

**City of Gem Lake
City Council Meeting – July 16, 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 Kevin Beck, City Treasurer Tom Kelly, MPCA Hydrogeologist Michael Ginsbach, MPCA Environmental Specialist Drew Bahl, MN Department of Health Environmental Research Scientist Emily Hansen, Planning Commission Chair Joshua Patrick, Acting City Clerk Melissa Lawrence and residents Jim Wilson, David Birkebak, Steve Varley and Carol Schacht.

July 16, 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 June 18, 2024, City Council Meeting Minutes. Motion carried 5-0.

A motion was introduced by Councilmember Lindner, seconded by Councilmember Cacioppo to accept the July 9, 2024, Planning Commission Meeting Minutes. Motion carried 5-0.

Special Presentations/Public Hearings

MPCA Update – Minnesota Pollution Control Agency Representatives Tim Grape and Michael Ginsbach

Michael Ginsbach of the MPCA shared with the Council and those in attendance a small update on the well contamination in Gem Lake. A round of well testing took place in February for those that had their water turned on outside, and another test was completed in May to get those that were not completed in February. Some testing was also completed on the other side of the railroad tracks. The bonding bill was not approved at the last legislative session, but the MPCA will continue to pursue it at the next session. Contamination numbers are staying consistent with some areas slowly going down, with the exception of one property whose numbers went up.

The Council asked Mr. Ginsbach a couple questions along the lines of:

- Where do we stand with well testing?
- When will the May results be published?
- Does the rainwater affect sampling?

A summary from Mr. Ginsbach was that more testing will be done in the future of the residential wells and testing of potential sources of contamination. At this time, the one potential source is still Cortec Corporation located on White Bear Parkway in White Bear Township. May results are ready, and Mr. Bahl will get them put on the website and get the information to the Council. Rainwater can have an effect on samples, it all depends on where the recharge zones are.

Some of the residents in attendance asked questions along the lines of:

- When will the next set of samples be taken?
- Can the contamination map be updated to accurately reflect house locations for elevation difference purposes?
- With the speed of water penetrating the soil is there a chance something is going through the well casing?

A summary from Mr. Ginsbach was that more sampling will take place later in the year and he will work on getting the map and website fixed to reflect accurate information. Older wells may be more susceptible to water penetration because they may not have been fully grouted. Standards have since changed.

Consent Agenda

Resolution #2024-013 July 2024 Donation to White Bear Lake Area Food Shelf Resolution #2024-014 Joint Cooperation Agreement with the Ramsey County Housing and Redevelopment Authority 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. Motion carried 5-0.

Committee Reports

Commission Chair Joshua Patrick shared that the Planning Commission reviewed the newly consolidated liquor ordinance at their July 9 meeting. With the assistance of City Planner Evan Monson and input from City Attorney Kevin Beck, a new liquor ordinance was created that combined both the non-intoxicating and intoxicating liquor ordinances and ensured it was compliant with state statutes. The Commission moved to forward the consolidated ordinance to City Council for approval.

Old Business

Newsletter Updates / Topics / Suggestions

Mayor Artig-Swomley shared that a recent newsletter went out and there is no rush to get another one out but would like to aim for a September edition. Mayor Artig-Swomley presented ideas for the next edition of the City Newsletter to include pieces such as the MPCA report, recycling numbers, funding finalists for our municipal water supply project, and trees planted on public land.

Update on Open Space Improvements

Willow River trees have been planted, and the city is still waiting on the Tree Trust to get out and do their free plantings. White Bear Township Public Works will handle the watering of the new trees. Volunteers from the Villas development picked the cottonwood trees that began to grow and piled them up and White Bear Township Public Works came and collected the brush pile for them.

Funding Update on Municipal Water System

Gem Lake is a finalist for 1.1 million to go towards the Municipal Water System project. This money is not a guarantee, but it is a good sign. If awarded, this money is not time sensitive and will have no expiration date for when the City needs to use it by.

New Business

Liquor Ordinance Consolidation Ordinance No. 146

The City Council tasked the Planning Commission with reviewing and combining ordinances regarding Liquor. The Ordinances include:

1. Ordinances 9 and 65 – Intoxicating Liquor
2. Ordinance 116 – Non-Intoxicating Liquor

Ordinances 9, 65 and 116 were combined into a new Ordinance, Ord. No. 146. An initial draft was reviewed at the May Planning Commission meeting.

In the meantime, City staff found a draft ordinance that was approved by City Council on January 15th, 2019. This was an amendment to Ord. No. 9. Said ordinance was never posted on the City's website by previous staff, nor was a 'final' version saved in City records. For clarity, this ordinance will be referred to in this memo as "Ord. 2019."

Due to the new information in Ord. 2019, staff further revised Ord. No. 146 to reflect some of the content in Ord. 2019, as well as the content from the League of Minnesota Cities (LMC) model ordinance.

Intoxicating Liquor

Ord. No. 9 was adopted in 1963 and was amended in 1989, 2009, 2022, and 2023. This ordinance regulates the sale and consumption of liquor, and the penalties for violation. The most recent amendment, Ord. No. 116, has been incorporated into proposed Ord. No. 146.

Non-Intoxicating Liquor

Ord. No. 65 was adopted in 1995 and amended in 2009. This ordinance regulates the sale and consumption of non-intoxicating liquor and the penalties for violation. Ord. 65 has been incorporated into Proposed Ord. No. 146.

Ordinance 2019

The adopted Ord. No. 9 (Ord. 2019) was approved by City Council on January 15th, 2019. This was a combined intoxicating and non-intoxicating liquor ordinance. There have been two amendments to Ord. No. 9 since 2019, creating significant differences in content between this version and the version of Ord. No. 9 on the City's website. Aspects of Ord. 2019 were incorporated into proposed Ord. No. 146.

Proposed New Ordinance

Ord. No. 146 combined the above liquor ordinances. Changes proposed include revising the definitions to include references to terms in state statutes, removing references to fee amounts and placing them in the Fee Schedule (Ord. No. 135), and adding measurable distance requirements regarding locations.

The Planning Commission recommended the City Council adopt Ordinance No. 146 Liquor, which includes the incorporation of Ordinance No. 9, Ordinance No. 65 and Ordinance 2019. Councilmember Lindner introduced a motion to approve Ordinance No. 146, seconded by Councilmember Cacioppo. Motion carried 5-0.

Fee Schedule Updates

With updates made to the liquor ordinance City Planner Evan Monson suggested that the fees be added to the fee schedule instead of being referenced in the liquor ordinance itself. Another suggested change to the fee schedule is the addition of a fee for a lot line adjustment. This fee will be like the other subdivision fees. The Escrow is also being changed from 1% of market value to \$1,000 for each fee to cover additional costs.

Councilmember Lindner introduced a motion to approve the fee schedule changes, seconded by Councilmember Cacioppo. Motion carried 5-0.

Future Charitable Gambling Donations

White Bear Lake Emergency Food Shelf

Mayor Artig-Swomley suggested that the Council donate in August 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 \$1,000.00 for the White Bear Lake Emergency Food Shelf, seconded by Councilmember Cacioppo. Motion carried 5-0.

Willow Lane Elementary

Mayor Artig-Swomley suggested that the Council authorize the City Clerk to spend \$700.00 on school supplies to cover the cost of inflation. She also suggested that the Council donate \$500.00 to the school to use at their discretion. Councilmember Lindner introduced a motion to authorize the City Clerk to spend \$700.00 on supplies and to request a donation in the amount of \$500.00 to be used at the school's discretion, seconded by Councilmember Cacioppo. Motion carried 5-0.

Community Outreach to Other Cities and Government Bodies

Mayor Artig-Swomley and City Attorney Kevin Beck have a meeting with the City of White Bear Lake on Monday, July 22 at 1:00 p.m. to discuss the debt service fee and determine how what they are asking for is legal. No updates from Vadnais Heights at this time regarding the water at the Villas.

Presentation from the Public, 2 Minutes Maximum

Resident Jim Wilson asked the Council if there will ever be an opportunity to pay for your utility bill online, and if there was a search option on the website. Mayor Artig-Swomley shared that with the transition to a new software system there will be the option to pay your bill online. The City will also be doing a website refresh next year and can work on including a search bar as an option.

Resident Carol Schacht asked about the garbage survey from a while back and based on the results if the City was looking into a contracted garbage hauler. Mayor Artig-Swomley shared that most of the residents were against a city contracted garbage hauler and that the City would not be pursuing it at this time.

Open Items for Council Members to Bring Up

None

Future Council Meetings

City Council, Tuesday, August 20, 2024. City Council Workshop, Monday, August 12, 2024, is CANCELED.

Attendance Inquiry

At this time Councilmember Amlee may not be able to attend the August meeting. Councilmember Johnson will not be in attendance at the August meeting.

Adjournment

Being there no further business, following a motion from Councilmember Lindner, seconded by Councilmember Artig-Swomley, the meeting adjourned at 7:54 p.m.

Respectfully submitted, Melissa Lawrence