

**City of Gem Lake
City Council Meeting – January 21, 2025
Meeting Minutes**

Mayor Gretchen Artig-Swomley called the meeting to order at 7:00 p.m. Councilmembers Jim Lindner, Len Cacioppo, Ben Johnson and Joshua Patrick were present. Also present: City Attorney Kevin Beck, City Treasurer Tom Kelly, Metropolitan Council Member District 11 Dr. Gail Cederberg, Planning Commission Chair Don Cummings, Acting City Clerk Melissa Lawrence, business owner Chriss Bettis and prospective business owners Marie Vannelli, Roger Vannelli, Ron Vannelli and Mitchel Vannelli, and residents Dustin Marks, Sarah Ernhart, Rick Bosak, Dave Wood, Steve Varley, and Carol Schacht.

Swearing in of New Councilmembers

Acting City Clerk Melissa Lawrence swore in the new Councilmembers individually with the official oath. Mrs. Lawrence had each new Councilmember individually raise their right hand, repeat the oath back and sign the affidavit. The Council welcomed back Mayor Artig-Swomley and Councilmember Johnson, who were re-elected to four-year terms to the Gem Lake City Council and welcomed Councilmember Patrick to the Gem Lake City Council who will also be serving a four-year term.

January 21, 2025, 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 Johnson to approve the December 17, 2024, City Council Meeting minutes. Motion carried 3-0. Councilmember Cacioppo abstained because he was not present at the December meeting. Councilmember Patrick abstained because he was not a member of the Council in December 2024.

A motion was introduced by Councilmember Lindner, seconded by Councilmember Cacioppo to accept the January 14, 2025, Planning Commission Meeting minutes. Motion carried 5-0.

Special Presentations/Public Hearings

Dr. Gail Cederberg – Metropolitan Council Member, District 11

Dr. Gail Cederberg introduced herself to the Council and those in attendance and updated everyone on what the Metropolitan (Met) Council has been working on. The Met Council is made up of 7 counties, 16 Met Council Districts, 182 Cities and Townships, 11 federally recognized Tribal Nations and many other Indigenous communities. There are just over 3.2 million people as of 2023 with a projected growth of 610,000 more people by 2050. Ms. Cederberg shared that her committee assignments are the environmental committee and management committee. She is also a representative on the clean water council and clean water council policy committee. The Met Council is at the end of their planning for the 2050 Regional Planning Vision which is a prosperous, equitable, and resilient region with abundant opportunities for all to live, work, play and thrive. Gem Lake is classified as Suburban, with a minimum density goal for new development of 7 units of housing per acre in the 2050 plan. There are no changes to Gem Lake's 2040 MUSA (Metropolitan Urban Service Area). While the Council had no questions for Ms. Cederberg at the time, Mayor Artig-Swomley shared that there may be some items in the near future that the City will reach out to her about.

Consent Agenda

Resolution #2025-001 2025 Gem Lake Appointments List

Resolution #2025-002 January 2025 Donation to White Bear Lake Area Food Shelf

Monthly Financial Report(s)

Claims

The monthly financial report(s) were not included as stated on the consent agenda list. No action will be taken on that line item. All other 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, seconded by Councilmember Cacioppo. Motion carried 5-0.

Committee Reports

Commission Chair Don Cummings shared with the Council that an application for a home occupation went through the commission for review and a recommendation was made to the Council. Cummings shared that the commission will also begin reviewing Ordinance No. 131 to ensure the language in it is still clear and up to date. The commission wants to preserve characteristics of Gem Lake and make sure it is reflecting the comp plan. Mayor Artig-Swomley stated that she would like to make sure there is consistency is a big focus when reviewing it. She also wanted to share that two (2) applications have been received for the Planning Commission and she would like the Commission to review them at the February meeting and make a recommendation to the City Council.

Old Business

Newsletter Updates / Topics / Suggestions

Mayor Artig-Swomley stated that she would like to see a newsletter go out by March. Some topics for the next newsletter would include the presentation from the Met Council visit, cannabis ordinance, County Road E corridor project, the swearing in of Councilmembers, and possibly a story on stormwater.

White Bear Lake Public Safety Contract Discussion

Mayor Artig-Swomley met with the White Bear Lake Mayor and discussed the issue of being charged interest on the new Public Safety building. Mayor Artig-Swomley shared that she made the cities position known. City Treasurer Tom Kelly made sure to subtract the interest calculation from the depreciation line item on the bill. Mayor Artig-Swomley shared that she feels the City of White Bear Lake will not budge and that Gem Lake should pay what the City of White Bear has billed for interest, with the understanding that Gem Lake still feels this is not a reflection of the contract language, and to ask for a discount on the interest for 2025. By paying what is owed it will help to maintain the relationship between White Bear Lake and Gem Lake. City Treasurer Tom Kelly shared that based on the letter from the City of White Bear Lake Gem Lake should expect to start being charged for ambulance services that are not currently being billed separately in 2026.

Councilmember Lindner introduced a motion asking City Treasurer Tom Kelly to pay the amount owed to White Bear Lake and request a discount a 25% discount for the remaining owed, seconded by Councilmember Cacioppo. Motion carried 5-0.

Code Enforcement Issues Discussion

The City Clerk is in the process of trying to schedule a rental inspection for the property on Scheuneman Road, but it has been a challenge. City Attorney Kevin Beck asked the clerk to forward the emails to him so he can pursue it some more.

New Business

Special Home Occupation Request – 3907 Tessier Road

City Planner Evan Monson summarized the request for the special home occupation request through a memo to the council. The applicant is proposing to use their detached garage as part of a home occupation. The plans submitted by the applicant call for utilizing their existing detached garage as a home photo studio for a pet photography business; the applicant currently runs the business out of a commercial space in Minneapolis. The applicant states in their narrative that the driveway serving the detached garage can accommodate at least four cars, while the ‘main’ driveway on the property can accommodate five to six cars. Customers per day on-site vary; the applicant anticipates at most four customers on-site in a day and having an average of two on-site customers per week. Most sessions are scheduled for Saturdays between noon and 5pm, with occasional appointments after 5pm. The subject property is located at the intersection of Goose Lake Road/CSAH 14 and Tessier Road. The site slopes to the north/northwest, with trees and vegetation located throughout. The subject property includes a house with an attached garage and two

detached accessory structures (three-car garage and a shed). The detached garage has its own driveway. The development surrounding the subject property consists of single-family residences.

City Planner Evan Monson's memo explained to the Council that they have three (3) options they can take regarding the application, 1) approve of the request, with or without conditions, a draft resolution with the Planning Commission's findings and conditions was included in the meeting materials, 2) deny the request, with findings for denial, and 3) table the request for further review/study. The Planning Commission recommended approval of the requested Special Home Occupation for 3907 Tessier Road, with the following conditions: 1) the applicant's Home Occupation shall adhere to the requirements of Ordinance No. 134, 2) the applicant's Home Occupation shall adhere to other applicable local, State, and Federal requirements, and 3) the applicant shall pay all fees and escrows associated with this request. Council discussed the request and reviewed the recommended conditions and agreed with the Planning Commission's recommendation of approving the request.

Resolution #2025-003 – Approval of Special Home Occupation License

Councilmember Lindner introduced a motion to approve the special home occupation request based on the conditions suggested, seconded by Councilmember Cacioppo. Motion carried 5-0.

Office of Cannabis Management

The Office of Cannabis Management released draft regulation on January 13, 2025, and it is in the process of a 30-day comment period. Along with this, the state created a sample ordinance for cities to adopt. Cities have limited powers to regulate cannabis sales within their boundaries. These powers include where the business can operate, hours of operations, whether the city requires the cannabis business to register, etc. Also, cities can and should conduct annual stings of the business to check for age compliance. A license is issued from the state of Minnesota.

Ordinance on Cannabis & CBD Sales & Distribution

The sample ordinance was presented to the council with some questions from the City Planner for discussion on the sample ordinance. The council discussed what could be regulated by the city and decided that hours of operation allowed would be 10:00 a.m. – 9:00 p.m., each day of the week. One license will be allowed in the city of Gem Lake. An initial fee of \$500.00 will be charged for registration with the city.

Councilmember Lindner introduced a motion to approve the sample ordinance with the city's agreed upon changes to what can be regulated, seconded by Councilmember Cacioppo. Motion carried 5-0.

Tobacco and Edible Cannabinoid Products License

The Smoke Den is in the process of selling their business to an interested party. Licenses are not transferable so the company taking over has applied for their licenses with the city. The licenses being approved will not take effect until the Smoke Den vacates.

Resolution #2025-004 Puff N Stuff Dispensary Tobacco License 2025

Councilmember Lindner introduced a motion to approve the tobacco license, seconded by Councilmember Cacioppo. Motion carried 5-0.

Resolution #2025-005 Puff N Stuff Dispensary Edible Cannabinoid Products License 2025

Councilmember Lindner introduced a motion to approve the edible cannabinoid license registration contingent on the other company vacating, seconded by Councilmember Cacioppo. Motion carried 5-0.

MPCA Recent Well Testing

During the MPCA's recent set of well testing's, the chemical Per- and Polyfluoroalkyl Substances (PFAS) was also tested for on top of the 1,4 dioxane. The MPCA had no reason to believe there would be any PFAS contamination, but test results showed otherwise. The city was not told about the recent tests that took place, and it was brought to the City Clerks attention by some residents that received a letter from the MPCA regarding their test results. Acting City Clerk Melissa Lawrence reached out to the MPCA to ask about the current testing and to invite them to a meeting at Heritage Hall to go over their findings.

Representatives from the MPCA will be present at the March City Council meeting to go over recent test results and findings.

Vadnais Heights Public Hearing for PUD at 0 Labore Road (PID #283022430031)

The City of Vadnais Heights received an application for a Planned Unit Development (PUD) at the property located north of City Center Drive and west of Labore Road (PID #283022430031). As required by City Code, the applicant must hold an informational open house. The open house will be held on Wednesday, January 22 at the Vadnais Heights City Hall from 5:30 p.m. – 7:00 p.m. Vadnais Heights Planning Commission will review the Concept PUD on January 28, followed by the Vadnais Heights City Council on February 4. Both meetings will take place at 7:00 p.m. at Vadnais Heights City Hall, 800 East County Road E. Mayor Artig-Swomley and Councilmember Cacioppo both plan to attend the open house.

Cintas AED Program

The AED machine that currently sits at Heritage Hall is outdated. In December White Bear Township reached out about joining the Cintas AED Program. This program would include a new machine and a monthly service agreement with Cintas. The machines being offered are the Zoll 3 and Zoll Plus. The Zoll 3 defibrillator was developed based on extensive usability testing with hundreds of trained and untrained users. It was clear from the studies that users wanted three basic things: an AED that gives better support for rescuers by being easy to use, easy to own and easy to maintain. The Zoll Plus is equipped with one-of-a-kind Real CPR Help technology. Easy-to-follow instructions inform the user on how to attach pads to the patient. A sensor in the pads “sees” each chest compression and communicates it to the AED. The unique CPR feedback tool provides real-time feedback for depth and rate of chest compressions. Audio and visual prompts help you to respond with confidence.

The Zoll 3 will cost \$130.50 and the Zoll plus will cost \$112.50 monthly. Both come with a trade-in rebate for the old unit. Overall, the Zoll 3 is the better option. Councilmember Cacioppo introduced a motion to approve the Cintas AED Program and Zoll 3 unit, seconded by Councilmember Lindner. Motion carried 5-0.

2025 Elected Leaders Institute

The League of Minnesota Cities is hosting the 2025 Elected Leaders Institute. With the newly appointed councilmember, Mayor Artig-Swomley felt it would be a good idea to send Councilmember Patrick to some training. The training will take place in Plymouth, February 21-22. Councilmember Patrick is available to attend the training. The fee to attend the training is \$350.00. There is also training available for elected leaders with more than two (2) years of experience. None of the Councilmembers were interested in the training at this time. Councilmember Lindner introduced a motion to sign Councilmember Patrick up for training, seconded by Councilmember Cacioppo. Motion carried 5-0.

MCFOA Conference Clerk Training

Acting City Clerk Melissa Lawrence was presented with an opportunity to attend training through the Municipal Clerks and Finance Officers Association of Minnesota (MCFOA). The 2025 annual conference will be held March 19-21 in Brooklyn Center. This training will take place of the training the clerk was supposed to attend in February. The fee to attend the training is \$325.00. Councilmember Lindner introduced a motion for Acting City Clerk Melissa Lawrence to attend training in March, seconded by Councilmember Cacioppo. Motion carried 5-0.

Spring Window Cleaning Quote

Acting City Clerk Melissa Lawrence received a quote from Squeegee Magic for spring window cleaning. By scheduling now, the rates the city was given in 2024 are locked in for spring 2025. The quote is for single pane in/out for \$322.20 and then some interior glass for \$56.03 totaling \$378.23. Councilmember Lindner introduced a motion to approve the spring window cleaning quote, 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 February \$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

Councilmember Johnson shared with the Council that although he was unable to attend there was a great turnout at the most recent corridor meeting of about 40-50 residents and business owners. There is an online survey that will be released soon and can be shared on the city's Facebook page.

Presentation from the Public, 2 Minutes Maximum

Some business owners in the public had additional questions on the cannabis regulations to which the Council answered to the best of their ability.

Open Items for Council Members to Bring Up

Mayor Artig-Swomley shared that there has been some interest in the NOAA radios that the city will be ordering. Final call this round is January 31. Councilmember Lindner volunteered to attend the Homeland Security training available. Mayor Artig-Swomley also shared that the Acting City Clerk will be taking vacation in June and someone will need to come and cover for the Planning Commission meeting and take minutes.

Future Council Meetings

City Council, Tuesday, February 18, 2025. City Council Workshop, Monday, February 10, 2025, is CANCELED.

Attendance Inquiry

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

Adjournment

Being there no further business, following a motion from Councilmember Lindner, seconded by Councilmember Johnson, the meeting adjourned at 8:35 p.m.

Respectfully submitted, Melissa Lawrence