

**MINUTES OF THE
WHITE BEAR LAKE CHARTER COMMISSION
SEPTEMBER 11, 2019**

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. in the second floor conference room at City Hall. The Chair announced this meeting would serve the purpose of the annual meeting requirement set forth in State Statute. The following members were present: Marc Aune, James Patrick Barone, James Berry, Scott Bill, Scott Costello, Tim Geck, Dale Grambush, Robert Hafdahl, Dan Louismet, Mark Sather, and Ray Smith. A quorum was declared.

Also present was City Manager, Ellen Hiniker.

The Chair introduced Karen Hogen as a recently appointed member of the Commission and asked each member of the Commission to introduce themselves.

2. APPROVAL OF THE MINUTES

It was moved by Member **Barone**, seconded by Member **Aune**, to approve the minutes of the meeting held September 12, 2018 as presented.

The motion carried unanimously.

3. APPROVAL OF THE AGENDA

It was moved by Member **Louismet**, seconded by Member **Smith** to approve the agenda as presented with the addition of item 5B – Proposed Charter Amendment to Allow Assessment of Administrative Fines.

The motion carried unanimously.

4. OLD BUSINESS

A. Updated edition of the City Charter – printed edition

The Secretary reported that as called for by the Commission, the City Clerk had codified all charter amendments since the last printing of the charter until December 31, 2018, and referred to copies which had been sent with the agenda and meeting notice, on file in the City Clerk's Office and available at City Hall and the WBL Library. The updated edition was accepted and the City Clerk was thanked for her assistance.

5. NEW BUSINESS

A. Election of Offices

The Chair explained that according to the 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** to nominate current Chair Tim Geck for a one-year term to the position of Chair. There were no further nominations after three calls.

It was moved by Member **Louismet** to nominate Dale Grambush for the position of Vice Chair.

It was moved by Member **Smith** to nominate Raymond Smith for the position of Vice Chair. There were no further nominations.

Member Grambush asked to have his name removed from nomination.

It was moved by Member **Hafdahl** to nominate Mark Sather for the position of Secretary. There were no further nominations.

The Chair called for a vote. It was moved by Member **Barone**, seconded by Member **Hafdahl** to elect all three officer nominees.

The motion carried unanimously.

B. Proposed Charter Amendment Allowing Assessment of Municipal Code Violations Fine Against Subject Property

Chair Geck referred to a memorandum dated August 21, 2019, proposing a City Charter amendment to allow special assessment of unpaid administrative fines against subject property and called upon the City Manager to further explain the proposal.

City Manager Hiniker presented an explanation of events leading to the administrative offense procedure, which provides that lower level municipal code violations may be enforced by issuing an administrative citation rather than citation heard in District Court. This less formal procedure allows alleged violators to correct conditions in response to the complaint or offer an explanation or objection to an independent third party Hearing Officer appointed by the City Council.

She further explained that almost 99% of individuals so charged take action to resolve the alleged or apparent violation. The remaining one to two percent ignore the violation/citation and enforcement staff is then allowed to pass the alleged violation/citation to District Court. This is an expensive option, which is not often

enforced by District Court Judges. The proposed amendment will allow the City Council, following findings by the hearing officer to levy unpaid violation fines against the subject property.

There was considerable discussion by members of the Commission. In response to concerns expressed regarding due process, it was explained that an individual receiving an administrative citation may pled guilty, pay the established fine and correct or cease the violation. If the individual so charged disputes the citation, an appeal to the independent Hearing Officer may be initiated. If the alleged violator takes no corrective action, the enforcement may be elevated to District Court and heard by a District Judge.

Member Barone asked whether others cities in Minnesota with home rule charters had similar provisions. City Manager Hiniker responded that some had administrative offense procedures and she was aware of at least one that provided for assessment of unpaid fines.

Member Hogen expressed concern that such a procedure may result in an equity disparity whereby individuals with limited means of compliance may be more likely to have fines assessed against their property. Member Barone and Member Geck responded that the administrative offense procedure was less costly and provided as much, if not more, opportunity for the alleged violator to be heard through the alternative - District Court.

Member Grambush raised concern that in cases of rental property the tenant could be the cause of the violation yet the fine would be assessed to the owner who may not be able influence the tenant's behavior. He also stressed the importance of separation of authority between enforcement staff and the individual levying fines for violations. He suggested the possibility of establishment of a panel to hear cases and perhaps serve as a mediator.

Following further discussion it was moved by Member Hafdahl, seconded by Member Smith to continue this proposal to November 13, 2019, and request that city staff provide examples of violations which may be subject to the proposed charge and charter language from other Minnesota cities which have similar provisions as proposed.

The motion carried unanimously.

6. OPEN DISCUSSION

Chair Geck noted that three vacancies exist on the Charter Commission. City Manager Hiniker explained that efforts, including a news release and posting on the city's website had been made to recruit interested citizens. The Chair suggested that current members should reach out to prospective members and encourage them to apply.

7. ADJOURNMENT


There being no further business to come before the Commission, it was moved by Member **Smith**, seconded by Member **Aune**, to adjourn the meeting at 8:22 p.m.

The motion carried unanimously.



Tim Geck, Chair

ATTEST:



Mark Sather, Secretary