

**City of Gem Lake
City Council Meeting – March 19, 2024
Meeting Minutes**

Mayor Gretchen Artig-Swomley called the meeting to order at 7:00 p.m. Councilmembers Jim Lindner, Ben Johnson, and Laurel Amlee were present. Councilmember Len Cacioppo was not present. Also present: City Attorney Kevin Beck, City Treasurer Tom Kelly, Acting City Clerk Melissa Lawrence, Planning Commission Chair Joshua Patrick, White Bear Montessori Head of School Marnie McPherson, Premier Banks White Bear Lake President Doug Schultze and Gem Lake residents Nick Cress, Rick Bosak and Paul Emeott.

March 19, 2024, Agenda

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

Minutes

A motion was introduced by Councilmember Lindner, seconded by Councilmember Johnson to approve the February 20, 2024, City Council Meeting Minutes. Voice vote taken, all voted yes, motion carried.

A motion was introduced by Councilmember Lindner, seconded by Councilmember Johnson to accept the March 12, 2024, Planning Commission Meeting Minutes. Voice vote taken, all voted yes, motion carried.

Special Presentations/Public Hearings

None

Consent Agenda

**Resolution #2024-004 March 2024 Donation to White Bear Lake Area Food Shelf
Monthly Financial Reports(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 in favor, motion carried.

Committee Reports

Planning Commission Chair Joshua Patrick shared with the Council that three (3) items are being forwarded to the Council for approval. The first being the updated Garbage and Refuse Ordinance No. 45, second being the Agricultural and Wild Animals Ordinance No. 142 which has a newly added a Beekeeping section, and the third being a list of FAQs for the city website on trees and what to do in certain situations. With the help of City Planner Evan Monson and City Attorney Kevin Beck, these documents are suggested for approval by the Council.

Mayor Artig-Swomley thanked the Commission, City Planner and City Attorney for their work on these topics over the last several months. Mayor Artig-Swomley also shared that it was brought to her attention that the Commission would like to request to cancel the Tuesday, April 9, Planning Commission meeting. Mayor Artig-Swomley was ok with cancelling the April 9 meeting and would like the Commission to start working on other ordinances in May when the Commission returns. Acting City Clerk Melissa Lawrence has identified several other ordinances posted on the city's website that need attention.

Old Business

Newsletter Updates / Topics / Suggestions

Mayor Artig-Swomley shared that a current City Newsletter is almost ready to be sent to the printers. There is room for one other story and the mayor would like to include a piece on the White Bear Montessori School, based on the information that will be discussed later in the meeting. Once the piece has been added to the Newsletter it will be sent to all Councilmembers for review before being sent to the printers.

Gem Lake Clean-Up

White Bear Township passed Resolution 24-09 at their February 21, 2024, Town Board meeting authorizing the City of Gem Lake to enter into a joint clean-up day event agreement for the event beginning for fiscal year 2024. The 2024 Clean-Up days are scheduled to take place on Saturday, May 11, 2024, for household hazardous waste collection only from 9 a.m. – 3 p.m., and Saturday, May 18, 2024, for the White Bear Township Spring Cleanup from 7 a.m. – 2 p.m. Both clean-up events will be held at Otter Lake Elementary School. The City of Gem Lake and White Bear Township agree that White Bear Township will charge \$10.00 per household to cover the cost of the city's participation at the May 18, 2024, event. This cost will be charged to the City, not the participants.

Resolution #2024-005 2024 Joint Recycling Event with White Bear Township

A resolution authorizing the City of Gem Lake to enter into a joint recycling event agreement with White Bear Township for the event beginning for fiscal year 2024 is being presented to the Council for adoption. The motion for adoption of the foregoing Resolution was duly introduced by Councilmember Lindner and supported by Councilmember Johnson, and upon vote being taken thereon, the resolution passed with a vote of 4 in favor and 0 against.

Municipal Water Funding Request Update

Last year, the City of Gem Lake applied for various state and federal funding programs to subsidize the cost of a municipal water system. This system would potentially serve several homes, generally in the northwest part of the city, where small amounts of the chemical 1,4-dioxane was found in 20-22 wells. The city was recently awarded \$959,757 in federal funding through support from Congresswoman Betty McCollum. The current estimated project cost is \$6,860,000, meaning the award is roughly 14% of the total project cost. The original request was for \$5,488,000, which is 80% of the project cost. Due to the competitive nature of the funding awards, many, if not most, of the project requests received less than applied for, according to Community Development Specialist Kristin Prosofski of SEH, the city's engineering firm.

A bonding bill request was submitted in June of 2023 to the Minnesota Legislature and is currently being considered. An outcome on this request is expected this coming May. Based on feedback from Prosofski, it was suggested that the city reapply for Community Project Funding through the State of Minnesota, in the amount of \$4,528,243. If awarded, the combined federal amount would be 80% of the project cost, which is the maximum that can be obtained. If state bonding bill funds are obtained, they would be part of the required non-federal match.

Other possible strategies were also discussed, such as awaiting next steps from the Environmental Protection Agency assigned to oversee funding requests. In the past few years there hasn't been any immediate need for the community to decide about municipal water or proceed with next steps within a certain deadline. This allows time to find out the results of the Minnesota bonding bill and whether a funding gap remains. SEH has also suggested that the city apply for another round of government earmarks, which are expected to open to applications very soon.

Councilmember Lindner introduced a motion to authorize SEH to apply for another round of government funding, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion carried.

Ordinance No. 45 Garbage and Refuse Updates

City Planner Evan Monson prepared a memo for the Council regarding Ordinance No. 45. Under the direction of the City Council, the Planning Commission has discussed potential updates to the garbage and refuse ordinance (ordinance 45) over the last few months. The ordinance was adopted in 1983 and has not been updated since. The commissioners reviewed different examples of garbage ordinances from nearby communities, discussed the pros and cons of requiring licenses, and reviewed results of a survey that was sent out by city staff last fall to residents and businesses regarding their garbage hauling service.

Based on the results of the survey and direction from the Council, the commissioners focused on updates to the ordinance language to ensure the rules work for the community today. At their March Planning Commission meeting, the commissioners recommended the Council approve the amended ordinance.

Included with the memo was a redlined draft of the ordinance, as well as a 'clean' copy of the ordinance for the Council to review. A summary of the changes includes updated definitions, text revisions, section reformatting, and a section regarding 'severability and savings' was added, as is common/standard practice for ordinances. The Planning Commission recommended that the City Council approve the revised ordinance at the March 19, 2024, meeting.

Councilmember Lindner introduced a motion to approve the updated/revised version of Ordinance No. 45, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion carried.

Gem Lake Snow & Ice Policy Final

At the January 16, 2024, City Council meeting a temporary snow and ice policy was approved while the city worked to create one more tailored to Gem Lake. A final snow and ice policy that references White Bear Township's was presented to the Council for approval since White Bear Township manages the city's snow removal for all city-maintained roads. Councilmember Lindner introduced a motion to adopt the snow and ice policy being presented, seconded by Councilmember Amlee. Voice vote taken, all voted yes, motion carried. This would replace the temporary policy adopted in January.

New Business

White Bear Montessori Conduit Debt Proposal

City Treasurer Tom Kelly explained conduit debt as the IRS allows certain entities to issue debt in the city's name with the city's tax exemption status. This debt ends up going against the annual max debt amount the city is allowed to have per year. The city is not liable for the debt, but the business gets a better rate by having it issued in the city's name.

Premier Banks White Bear Lake President Doug Schultze shared that White Bear Montessori School is requesting a \$3,000,000 Bank Qualified Education Revenue Note through the City of Gem Lake. This will be conduit financing for the City of Gem Lake, utilizing the City's bonding capacity. At closing, Premier Bank will purchase the Note, thus assuming all financial and collateral of the transaction.

White Bear Montessori School wants to construct a 5,350 sf addition to the existing 16,625 sf Montessori school facility located at 1201 East County Road E in Gem Lake. The new addition will include two (2) large classrooms, two (2) new restrooms, a home economics space, and a music room. The project will also include a hallway connecting to the existing space, plus additional parking and patio space. The hallway will include reinforced walls, ceiling, etc. so it can be used as a tornado shelter, per code. A small portion of the funds will be used for exterior siding and several replacement windows in the existing facility. The debt will have a 6.20% fixed interest rate for five (5) years, repricing at the end of each subsequent five-year (5) period at a fixed rate equal to the then Wall Street Journal Prime Rate minus 2.0%, with a minimum rate of 4.0% for the life of the loan.

Mr. Schultze also requested that they have the authority to appoint Bond Council for the proposed issue of bonds of the City of Gem Lake. The Council didn't see any issue with that. The lawyer handling this debt proposal will reach out with a document requesting they be granted the authority to serve as Bond Counsel. The final step will be to schedule a public hearing for a future meeting once all documents have been submitted for review.

Councilmember Lindner introduced a motion to schedule a public hearing, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion carried.

Goose Lake Speed Limit Signs Quote

The two (2) speed limit signs installed on Goose Lake Road about ten (10) years ago are unpermitted according to Ramsey County. The sign itself is ok, but the posts are not permitted. To salvage the existing speed signs City Engineer SEH requested a quote to have both replaced with a County approved option. Forest Lake Contracting does a fair amount of work locally and is also the County's main signage contractor per SEH. A quote in the amount of \$6,500.00 was received and presented to the council for consideration.

Councilmember Lindner introduced a motion to accept the quote from Forest Lake Contracting in the amount of \$6,500.00, seconded by Councilmember Amlee. Voice vote taken, all voted yes, motion carried.

Sewer Billing Rate Letter

Acting City Clerk Melissa Lawrence created a Utility Rate Change letter to send out to all flat rate sewer customers for the changes taking effect in the first quarter of 2024. During the review of all utility billing customers to put together a mailing list for the letter Mrs. Lawrence discovered that there were three (3) properties in Gem Lake that had never been set up to receive utility bills in the Hillary Farm development. This was quite concerning to discover as one of the properties was built as far back as 2005, with the latest of the three (3) being built in 2016. Mrs. Lawrence put together a letter to send to those three (3) properties informing them that they would begin receiving utility bills beginning with the first quarter of 2024.

Another concerning issue that was discovered is that there are still three (3) properties on Scheuneman Road that are still not connected to the city sewer. Mrs. Lawrence will work with City Code Enforcement Officer Mike Johnson and City Attorney Kevin Beck on the best way to approach this problem.

Gem Lake Website

Gem Lake's website is in need of a refresh. Acting City Clerk Melissa Lawrence had a zoom meeting with Mindy, a web developer from Red Lily Digital that helps manage the website. During this meeting it was brought to Mrs. Lawrence's attention that one of the versions of WordPress being used to manage the site was no longer supported and outdated. Plugins were also in need of updating to bring current. Mindy suggested that the city move to a more secure hosting platform. Two (2) quotes were received, one (1) for a Gem Lake Hosting Proposal and the other for a Gem Lake Website Build Proposal.

Hosting Proposal to Enhance Security

Red Lily Digital will set up a new Flywheel 'Tiny' account, move Gem Lake's current database and file system from GoDaddy hosting to Flywheel hosting. (<https://getflywheel.com>) After the move, Red Lily Digital will test the site to ensure everything was moved successfully. Once final approval is given, the DNS will be updated to point 'https://www.gemlakemn.com' to new the Flywheel server. The Flywheel Tiny Plan will cost \$150.00 a year and includes one (1) site, five thousand (5,000) monthly visitors, 5GB storage, 20GB of bandwidth, simple SSL certificates, staging site, and nightly backups.

Some benefits of hosting with Flywheel include servers and services that are tailored specifically for WordPress. This means the site will experience the highest quality of performance and security because every server is optimized for a single CMS. Automatic nightly backups which store backups of the city's site on a separate server for 30 days. Free malware cleanup, maximum security against hackers and malware, flycache, auto-healing technology, and lightning-fast, reliable performance are included.

The quote for the project includes activating the new Flywheel Tiny Plan for \$150.00 a year and an estimated 4 hours of time and materials at \$80/hour to equal an estimated \$320.00. The total estimated cost of the project is \$470.00.

Mayor Artig-Swomley shared a request from Councilmember Cacioppo who was unable to make the meeting that Acting City Clerk Melissa Lawrence send him a list of all the plugins currently being used for the city's website.

Councilmember Lindner introduced a motion to accept the estimated quote of \$470.00 to update the city's hosting, seconded by Mayor Artig-Swomley. Voice vote taken, all voted yes, motion carried.

Future Website Redesign Proposal for 2025

After approval on the site architecture, Red Lily Digital will begin creating a unique, custom concept for creative direction for the site, incorporating the Gem Lake color scheme, logo, and brand elements. Red Lily Digital will design key page types showing variations in the design

patterns to be used site wide. Red Lily Digital will present and discuss initial layouts with Gem Lake, and Gem Lake will have the opportunity to direct changes. Red Lily Digital will then revise these layouts, incorporating Gem Lake feedback, and create layouts for additional unique page types to be used throughout the website.

Red Lily Digital will integrate WordPress, a fully featured, open-source Content Management System (CMS) with a WYSIWYG editor, allowing Gem Lake admin users to log in and make updates to website pages/articles and sidebar/repeating elements, including text, links, images, forms, downloadable files, SEO/Meta content, and navigation (including publishing and unpublishing pages), via a web browser.

The website is in need of a rebuild, and Mayor Artig-Swomley would like to budget for it in 2025. The quote given includes a custom word press website for \$6,000.00 (estimated 75 hours; time and materials \$80/hour). Some optional choices to implement include:

- Accessibility (ADA) Compliance-Related Functionality via accessiBe for \$490.00/year
- Setup and install of accessiBe for \$160.00 (estimated 2 hours; time and materials \$80/hour)
- GDPR and CCPA Compliance-Related Functionality via Complianz for \$320.00 (estimated 4 hours; time and materials \$80/hour)
- Additional Requests (AD Hoc or Project-based) at \$80/hour

Mindy will honor the proposal until January 2025 for planning purposes.

Council Pay Discussion

Acting City Clerk Melissa Lawrence noticed while reviewing ordinances that the council pay has not been reviewed since 2014. City Council pay can only be reviewed in an election year (every 4 years), and this happens to be an election year. Any changes would not take effect until January 1, 2025. Mrs. Lawrence shared some examples of Council pay from neighboring cities. Councilmember Lindner feels that an increase might encourage others to run for office. Mayor Artig-Swomley would prefer that no changes be made. At this time the Council would like to table the discussion on this topic and revisit it later in the year.

Councilmember Amlee introduced a motion to table the discussion on council pay, seconded by Councilmember Lindner. Voice vote taken, all voted yes, motion carried.

City Clerk Pay Parameter Review / Annual Review

In 2023 the Council expressed interest in having a compensation study completed to ensure that the one (1) position the city offers is being compensated fairly compared to others in the industry and to create a compensation structure. Acting City Clerk Melissa Lawrence contacted MRA to complete this study, who recently completed one for White Bear Township. A quote was received for a total of up to \$580.00.

Councilmember Lindner introduced a motion to accept the quote for a compensation study, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion carried.

Acting City Clerk Melissa Lawrence's annual review is set to take place at the end of March which lines up with the anniversary of her start date. Mayor Artig-Swomley shared with the Council that an email will be sent with an employee evaluation form for everyone to supply feedback if they would like to contribute to the review process. Results of the review and proposed results will be the subject of a closed meeting with the Council at the April Council meeting.

Gem Lake Tree FAQ Sheet

City Attorney Kevin Beck created a FAQ sheet of common questions that property owners may have when it comes to trees on private property. The Planning Commission reviewed these common FAQs and suggested approval to be added to the city's website to the Council. The Council reviewed the FAQs and felt that it was a good list and to add it to the website. Acting City Clerk Melissa Lawrence will work on getting it added to the website.

Ordinance No. 142 Agricultural and Wild Animals Beekeeping Section

Many communities in the Twin Cities metropolitan area have an ordinance regulating beekeeping, whether it be prohibited, permitted with regulations, or permitted in any case. Beekeeping is typically regulated as a permitted use within a community's zoning ordinance, as a separate ordinance, or within the community's ordinance that manages agricultural animals and activities. Gem Lake's ordinances do not mention bees, giving the city the opportunity to either allow or prohibit beekeeping, and determine what permits and requirements are appropriate if the city decides to allow beekeeping.

At the February 13th Planning Commission meeting, the commissioners reviewed beekeeping ordinances from cities and townships in the metropolitan area. Commissioners recommended allowing beekeeping as an activity within the city and discussed how they would like to see beekeeping regulated in Gem Lake. The recommendation was for beekeeping regulations to be placed within the 'Agricultural and Wild Animal Ordinance,' No. 142.

The Minnesota Hobby Beekeepers Association has a model ordinance for beekeeping. The proposed additions to Ordinance 142 are derived from this model ordinance, as well as the beekeeping ordinances adopted by the cities of St. Paul Park, Shakopee, and White Bear Lake.

A summary of the proposed additions and changes to Ordinance No. 142 include the addition of beekeeping related terms, beekeeping operations, permitted operations such as location requirements, colony density, and standards of practice, and permitting and inspections.

At the March 12th Planning Commission meeting, the commissioners reviewed and discussed the proposed changes to Ordinance No. 142. The Planning Commission unanimously recommended the draft to the City Council for approval of the proposed Ordinance No. 142 permitting beekeeping.

The Council reviewed the proposed ordinance addition and liked that it was derived from the Minnesota Hobby Beekeepers Association model ordinance. Councilmember Lindner introduced a motion to approve the suggested additions to Ordinance No. 142, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion carried.

Future Charitable Gambling Donations

White Bear Lake Emergency Food Shelf

Mayor Artig-Swomley suggested that the Council make a donation in April in the amount of \$1,000.00 to the White Bear Lake Emergency Food Shelf. Councilmember Lindner introduced a motion to request a donation in the amount of \$1000.00 for the White Bear Lake Emergency Food Shelf, seconded by Councilmember Johnson. Voice vote taken, all voted yes, motion carried. Following the award of any scholarships in May, it was discussed that the food shelf donation could return to \$1,500.00 monthly if possible.

Community Outreach to Other Cities and Government Bodies

City Attorney Kevin Beck sent a letter to the City of White Bear Lake regarding the additional charges for the building upgrades and at this time he has received a response. White Bear Lake does not agree with the statements in the city's letter and claims that the city knew this charge would be coming. Mr. Beck is hoping to have a discussion with White Bear Lakes lawyer before the April meeting. Mr. Beck also shared that he heard from the City of Vadnais Heights, and they may have a decision in May regarding Gem Lakes proposal. Councilmember Lindner shared that he is once again the chair of VLAWMO Board of Directors. Councilmember Johnson had some information to share regarding the County Road E corridor project involving Gem Lake, Vadnais Heights and The City of White Bear Lake. A vote was taken to approve the recommendation of Civic Brand out of Texas for the RFP request. The first kickoff meeting is set to take place on March 25 where the discussion on brand strategy will take place to combine the three (3) communities. Phase two (2) is just getting started.

Presentations from the Public, 2 Minutes Maximum

Premier Banks White Bear Lake President Doug Schultze is a White Bear Township resident and was curious if any of the Councilmembers have noticed Gem Lake trees being cut down without permission due to emerald ash borer (EAB) disease and then being billed to the property owners. He was curious if there was a process in place to let residents know that this could happen. Currently the Council and city staff have not heard of this happening.

Open Items for Council Members to Bring Up

Mayor Artig-Swomley has a few items to share with the Council. There are two (2) entry post signs ready to go in the ground along the Gem Lake trail. Resident Kim Anderson-Uzpen, a master gardener, recommended reseeding along the trail. Acting City Clerk Melissa Lawrence hopes to have a quote available at the April meeting. Gem Lake Hills Golf Course is working on doing some expansion. Acting City Clerk Melissa Lawrence is working on pulling together a list of ordinances that the Planning Commission can begin to review and is also requesting a window cleaning quote for Heritage Hall.

Future Council Meetings

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

Attendance Inquiry

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

Adjournment

Being there no further business, following a motion from Councilmember Lindner, seconded by Councilmember Johnson, the meeting adjourned at 8:04 p.m.

Respectfully submitted, Melissa Lawrence