

**MINUTES OF THE  
WHITE BEAR LAKE CHARTER COMMISSION  
SEPTEMBER 9, 2020**

**1. CALL TO ORDER AND ROLL CALL**

In accordance with published notice, a meeting of the White Bear Lake Charter Commission was called to order by Chairman Tim Geck at 7:00 p.m. under MN Statute Section 13D.021, in which the City Charter Commission will be conducting its meetings during this emergency by electronic means until further notice.

The Chair announced this meeting would serve the purpose of the annual meeting requirement set forth in State Statute and Commission By-Laws. At roll call the following members were present: Marc Aune, James Patrick Barone, James Berry, Scott Bill, Scott Costello, Tim Geck, Robert Hafdahl, Karen Hogen, Mark Sather, and Ray Smith. Dan Louismet joined the meeting at 7:08 and Dale Grambush was excused. A quorum was declared.

Also present was City Manager Ellen Hiniker.

**2. APPROVAL OF THE MINUTES**

It was moved by Member **Aune**, seconded by Member **Bill**, to approve the minutes of the meeting held November 13, 2019 as presented.

The motion carried unanimously.

**3. APPROVAL OF THE AGENDA**

It was moved by Member **Costello**, seconded by Member **Hafdahl** to approve the agenda as presented.

The motion carried unanimously.

**4. OLD BUSINESS**

**A. Administrative Offense Ordinance Charter Provision**

City Manager Hiniker reported that as recommended by the Charter Commission, at its January 14, 2020 meeting, the City Council unanimously adopted Ordinance No. 20-1-2042 amending Section 8.05 and adding Section 8.11 of the City Charter authorizing the establishment of administrative offense procedures and the collection of penalties for violation thereof. Following the 90 day remonstrance period set forth by Minnesota Statutes, the ordinance and charter amendment became effective April 22, 2021

## 5. NEW BUSINESS

### A. Election of Offices

The Chair explained that according to Charter Commission By-Laws the term of offices will expire at the conclusion of the annual meeting. The Chair called for nomination of offices.

It was moved by Member **Barone**, seconded by Member **Costello** to nominate Member Geck for the position of Chair, Member Aune for the position of Vice Chair and Member Sather for the position of Secretary.

The Chair called for additional nominations and hearing none he declared the nominations closed.

The motion carried unanimously.

### B. Review of Charter section 4.13 pertaining to election of the Council Chair

Chair Geck called the Commission's attention to a memorandum from City Manager Hiniker dated January 31, 2020 forwarding a request of the City Council that the Commission review Section 4.13 of the charter as it pertains to election and the term of the Council Chair. Some members of the Council suggested merit in conducting the Chair elections at the first meeting of odd numbered years, which would generally provide that Council members would have served for at least one year prior to being required to cast a vote for the Chair position.

The Charter currently provides that the election for Mayor and two City Council members to four-year terms be conducted in an odd numbered year and the election of the three other City Council members conducted two years following. In her memorandum the City Manager explains that staff review of this proposed change led to discovery of a technical err in the text of the charter that was created in the course of a pervious amendment changing the terms of the elected offices from three years to four years and from annual elections to biannual elections in odd numbered years.

Member Sather shared background related to the 1990 Charter amendment, which modified the Council election cycle. As is now the practice, he recalls that it was the intent of the Commission that the Council Chair be elected every other year in January following municipal elections. He agreed that clarification on language defining the frequency of Council Chair elections is needed.

Member Sather also stated he did not believe there is a strong enough argument to provide all Council members at least one-year experience before voting on the election of the Council Chair sufficient to justify moving the election to odd-numbered years. Rather, he offered, it is worth considering the benefit of maintaining the current practice of electing a Council Chair in January following a

municipal election. If through an election, voters express a desire for change in Council direction and/or leadership through the removal of incumbent(s), it may be appropriate to allow for election of a new Council Chair in January following such an election.

Member Aune observed that if election of the Chair were moved to odd-numbered years, the newly selected Chair might be up for re-election the upcoming fall and there is no guarantee they would be re-elected.

It was moved by Member Barone, seconded by Member Berry, that staff prepare alternative language proposals for consideration by the Charter Commission, including language that would clarify the frequency of Council Chair elections.

The motion carried unanimously.

## 6. OPEN DISCUSSION

There was no further discussion.

## 7. ADJOURNMENT

There being no further business to come before the Commission, it was moved by Member **Louismet**, seconded by Member **Costello**, to adjourn the meeting at 8:05 p.m.

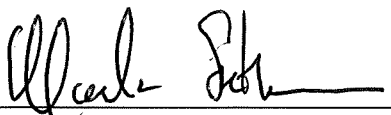
The motion carried unanimously.



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Tim Geck, Chair

ATTEST:



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Mark Sather, Secretary