

**City of Gem Lake
City Council Meeting – May 21, 2024
Meeting Minutes**

Mayor Gretchen Artig-Swomley called the meeting to order at 7:00 p.m. Councilmembers Len Cacioppo, Jim Lindner, Ben Johnson, and Laurel Amlee were present. Also present: City Attorney Stand-in Martin Norder, White Bear Montessori Head of School Marnie McPherson, Premier Banks White Bear Lake President Doug Schultze, other WBMS representatives Bill Hansen, Kjel Johnson, Bryan Forbes and Dave Wood, Partner Catherine Courtney of Taft Law via phone call, Planning Commission Chair Joshua Patrick, Commission Member Don Cummings, Acting City Clerk Melissa Lawrence, and Gem Lake residents Jon Reigstad, Nick Cress and Betsy Difabio.

May 21, 2024, Agenda

A motion was introduced by Councilmember Linder to accept the agenda, seconded by Councilmember Cacioppo. Motion carried 5-0.

Minutes

A motion was introduced by Councilmember Lindner, seconded by Councilmember Cacioppo to approve the April 16, 2024, City Council Meeting Minutes. Motion carried 5-0.

A motion was introduced by Councilmember Lindner, seconded by Councilmember Cacioppo to approve the April 16, 2024, Closed Session City Council Meeting Minutes. Motion carried 5-0.

A motion was introduced by Councilmember Lindner, seconded by Councilmember Cacioppo to accept the May 14, 2024, Planning Commission Meeting Minutes. Motion carried 5-0.

Special Presentations/Public Hearings

White Bear Montessori School Conduit Debt Agreement Public Hearing

Mayor Artig-Swomley shared with those in attendance that Catherine Courtney of Taft Law is joining the meeting via telephone due to the weather to summarize the request from the White Bear Montessori School (WBMS). Ms. Courtney shared that WBMS is expanding their school and requesting the help of the City of Gem Lake's tax-exempt status to get a better rate on bonds being acquired to complete the expansion. The school has outgrown their space and plans to spend about \$3 million dollars on new classrooms, a storm shelter area, additional office space and a Home Economics Kitchen, along with some other features. The city has no obligation to pay back the bond and has no effect on the city's credit rating. All obligations are put on the WBMS.

Mayor Artig-Swomley informed those in attendance that the Council would begin with the Conduit Debt 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 7:05 p.m. on the conduit debt discussion, seconded by Councilmember Cacioppo. Voice vote taken, all in favor, motion carried.

Mayor Artig-Swomley asked the public if they had any questions. The public had no questions. Councilmember Lindner asked what the terms of the loan are. Ms. Courtney stated that the expected term is 21.5 years with an initial rate of approximately 6.20%.

There being no further questions, Councilmember Lindner introduced a motion to close the public hearing at 7:07 p.m. on the conduit debt discussion, seconded by Mayor Artig-Swomley. Voice vote taken, all in favor, motion carried.

Ms. Courtney shared with the Council that Resolution #2024-0010 and the Deed application will need signatures from both the Mayor and City Clerk.

Mayor Artig-Swomley asked for a motion to approve the Conduit Debt Resolution #2024-0010. Councilmember Lindner introduced a motion to approve resolution #2024-0010, seconded by Councilmember Cacioppo. Motion carried 5-0.

Consent Agenda

Resolution #2024-007 May 2024 Donation to White Bear Lake Area Food Shelf
Resolution #2024-008 May 2024 Dov Nathanson Scholarship
Resolution #2024-009 May 2024 James Marier Scholarship
Garden Overlay Interim Use Permit – Bryan Hansen County Road E Property 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. Motion carried 5-0.

Committee Reports

Commission Chair Joshua Patrick shared that the Commission went over the Tobacco and Charitable Gambling ordinances and is moving them to the Council for approval. The discussion on the liquor ordinance was moved to the June Planning Commission meeting to give the planners more time to combine the existing ordinances.

Old Business

Newsletter Updates / Topics / Suggestions

Mayor Artig-Swomley shared that a current City Newsletter is almost ready to be sent to the printer. She would like the members of the council to review it for any suggested edits before it gets sent to the printers on Thursday, May 23, 2024.

FY25 Water System Funding Update

On Monday, May 13, Congresswoman Betty McCollum visited Gem Lake. She and several colleagues stopped by Heritage Hall to tour Gem Lake's facilities and to learn more about ways she could help the city with major infrastructure goals. The Congresswoman was instrumental in helping the city obtain its first federal grant to help pay for costs of a potential future municipal water system. The city was awarded about \$950k in 2023 by the federal government, which is approximately 14% of what is needed to build phase one of a water system. Recently, the city applied for additional funds from the 2024 federal budget. McCollum pledged her support to coordinate federal and state efforts to try to bring funds to the city for a municipal water system, which will cost around \$6.5M. On May 15 the city received notification that the water system project had been selected to advance to the next stage of the appropriations process. These nominations are not a guarantee of funding.

Councilmember Johnson stated that he had a state update to share from the legislature. The legislature was unable to pass a bonding bill this year. This didn't affect Gem Lake because our project didn't make the initial cut. The city can hope for a bonding bill to pass next year.

Acting City Clerk Performance Review / Pay Discussion Summary (per MN Stat 13D.03; 13D.05)

Mayor Artig-Swomley summarized the evaluation and pay discussion. At the April 16 closed session Councilmember Lindner introduced a motion to approve the evaluation and pay increase, seconded by Councilmember Johnson. Motion carried 5-0.

Gem Lake Trail Reseeding / Tree Planting Discussion

With the help of White Bear Township Public Works Pete Tholen and input from Master Gardener Kim Anderson-Uzpen the city has obtained quotes for reseeding and removal and planting of trees along the Gem Lake train and in the open area located in the southwestern section of the city. Between 14-16 new trees will be planted, primarily to replace older trees that have died in the western and northern sections of the public property. In addition, the Tree Trust intends to visit Gem Lake and remove and replace about a dozen trees they planted several years ago.

Two quotes were received from tree companies to handle the removal and planting of trees. Willow River quoted at \$7,758.45 and White Bear Lawn & Snow quoted at \$13,470.00. Councilmember Lindner introduced a motion to accept the quote from Willow River in the amount of \$7,758.45, seconded by Councilmember Cacioppo. Motion carried 5-0.

Prairie Restorations, a company that manages wildflower gardens, will begin a two-year project to reseed the large wildflower plantings on this property. This project will begin with removal of invasive species that have moved into the area, followed by an overspray of native grasses. It is planned that a complete reseedling of wildflowers will happen in 2025, as budget allows. A controlled burn is recommended at some point to help revitalize the area. A quote was received in the amount of \$2,800.00 for the initial work to take place in 2024.

Councilmember Lindner introduced a motion to accept the quote from Prairie Restorations in the amount of \$2,800.00, seconded by Councilmember Cacioppo. Motion carried 5-0.

Heritage Hall Irrigation Quotes

Acting City Clerk Melissa Lawrence requested quotes from two irrigation companies for installation of an irrigation system at Heritage Hall. This project was budgeted for in 2024 and the cost will be split with White Bear Township. Each quote received included the cost of a Smart Controller which would allow the city to apply for a Smart Irrigation Grant through VLAWMO. Each company included a quote for the base area which includes the area around the building, to within 20 feet of the street, and an alternate quote to include the area near the street and around the raingarden.

Fine Line Irrigation quoted at \$8,403.28 for the base quote and \$3,392.28 for the alternate for a total of \$11,795.56. Albrecht Company quoted at \$6,541.00 for the base and \$5,380 for the alternate for a total of \$11,921.00. WBTPW Pete Tholen recommends the Council go with Albrecht Company as the Township has worked with them in the past and believes the company does good work.

The Council discussed whether it was necessary to include irrigation for the alternate area. At this time the Council would like to approve a quote for the base area only and revisit the alternate area in the future if necessary. Councilmember Lindner introduced a motion to accept the quote from Albrecht Company in the amount of \$6,541 for the base area only, seconded by Councilmember Cacioppo. Motion carried 5-0.

New Business

BS&A Add-On Quote – Cloud Timesheets

After City Treasurer Tom Kelly and Acting City Clerk Melissa Lawrence had a meeting with BS&A Mr. Kelly thought it would be beneficial for Gem Lake to add a module for Cloud Timesheets. This would give the mayor the ability to approve timesheets electronically. The quote of \$870.00 would be charged annually and include unlimited support.

Councilmember Lindner introduced a motion to accept the quote from BS&A in the amount of \$870.00 annually, seconded by Councilmember Cacioppo. Motion carried 5-0.

Videographer Services for City Council Meetings Quote / Discussion

The Gem Lake City Council has the option to record all their meetings with the equipment currently being used for White Bear Townships Town Board meetings. Currently, the Council does not record any of their meetings and it was recently brought to the attention of the Acting City Clerk that all closed sessions must be recorded per state statute. A quote was obtained from the contractor WBT uses to record their meetings, Lisa Senopole (LS Pro, LLC). The cost for each meeting would be \$150.00 for three hours of recording time.

At this time the Council is not interested in recording all City Council meetings, but would like to use LS Pro, LLC for any closed sessions the city may need to have to ensure the city is compliant with state statute. Councilmember Lindner introduced a motion to seek out services for all closed sessions, seconded by Councilmember Cacioppo. Motion carried 5-0.

Ordinance No. 68 and 115 Tobacco Approval

Ordinance No. 68 was adopted in 1998. The 2010 amendment, Ordinance No. 115, has now been incorporated into Ordinance No. 68 and has been reformatted to be consistent with other city ordinances. This ordinance regulates the sale, distribution, possession, and use of tobacco and tobacco related devices, and the penalties for violation.

In 2019, legislation passed to change the minimum age for tobacco and nicotine sales and use from 18 years old to 21 years old. The legislation is referred to as “Tobacco 21” or “T21”. In August 2020, Minnesota strengthened T21 by allowing local governments to conduct compliance checks. The proposed Ordinance No. 68, including the T21 State legislation and changes, are listed in Table 1 on the memo included in the documents from TKDA for the council meeting.

The Planning Commission recommended the Council approve revised Ordinance No. 68 Tobacco, which includes the incorporation of Ordinance No. 115. Councilmember Lindner introduced a motion to approve the suggested revised Ordinance No. 68, seconded by Councilmember Johnson. Motion carried 4-0. Councilmember Amlee recused herself due to a conflict of interest.

Ordinance No. 60 and 117 Charitable Gambling Approval

Ordinance No. 60 was adopted in 1991. The 2010 amendment, Ordinance No. 117, has been incorporated into Ordinance No. 60 and has been reformatted to be consistent with other city ordinances. The amendments are shown in the redlined proposed Ordinance included in the documents from TKDA. This ordinance regulates the operation and sale of gambling devices in on-sale liquor establishments.

The Planning Commission recommended the Council approve revised Ordinance No. 60 Charitable Gambling, which includes the incorporation of Ordinance No. 117. Councilmember Lindner introduced a motion to approve the suggested revised Ordinance No. 60, seconded by Councilmember Cacioppo. Motion carried 4-0. Councilmember Amlee recused herself due to a conflict of interest.

Fee Schedule Updates Due to Ordinance Revisions

City Planner Evan Monson and Graduate City Planner CJ Sycks are recommending that the Council table the discussion and approval of any suggested fee schedule changes until they have a chance to finish the liquor ordinance revisions. Councilmember Lindner introduced a motion to table to the discussion on the fee schedule revisions, seconded by Mayor Artig-Swomley. Motion carried 5-0.

City Council Direct Deposit Discussion

With Gem Lake moving to BS&A all city staff and councilmembers will have the option of being setup with direct deposit. The Council will discuss the options of being set up with direct deposit and the way they would like to receive their paystub.

Paper Check or Direct Deposit

Mayor Artig-Swomley shared with the Council that they will be voting on whether each member would like to still receive paper checks or be set up for direct deposit. All members must decide one or the other, it is an all or nothing decision. Council member Lindner introduced a motion to have the council set up with direct deposit once the new system goes live, seconded by Councilmember Cacioppo. Motion carried 5-0.

Paper Stub or Emailed Stub

Mayor Artig-Swomley shared with the Council that they will be voting on whether each member would like to receive a paper stub or have an emailed stub. All members must decide one or the other, it is an all or nothing decision. Council member Lindner introduced a motion to have the council set up with emailed stubs once the new system goes live and they have been set up with direct deposit, seconded by Councilmember Amlee. Motion carried 5-0.

Future Charitable Gambling Donations

White Bear Lake Emergency Food Shelf

Mayor Artig-Swomley suggested that the Council make a donation in June in the amount of \$1,500.00 to the White Bear Lake Emergency Food Shelf. Councilmember Lindner introduced a motion to request a donation in the amount of \$1,500.00 for the White Bear Lake Emergency Food Shelf, seconded by Councilmember Cacioppo. Motion carried 5-0.

Community Outreach to Other Cities and Government Bodies

Mayor Artig-Swomley shared that the joint clean-up day with WBT went well. A total of 18 Gem Lake households participated in the event, versus 12 last year. The city will pay WBT \$180.00 for participation in the event. WBT is considering reducing the hours next year due to the limited amount of participation after 12 p.m.

Mayor Artig-Swomley shared that Gem Lake is still discussing the WBL debt service fee. WBT attorney feels it's not legal, Gem Lake attorney feels it's not 100% legal, but WBL feels it is legal.

Mayor Artig-Swomley shared that Gem Lake is still waiting on VH and the water at the Villas of Gem Lake who still has not settled with the DNR.

Councilmember Johnson shared that the corridor committee will possibly have a walking tour / site seeing tour with their selected contractor soon to get a better picture of what the committee is trying to do.

Presentation from the Public, 2 minutes maximum

Jon Reigstad of 1161 Little Fox Lane had questions about the well contamination and inquired about a timeline and the potential health risks of long-term use. Mayor Artig-Swomley asked Mr. Reigstad to reach out to the City Clerk for the Minnesota Department of Health's contact information to have a discussion on the health risks. The timeline is unknown right now, but the city is applying for funding for a potential municipal water system in the future.

Open Items for Council Members to Bring Up

Mayor Artig-Swomley shared that Acting City Clerk Melissa Lawrence will be taking vacation the week of May 27 – 31 and will return Monday, June 3.

Future Council Meetings

City Council, Tuesday, June 18, 2024. City Council Workshop, Monday, June 10, 2024, is CANCELED.

Attendance Inquiry

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

Adjournment

Being there no further business, following a motion from Councilmember Lindner, seconded by Councilmember Cacioppo, the meeting adjourned at 7:51 p.m.

Respectfully submitted, Melissa Lawrence