

**City of Gem Lake  
City Council Meeting – September 17, 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, Planning Commission Chair Joshua Patrick, and Commission Member Don Cummings, Civil Site Group Civil Engineer Robbie Latta, Phillips Architects & Contractors President David Phillips, Barnett Companies General Manager Jack Mayeron, Minnesota Senator Heather Gustafson, Acting City Clerk Melissa Lawrence and residents Betsy DiFabio, Rick Bosak, and Jim Wilson.

**September 17, 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 August 20, 2024, City Council Meeting Minutes. Motion carried 5-0.

A motion was introduced by Councilmember Lindner, seconded by Councilmember Cacioppo to accept the September 10, 2024, Planning Commission Meeting Minutes. Motion carried 5-0.

**Special Presentations/Public Hearings**

**Minnesota Legislative Session Update – Minnesota Senator Heather Gustafson, District 36, DFL**

Minnesota Senator Heather Gustafson provided highlights of this year’s session and discussed future projects, including the fact that she will be aiming to repeat her 2023 Public Safety Bill in some form, which provided significant public safety funding to every city in Minnesota. She also reiterated her priorities on education and infrastructure, offering advice and assistance where possible, on the City’s quest for municipal water funding.

**2025 Preliminary Budget Presentation / Public Hearing – White Bear Township Finance Officer, Tom Kelly**

Under state law, cities must adopt a proposed property tax levy by September 30 of each year. The proposed levy will be used to produce parcel-specific taxpayer notices, also referred to as truth-in-taxation notices, which will be distributed to taxpayers in November. If a city fails to certify its proposed levy to the county by September 30, the county auditor is required to use the authority’s previous year’s final levy as the levy for the following year.

City Treasurer Tom Kelly gave an overview of the 2025 preliminary property tax levy is proposed at \$733,757, which is a 2.231% increase from the 2024 certified preliminary property tax levy. The 2025 preliminary property tax levy consists of a debt levy of \$83,736.00 (an increase from 2024 preliminary debt levy of \$2,182.00) and the general operating levy of \$650,021.00 (an increase of 2.174% from the 2024 preliminary tax levy).

The following changes were made from the 2024 adopted budget as a basis for the 2025 proposed preliminary property tax levy:

1. Based on the 2015 Refunding Bond schedule the debt levy for 2025 is set for \$79,711.00. In addition, in 2018, the City issued bonds for the improvements on Scheuneman Road and the 2025 debt levy for this issue is \$4,025.00. The two of these debt levies makes up the City’s 2025 debt levy of \$83,736.
2. Increased City Council wages 3%.
3. City Council contingency was increased to \$15,000 (was \$9,000).
4. Clerk/General Government budget includes \$63,000.00 for wages and \$11,550 for health insurance coverage.

5. Planning & Zoning budget increased \$8,950.00 based on past expenditures.
6. Police budget was increased 13.85% to \$147,396 based on the City of White Bear Lake budget provided Gem Lake and includes \$133,089 for police services and \$14,307 for debt payments on the new public facilities building.
7. The cost of fire services increase 8.54% to \$52,827.00. It includes \$35,300 for fire services, \$8,181 for fire marshal services, and \$9,346 for depreciation on the new public facilities building.
  - a. Overall, the City of White Bear Lake would like Gem Lake to pay \$23,653 for the next 20 years for their new facility.
8. Road Maintenance budget includes \$20,000 for road maintenance/repair and \$8,000 for trimming boulevard trees.
9. Salt/sand reduced \$4,000 to \$8,000 and snow plowing contract increased from \$14,500 to \$15,000, both based on past expenditures.
10. Heritage Hall budget includes \$10,000 for building improvements and \$10,000 for other equipment/improvements.
11. Included a park maintenance budget of \$7,000 for maintaining park area of the Villas of Gem Lake.
12. The 2025 budget includes \$20,000.00 for future improvements.
13. Other revenue and other expenditure line items adjusted based on past history.

These changes result in the City proposed preliminary tax levy of \$733,757.00 for 2025. This compares to 2024 preliminary levy of \$717,742.00 and 2024 final levy of \$697,081.00. Using a 2025 property tax levy of \$733,757.00 and the City's 2025 estimated tax capacity (\$1,799,843.00) and median valued home (\$443,750.00) for Gem Lake, that median valued home, would pay City property taxes of \$1,725.55 in 2025 compared to 2024 preliminary levy of \$1,872.22 (a decrease of \$146.67) and the 2024 final levy amount of \$1,652.20 (an increase of \$73.35).

One final change for the 2025 budget was a legislative change, which increased the market value exclusion from 40% of the first \$76,000 to the first \$95,000 minus 9% of the value between \$95,000 to \$517,200 (was \$76,000 to \$413,800). Homes valued at or above \$517,200 do not receive an exclusion compared to \$413,800 previously. This change saves the median value home \$26.10 in City taxes in 2025.

Mayor Artig-Swomley informed those in attendance that the Council would begin with the preliminary levy 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 7:20 p.m. on the 2025 preliminary budget, seconded by Councilmember Cacioppo. Motion carried 5-0.

The public had no comment on the subject.

Councilmember Lindner introduced a motion to close the public hearing at 7:21 p.m. on the 2025 preliminary budget, seconded by Councilmember Cacioppo. Motion carried 5-0.

### **Consent Agenda**

**Resolution #2024-0017 Gem Lake 2025 Preliminary Budget**  
**Resolution #2024-0018 September 2024 Donation to White Bear Lake Area Food Shelf**  
**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**

Planning Commission Chair Joshua Patrick shared with the Council that the Commission reviewed a variance request from the White Bear Montessori School for an already built accessory structure within the side yard setback requirements and recommend the Council approve the request. The Commission also resumed discussion of the Barnett Kia zoning requests. The Commission was waiting for input from other agencies and that feedback was received and the Commission is not recommending approval to the City Council of all three zoning requests. The Commission also discussed additional language and amendments to the archery hunting ordinance to include language on turkey hunting and the alarm ordinance to tighten up language and suggest a new fee rate structure for reported false alarms. Both ordinances are recommended for approval of the suggested changes.

## **Old Business**

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

Mayor Artig-Swomley shared that a current City Newsletter is being worked on and will be ready to go after the meeting and she can write up stories based off topics discussed at the September City Council meeting.

### **City Council Pay Discussion**

The Council revisited the ongoing discussion of possibly increasing the pay rate for the Gem Lake City Council members. Councilmember Johnson is in favor of increasing the pay rate to encourage people to participate and keep up with the times. He also stated that its not about the money, but acknowledgement of the time spent serving on the Council. Discussion on City Council pay also brought up discussion on if the Planning Commission should be receiving any monetary compensation for the work they do. Mayor Artig-Swomley asked City Treasurer Tom Kelly if White Bear Townships pays their Planning Commission. Mr. Kelly responded that they do, but it is only around \$10.00 a meeting to help cover the cost of mileage for anything their Planning Commission member may do to research topics being discussed.

The Mayor asked if anyone from the Council would be willing to do more research on the topic and bring it back it to the October meeting. Councilmember Cacioppo volunteered to do some research and bring it to the October meeting for further discussion.

Planning Commission member Don Cummings shared his thoughts on the topic. He wanted to share that most people that volunteer for a position do not expect money. What is appreciated is the money spent on city staff and outside consultants that help make the Planning Commission meetings run so smoothly and efficiently.

## **New Business**

### **Zoning Requests – Barnett Kia (Zoning Compliance Request, Lot Line Adjustment Request, Zoning Amendment Request)**

City Planner Evan Monson prepared a memo for the City Council summarizing the requests. Located at 3610 Highway 61, Barnett Companies is looking to remove their existing building (31,865 SF) and build a new one (34,060 SF) on the north side of their property. The building would be an upgraded version of their existing one, including spaces for a carwash, service garage, sales floor, vehicle delivery, and administration. The existing building is proposed to remain until the new building is constructed, and then would be removed. Phasing and sequencing plans would be put in place to remain operational during construction.

The property to the north, 3700, is also owned by Barnett Properties. Both properties are within the City's Gateway District and are within the Neighborhood Center (NC) Sub-Zone. The applicant's proposed building type would not be consistent with the building types currently in the Gateway District, while the proposed use is currently listed as a nonconforming use in the zone.

This request requires three separate applications for review and approval:

1. **A lot line adjustment application.** Barnett Properties owns both subject properties and is requesting a lot line adjustment to the north, to align with the parking lot entrances. The city reviews lot line adjustments through the ‘Minor Subdivision’ process.
2. **A zoning ordinance amendment application.** The Gateway District does not currently permit Automotive Dealerships; the applicant is requesting to allow Automotive Dealerships as a permitted use in a new building type template.
3. **A zoning compliance permit application.** This permit is required for any redevelopment projects within the Gateway District.

The Planning Commission recommends the Council approve all three requests based on the conditions of the City Planner which can be found on the City Planner memo included with the City Council packet of documents.

**Resolution #2024-0019 Approving a minor Subdivision for 3610 Highway 61 and 3700 Highway 61**

Councilmember Lindner introduced a motion to approve Resolution #2024-0019 approving a minor subdivision, seconded by Councilmember Cacioppo. Motion carried 5-0.

**Resolution #2024-0020 Approving a Zoning Compliance Permit for 3610 Highway 61 and 3700 Highway 61**

Councilmember Lindner introduced a motion to approve Resolution #2024-0020 approving a zoning compliance permit, seconded by Councilmember Cacioppo. Motion carried 5-0.

**Ordinance No. 131 Amendments**

Councilmember Lindner introduced a motion to approve Ordinance No. 131 amendments to create a proposed Building Type Template 15a, with the edits as proposed by staff., seconded by Councilmember Cacioppo. Motion carried 5-0.

**Variance Request – 1201 County Road E East – White Bear Montessori School (Shed Setback from Side Yard)**

City Planner Evan Monson prepared a memo for the City Council summarizing the request. The White Bear Montessori School (WBMS) operates at 1201 County Road E East, at the southwest corner of the city. The school is in the midst of an expansion project that started earlier this year. Building permits for the project were issued by the City in April of 2024. The project includes an addition onto the existing school and exterior improvements to the site. As part of the project, a 14-foot by 16-foot storage shed was constructed on the south side of the property. The shed was placed at a setback of 33.2 feet from the south lot line, which is within the required side yard setback of 50 feet. Prior to the new construction on the property, a storage shed of similar size was located on the property, just east of the parking lot, at a setback of 62 feet from the south lot line.

The Building Department inspected the site and noted that the shed was within the setback from the side lot line. Building Department staff notified the applicant’s contractor and noted that the two options were to move the shed to a compliant setback or request a variance from the city to keep the shed in the existing location.

The contractor for the project stated that the shed was built in the following location for two reasons, per the narrative from their submittal dated 8/15/24:

1. The site needs as much additional parking as possible. Construction of the shed in the as-built location [within the setback] allowed 2 additional ADA parking stalls along the existing row of parking. The previous shed location required the pavement space in front of the shed to be designated ‘no parking’ to maintain access by garbage truck and maintenance staff. Given this issue, the decision was made to move the shed location to an area not otherwise needed by additional parking.

2. While the pavement to the east of the existing parking lot could have been expanded to increase the number of site parking stalls and provide space for the shed in compliance with the setback, the watershed's 10,000 SF of new/reconstructed impervious surface threshold for stormwater management would be triggered. The current site plan incorporates 9884 SF of new and reconstructed impervious, only 116 SF less than the threshold. Triggering the management threshold would have required enlarging the existing rain garden in the southwest corner of the site which has the lowest topography for rainwater retention. However, the existing rain garden is at its largest possible size and depth. Therefore, existing pavement and parking stalls would need to be removed and relocated elsewhere, thus requiring more reconstructed impervious, and, therefore, yet more retention volume. Furthermore, enlargement of the rain garden would require additional tree removals which aid in screening the parking lot from the street.

The Planning Commission recommends the Council approve the request based on the conditions of the City Planner which can be found on the City Planner memo included with the City Council packet of documents.

**Resolution #2024-0021 Approving a Variance for 1201 County Road E East**

Councilmember Lindner introduced a motion to approve Resolution #2024-0021 approving a variance, seconded by Councilmember Cacioppo. Motion carried 5-0.

**Ordinance No. 124B Hunting and Discharge of Weapons Proposed Modifications**

City Planner Evan Monson prepared a memo for the City Council summarizing the proposed modifications to Ordinance No. 124B. Ord. No. 124B was adopted in November 2016 and updated in August 2021. The ordinance prohibits the discharge or use of dangerous weapons within the City of Gem Lake. There are currently 4 exceptions: (1) Archery Deer Hunting, (2) Target Archery, (3) Defense of Self and Property Against Vicious Animals, and (4) Law Enforcement. The Planning Commission directed staff to consider amendments to the ordinance to add archery turkey hunting. On Tuesday, September 10, the Planning Commission reviewed proposed amendments. A draft of the amended ordinance and City Planner memo is available for the Council to review and is part of the City Council Packet documents.

The Council discussed the proposed modifications and the suggested fee for a Turkey Hunting permit. Only one (1) turkey is allowed to be taken during the season and a tag to hunt costs around \$25.00, so a minimal fee is suggested based on the bag limit.

Councilmember Lindner introduced a motion to approve the proposed modifications to Ordinance No. 124B, seconded by Councilmember Cacioppo. Motion carried 5-0.

**Ordinance No. 48 Alarm Systems Proposed Modifications**

City Planner Evan Monson prepared a memo for the City Council summarizing the proposed modifications to Ordinance No. 48. Ordinance No. 48 was adopted in August of 1987, and has not been amended since. The ordinance regulates the use of alarm systems, establishes user fees, and provides penalties for false alarms. The City of Gem Lake works with the City of White Bear Lake's (WBL) Fire Department to respond to triggered fire alarms and the Ramsey County Sheriff's Department to respond to burglary/robbery alarms. Proposed changes are being suggested for Section 5 User Fees; Notice, Section 8 Alarm Report, and Section 11 Enforcement and penalties. A draft of the amended ordinance and City Planner memo is available for the Council to review and is part of the City Council Packet documents.

Councilmember Lindner introduced a motion to approve the proposed modifications to Ordinance No. 48, seconded by Councilmember Cacioppo. Motion carried 5-0.

**Fee Schedule Updated per Ordinance Suggested Changes**

The City's fee schedule currently includes False Alarm User fees within Section 12, Miscellaneous. 3 - 14 false alarms are \$50.00/occurrence within a calendar year and \$150.00 for 15+ false alarms/occurrence within a calendar year. Rather than raising fees like other communities, it is recommended by City Staff, that the "15+ False Alarms" be reduced to "7+ False Alarms".

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

### **Scheduling of Date and Time of Truth in Taxation Hearing**

Cities with a population of 500 or more must hold a “Truth in Taxation” public meeting where the final 2025 budget and property tax levy will be discussed, and public input is encouraged. The meeting must occur after November 25th and before December 28th 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.

Mayor Artig-Swomley stated that the December 17, 2024, City Council meeting is when the Truth in Taxation hearing will take place.

### **Utility Rate Discussion**

Mayor Artig-Swomley asked City Treasurer Tom Kelly if he has had a chance to review the utility rates for the 2025 year. Mr. Kelly has not had a chance to do so yet and would like to table the discussion to a future meeting.

Councilmember Lindner introduced a motion to table the utility rate discussion for the October City Council meeting, seconded by Councilmember Cacioppo. Motion carried 5-0.

### **White Bear Montessori School Open House**

The White Bear Montessori School is holding an open house on Friday, September 20 at 6:30 p.m. to celebrate their 55<sup>th</sup> year as a Montessori School and their recent expansion. Mayor Artig-Swomley asked if there was anyone from the Council that would be able to attend. Councilmember Amlee volunteered and will take pictures for the Newsletter.

### **Archery Deer hunting Applications**

#### **5 Daniels Farm Road**

A permit request for a hunt on private property located at 5 Daniels Farm Road was received. The requested dates of the hunt will be October 25 - 27, November 1-3, and November 8 - 10. The hunting party consists of 5 hunters, all of which have obtained their Bow Hunters Certification and a MN DNR Hunting License. Deer stand locations were given and consent of neighbors is not needed.

Councilmember Lindner introduced a motion to approve the Archery Deer Hunting application at 5 Daniels Farm Road, seconded by Councilmember Cacioppo. Motion carried 5-0.

### **Code Enforcement Issues Discussion**

The City of Gem Lake has an ongoing problem with one particular property. The City Building Official is working with City Attorney Kevin Beck to request an administrative search warrant for the property. Mayor Artig-Swomley has spoken with the White Bear Lake Police Chief to which he informed her that the property in question has had three (3) police calls in the last two (2) weeks. Drug paraphernalia has begun showing up around the property and other issues have been brought to the Acting City Clerks attention. The Mayor is going to reach out to the White Bear Lake Police Chief to see about having him come to Gem Lake for a meeting at some point. The Mayor is also going to invite City Building Official Mike Johnson to the October City Council meeting to discuss the ongoing code enforcement issues in the City.

### **Heritage Hall Room Rental Coverage**

**Tuesday, October 22, 2024, - WB Preserve Condo Association – No AV Equipment Needed – 6:00 p.m. – 9:00 p.m.**

Mayor Artig-Swomley volunteered to be the staff coverage for this meeting.

**Wednesday, October 30, 2024, - Otter Lake Technology – AV Equipment Needed – 6:00 p.m. – 8:00 p.m.**

Councilmember Johnson volunteered to be the staff coverage for this meeting.

#### **White Bear Lake Police and Fire Contract Discussion**

The City of White Bear Lake sent over the 2025 Fire and Police contracts. Gem Lake is being hit with both depreciation and the interest for the new fire house building. Up until August 2024 Gem Lake was not paying the principal or interest for the new build because the City Council, City Treasurer, and City Attorney did not agree that the City could be charged interest on the new build. Gem Lake has since begun paying the principal amount due but is still holding off on paying the interest.

City Attorney Kevin Beck and Mayor Artig-Swomley had a meeting with White Bear Lake recently. Letters have been received threatening cancelation of the Police and Fire contract through White Bear Lake for non-payment. City Attorney Kevin Beck was asked to prepare a response to the recent letter received. There is other routes Gem Lake can take such as litigation.

White Bear Township is also dealing with the same concerns. If White Bear Township decides to pull out of the contract there is the possibility that their portion of the fees could then be spread to all the other cities contracted with White Bear Lake for fire services.

The Mayor and several other cities serviced by White Bear Lake plan to attend the White Bear Township Executive meeting on Friday, September 27 to discuss this topic further.

#### **Future Charitable Gambling Donations**

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

Mayor Artig-Swomley suggested that the Council donate in October 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 a special meeting would need to take place on Thursday, November 7, 2024, to canvass the election results. Canvassing is due to the County by Tuesday, November 12.

Mayor Artig-Swomley shared that Goose Lake Road was closed all weekend because of a large, downed tree that took a power line with it when it fell.

Mayor Artig-Swomley shared that the City of Maplewood recently pulled their support of the Purple Line for both options. The Mayor plans to attend the next Maplewood City Council meeting on Monday, September 23.

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

Planning Commission Member Don Cummings spoke about the Barnett Kia meeting that the Planning Commission had on Tuesday, September 10. The Commission was thrilled with the lighting plan. Mr. Cummings also brought up the water bills in the Villas. He presented some research he did to City Treasurer Tom Kelly regarding his current bill which shows that Villa's residents are overpaying by four (4) times the price of water because of the feed taxed on by Vadnais Heights.

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

None

**Future Council Meetings**

City Council, Tuesday, October 15, 2024. City Council Workshop, Monday, October 14, 2024, is CANCELED.

**Attendance Inquiry**

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

**Adjournment**

Being there no further business, following a motion from Councilmember Lindner, seconded by Councilmember Cacioppo, the meeting adjourned at 9:00 p.m.

*Respectfully submitted, Melissa Lawrence*