a park maintenance budget of \$5,000 for maintaining park area of the Villas of Gem Lake.
11. The 2020 budget includes \$25,000.00 for future improvements.

12. Revenue and other expenditure line items adjusted based on past history.

These changes result in the City proposed preliminary tax levy of \$588,063 for 2022. This compares to 2021 preliminary levy of \$538,308.00 and 2021 final levy of \$535,476.00. Using a 2022 property tax levy of \$588,063.00 and the City's 2022 tax capacity (\$1,426,695.00) and median valued home (\$335,850.00) for Gem lake, that median valued home, that property would pay 2022 City property taxes of \$1,255.66 compared to 2021 preliminary levy of \$1,136.94 (an increase of \$118.72) and the 2021 final levy amount of \$1,130.79 (an increase of \$124.87).

City Treasurer Tom Kelly created a resolution for the City of Gem Lake to approve the 2022 preliminary budget. As the City prepares its final 2022 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 2022 preliminary property tax levy of \$608,060.00. The foregoing resolution was offered by Councilmember Linder and was supported by Councilmember Johnson and was declared adopted based upon unanimous vote in favor.

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 24<sup>th</sup> and before December 28<sup>th</sup> 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 made a motion to formally set the hearing for the budget for December 21, 2020, seconded by Councilmember Amlee. Voice vote taken, all voted yes, motion passes, date is approved.

## **Gem Lake Infrastructure Issues**

### **Scheuneman Road Stormwater Report – Next Steps**

A public workshop is going to be held at Heritage Hall on October 12 to discuss the stormwater flow on Scheuneman Road. The City Clerk will send out letters to all residents located on Scheuneman Road, select address located on Goose Lake Road and the Gem Lake Hills Golf Course.

**Gem Lake Public Trail/Tree Trust Report – Special Invited Guests, Kim Anderson-Uzpen**  
Mayor Artig-Swomley on behalf of the City Council thanked Resident Jim Wilson for picking all the invasive poplar seedlings. Currently the public land along the trail is seeded with wildflower and grass which was planted in 2019. Geese were an issue in the first year when seeding was done, but have not been an issue this year. Signs are being looked at to place along the public trail which would describe the type of wildflowers, three (3) or four (4) signs would be nice to have. The Ramsey County Watershed thinks the City's Public Trail needs more diversity in seeding in certain areas. Kim Anderson-Uzpen and or Jim Wilson would like to be contacted when the Tree Trust plans to plant the trees, this way they can be there to help. There are also concerns of unfinished areas with pipes hanging out and wires.

### **Hoffman Road Slope Failure**

The engineering firm SEH has solicited five (5) contractors for bids. Two (2) of the contractors decided that they could not handle it and backed out. The remaining three (3) sent bids ranging from \$120,000.00 to \$170,000.00, which is more than SEH anticipated. In the next week SEH will move forward and get someone on contract.

### **MDH Report on Eight Gem Lake Wells/Brief Review of Gem Lake Water Plan**

The report from the MPCA is stating that at this time the contamination is considered a low health risk although still significant. No wells are being shut down at this point. There is a

possibility that the contamination could be from Water Gremlin but other areas are being looked into as well. Since creating the agenda the number of wells had jumped to 15 affected with the 1,4 dioxane. Mayor Artig-Swomley introduced an idea to the Council on asking SEH to conduct a new water study and asked Treasurer Tom Kelly if Covid-19 funds may be able to cover the cost. Mr. Kelly does not believe that the funds will cover the cost of the new study, but if the City did need to move to municipal water that it would cover that. Councilmember Lindner made a motion to get a quote from SEH to get an updated study, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion passes, Council requests a quote from SEH to update the water study in Gem Lake.

### **Heritage Hall – Jim Lindner**

#### **Updates on Plumbing/Restroom Work, Kitchen Sink, Security Cameras, Corporate Mechanical Automation, Outdoor Lighting, Countertop Expansion**

Security cameras are set to be installed on October 5, 2021. Outdoor lighting is set to be completed October 12, 2021. The vendor for the countertops is still waiting on materials. Metro Heating and cooling completed all the bathroom work and will be completing the drinking fountain in the next week. A list of items to be ordered from Innovative to finish the bathroom changeover was included. The items covered by Covid-19 funds are two (2) hands free paper towel dispensers, two (2) hands free sanitizer dispensers, one (1) box of foot pulls, and four (4) hands free soap dispensers totaling \$461.30. The time not covered by Covid-19 funds are three (3) boxes of the foam hand soap, one (1) box of paper towels, two (2) boxes of foaming hand sanitizer, and one (1) wastebasket totaling \$412.59. Councilmember Lindner made a motion to purchase the items from Innovative, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion passes, Clerk will order the items.

Metro Heating and Cooling sent a quote on what it would cost to replace the faucet with a hands free one. There are two options: option 1 is to cap the unused hole and put in the new faucet with a cost of \$1,107.88, option 2 is to replace the faucet and the sink with a cost of \$1,403.88. Covid-19 funds will cover the cost of the job. Councilmember Lindner made a motion to go with option 2, seconded by Councilmember Amlee. Voice vote taken, all voted yes, motion passes, option 2 is selected. Councilmember Lindner will pass along the approved quote for option 2.

#### **New Ideas: Possible repairs on Automatic Door, Possible Restroom Door Option**

One of the entry way doors was repaired in 2020 and the Clerk was told that the other door would most likely fail like the other one did sooner than later. Councilmember Lindner received a quote from Record Automatic Doors to fix the other entryway door which cannot be covered by Covid-19 funds in the amount of \$2,100, but is a shared cost with White Bear Township. At the same time he also received a quote on the cost of installing automatic doors for the bathrooms. The quote for the bathroom doors which would be covered by Covid-19 funds is \$4,700. Total project price is \$6,800. Councilmember Lindner made a motion to accept both quotes, seconded by Councilmember Johnson. Voice vote taken all voted yes, motion passes, and quote is accepted. Councilmember Lindner will reach out to Record Automatic Doors to let them know of the vote in favor to complete the work.

## **Internal Management Update**

### **Credit Card Processing**

Mayor Artig-Swomley and the City Clerk met with Shawn Smith from Merchant Pro Express to discuss the options for getting a credit card reader at Heritage Hall. This would allow the Clerk to take credit cards for permits, utility payments and other payments from residents.

### **Possible Health Insurance Stipend**

Councilmember Johnson reported that the easiest way to look into this would be to reach out to nearby cities and the League of MN Cities can help smaller cities find information. Councilmember Johnson will reach out to the LMC and have more information for the next City Council meeting.

### **Training/Notary Status**

City Clerk can now notarize documents for Gem Lake and White Bear Township residents for free. Non-residents will be charged a \$5.00 fee.

City Clerk will be attending Clerks Academy at the League of Minnesota Cities building October 7-8, 2021.

### **Rental Property Status**

City Clerk is getting a list together of all possible rental properties and sending out a letter along with an application for the owners to complete and send back. Rental properties were not renewed in 2020 when they should have been so the City is not positive on the amount of rentals within the City.

### **Gem Lake Credit Card Policy/Updated Purchasing Policy**

Mayor Artig-Swomley suggested that we adopt the credit card policy and purchasing policy from White Bear Township and make slight changes to fit Gem Lake. Councilmember Lindner made a motion to approve the adoption of White Bear Townships purchasing policy, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion passes, purchasing policy has been adopted.

Councilmember Lindner made a motion to approve the adoption of White Bear Townships credit card policy, seconded by Councilmember Amlee, voice vote taken, all voted yes, motion passes, credit card poly has been adopted.

### **Archery Deer Hunting Ordinance Public Hearing**

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

- **Consideration of proposed changes to Ordinance No. 124B Hunting & Discharge of Weapons**

Councilmember Lindner introduced a motion to open the public hearing at 8:40 p.m. on the proposed changes to Ordinance No. 124B, seconded by Councilmember Johnson. Voice vote taken, all in favor, motion passes, the public hearing is opened at 8:40 p.m.

Mayor Artig-Swomley gave a review of the proposed changes discussed at the May 10, 2021 Workshop. Section 4.1.2 proposed changes including only requiring written consent from those within 300 feet of a proposed deer stand instead of all property owners bordering the proposed hunting property. Another

addition is that the permit holder must notify all land owners bordering their property of the dates of the hunt and locations of the deer stands.

Section 4.1.3 proposed changes was the addition of any garage, to the list of boundaries for the hunting area that hunters are not allowed to hunt within 300 feet of.

Section 4.1.5 proposed change from three (3) consecutive weeks to three (3) weeks. The weeks would no longer need to be consecutive, but must be within the hunting season.

The addition of a new Section 4.1.12 which states that there will be no hunting allowed on October 31.

The public had no comments on the public hearing.

Councilmember Lindner made a motion to revise Ordinance No. 124B as proposed, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion passes, City Clerk will make the proposed changes to Ordinance No. 124B.

Councilmember Lindner introduced a motion to close the public hearing at 8:47 p.m. on the proposed changes to Ordinance No. 124B, seconded by Councilmember Amlee. Voice vote taken, all in favor, motion passes, the public hearing is closed at 8:47 p.m.

#### **Archery Deer Hunting Ordinance Discussion by Council and Processing of any Permit Requests**

There was one (1) permit request for a hunt located at 7 Daniels Farm Road. The dates of the hunt will be on the weekends of September 24-26, October 22-24, and November 12-14. 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 made a motion to approve the permit request, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion passes, permit request approved.

#### **Burning Permit Process**

The current process for Gem Lake in approving burning permit requests is to have the applicant fill out an application through the City with no charge and then the Clerk would refer them to the White Bear Lake Fire Department where they would then have to fill out another application through the Fire Department and then pay a fee. In order to streamline the process Mayor Artig-Swomley suggested that the City be taken out of the process and let the White Bear Lake Fire Department handle any and all requests for burning permits. Mayor Artig-Swomley then suggested that the Ordinance No. 77 Section 6.1 be updated to reflect the proposed changes. The City will also look to the White Bear Lake Fire Department for any guidance when it comes to bans. Mayor Artig-Swomley also had questions regarding the possibility of needing permits for recreational fires. Councilmember Lindner made a motion to approve the proposed changes to the Ordinance and process, seconded by Councilmember Amlee. Voice vote taken, all voted yes, motion passes, proposed changes and process have been approved.

#### **Disposal Container Ordinance Proposal**

Mayor Artig-Swomley proposed an addition for the Nuisance Ordinance No. 86 of language that will cover portable storage/disposal container units. The proposed addition is borrowed from White Bear Townships Ordinance which includes a time limit for how long the containers are allowed be stored on a property. Councilmember Lindner made a motion to amend Ordinance No. 86 by adding the proposed language, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion passes, City Clerk will add the new language to Ordinance No. 86.

### **Rush Line BRT Update**

Rush Line sent a final Memorandum of Agreement, along with a distribution letter from FTA to all cities along the proposed route requesting signatures. The signatures would then be combined into a single PDF that FTA will submit to the Advisory Council on Historic Preservation. While the Council agrees that the historical preservation is important they do not support the Rush Line project. The council has decided not to sign the document and Mayor Artig-Swomley has drafted an email response back to relay that message. Mayor Artig-Swomley asked for any suggestions or changes to the drafted email, all Councilmembers thought the email was good. Councilmember Lindner made motion to approve the email response to the Rush Line representative, seconded by Councilmember Amlee. Voice vote taken, all voted yes, motion passes, Mayor Artig-Swomley will send an email response to the Rush Line representative.

### **Gem Lake Emergency Plan**

Councilmember Cacioppo attended a Community of Operations Plan Review and Training Opportunity, but he is not able to attend tonight's Council meeting. An overview of the meeting will be given at the next City Council Meeting.

### **Community Outreach to Other Cities and Government Bodies**

Councilmember Johnson met with White Bear Lake expressing gratitude with our partnership. He suggested that the City use White Bear Lake to handle our City Planning needs, and White Bear Lake is looking into their capacity to take this on.

### **Claims**

Councilmember Lindner made a motion to pay the bills, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion passes, bills will be paid.

### **Quarterly Financial Report/Monthly Financial Report**

August financials were submitted for review along with the second quarter treasurer's report. No questions from City Council.

### **Presentations from the public, 2 minutes maximum**

Resident Bosak has questions about the water plan, and that the flashing speed limit signs going east bound flashes with a battery error. City Treasurer Tom Kelly will let the City Clerk know what company the signs were purchased from to look into replacement batteries.

Resident Marier had concerns about the open burning permit process and is concerned about possible changes to recreational fires. The possibility of having to get a permit for recreational fires through the City and then open burning through White Bear Lake is not a streamlined process and he feels that residents shouldn't need a permit for recreational fires.

Resident Messing is concerned about the vehicles speeding down Scheuneman and has personally talked to speeders to try and get them to slow down. He would like to know if the Council can reach out to White Bear Lake Police and see if any speed traps can be scheduled.

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

Mayor Artig-Swomley stated that the Cadillac dealership was in pause mode and had to put stabilizers in for the building. The dealership has contacted the Mayor and wants to come back with a smaller proposal and explain some changes.

### **Future Council Meetings**

City Council, Tuesday November 16, 2021, Workshop, Monday November 11, 2021 canceled.

**Adjournment**

Being there no further business, following a motion from Councilmember Lindner, seconded by Councilmember Johnson, the meeting adjourned at 9:39 p.m.

*Respectfully submitted, Melissa Lawrence*