

MEETING NOTICE AND AGENDA

White Bear Lake Charter Commission
Wednesday, January 12, 2022
7:00 p.m.
Council Chambers of City Hall
4701 Highway 61
White Bear Lake, MN 55110

1. Call to Order and Roll Call
2. Approval of minutes of meeting held on November 10, 2021
3. Approval of Agenda
4. Old Business
 - A. Consideration of Charter Amendment proposed Resolution No. 22-1
 - B. Redistricting
 - 1) Municipal Redistricting Roles and Responsibilities
<https://ossmedia.sos.state.mn.us/redistricting/municipal-redistricting/index.html#/>
 - 2) Ward Maps with current populations
5. New Business
6. Open Discussion
7. Adjournment

NOTE: Please contact city clerk, Kara Coustry, if you **cannot attend, 651-429-8508 or clerk@whitebearlake.org**

**MINUTES OF THE
WHITE BEAR LAKE CHARTER COMMISSION
NOVEMBER 10, 2021**

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 White Bear Lake City Hall Council Chambers.

At roll call the following members were present: Mike Amundsen, Marc Aune, Scott Bill, Heidi Schmidt Boyd, Scott Costello, Tim Geck, Dale Grambush, Dillon Lang, Dan Louismet and Mark Sather. James Patrick Barone, Robert Hafdahl and Jim Berry were excused. A quorum was declared.

Staff present was Assistant City Manager Rick Juba. Mayor Emerson was in attendance at the beginning of the meeting to thank members of the commission for their work on behalf of the City.

2. APPROVAL OF THE MINUTES

It was moved by Member **Lang**, seconded by Member **Louismet**, to approve the minutes of the meeting held September 8, 2021 with a spelling correction to line 3, paragraph 3 of page 2.

The motion carried unanimously.

3. APPROVAL OF THE AGENDA

It was moved by Member **Grambush**, seconded by Member **Bill** to approve the agenda as presented.

The motion carried unanimously.

4. OLD BUSINESS

- A. Review of Charter Section 4.13 pertaining to election of the Council Chair and correction of references in the Charter to “annual” municipal elections

Chair Geck summarized the Commission’s action on the topic at its last two meetings held September 9, 2020 and September 8, 2021. He also called attention to a memorandum from the City Manager forwarding the request of the City Council for consideration of a Charter amendment setting the term and election date of the City Council Chair, a draft resolution amending the election date and a memorandum from the League of Minnesota Cities to member Sather dated November 1, 2021, reporting information regarding the election date and terms of City Council Chair (or similar positions) in select Minnesota home rule cities.

Chair Geck also reported on a conversation with City Council member Dan Jones who initiated the requested amendment. He stated the Council's request was twofold; correct the Charter reference to "annual" City Council elections to "biennial" and changing the election date of the Chair to the first meeting of January of odd numbered years rather than the first meeting of January following a municipal election. Councilmember Jones' opinion was the amended reference to annual elections was a technical correction of obvious need, however, the change in the election date was mostly based on his opinion that holding the election at a time when all Councilmembers had served at least one year was preferable to the potential of having two newly elected Councilmembers selecting the Council Chair at their first meeting. Chair Geck stated he did not think Councilmember Jones felt strongly invested in the change of election date.

Member Sather summarized his report on the term and election dates of City Council Chairs, Vice Mayors, President Pro Tempore, and other positions selected by City Councils to serve in the absence of the Mayor in selected home rule charter Minnesota cities. He also referenced Minnesota statutes, section 412.121 pertaining to non-home rule charter cities which calls for election of an Acting Mayor at the first Council meeting of each year which is the only statutory reference he found.

There was considerable discussion of the merits of holding the Council Chair election at the first meeting following an election versus one year later as well as on the possible value of a one year term for the position as called for in M.S. 412.121. There was also an observation that the current practice seems to have served the City well and the need to correct the reference to "annual elections" in various sections of the Charter further amendments may not be warranted.

It was moved by Member Louismet, seconded by Member Amundsen to appoint a committee of Scott Costello, Marc Aune and Mark Sather to further review the Charter for references to annual elections and prepare an amendment resolution for the Commission's consideration at a meeting to be set for January 12, 2022.

The motion carried unanimously.

It was moved by Member Louismet, seconded by Member Aune to ask the City Attorney whether the City may be bound by M.S. 412.121.

The motion carried unanimously.

Chair Geck sought and received consent to schedule a meeting on January 12, 2022 at 7:00 p.m. in White Bear Lake City Hall.

Chair Geck recognized Heidi Schmidt Boyd and welcomed her to the Commission.

B. Redistricting

There was discussion of the status of redistricting plans being prepared by the state and county. It was acknowledged that the Charter Commission, acting as the Redistricting Commission, could not begin its work following the 2020 federal census until the state and the county plans are approved. Ward specific population totals are being calculated.

5. NEW BUSINESS

Nothing scheduled

6. OPEN DISCUSSION

Nothing scheduled

7. ADJOURNMENT

There being no further business to come before the Commission, it was moved by Member **Aune**, seconded by Member **Costello**, to adjourn the meeting at 8:42 p.m.

The motion carried unanimously.

Tim Geck, Chair

ATTEST:

Mark Sather, Secretary

**CHARTER COMMISSION
RESOLUTION NO. 22-1**

**A RESOLUTION OF THE WHITE BEAR LAKE CHARTER COMMISSION
PROPOSING AN AMENDMENT OF SECTIONS
2.02, 4.04, 4.12, 4.13, 4.14, 4.17 AND 4.26 OF THE CITY CHARTER**

WHEREAS, in 1990, City Charter Section 2.02 Municipal Elections was amended to reflect a decision that municipal elections be held in odd years, opposed to annually; and

WHEREAS, during review of the City Charter document, it was discovered that several other Sections still refer to municipal elections as being conducted annually; and

WHEREAS, during said review certain dispensable gender-specific terms were found which may be deleted without a material change in meaning; and

WHEREAS, during said review certain specific references to state statutes were found and considered prone to cause confusion in the event of state statute amendments but for which a general reference may be made without change in context.

NOW, THEREFORE, BE IT RESOLVED by the Charter Commission of the City of White Bear Lake that the following amendments of the City Charter are hereby proposed to the City Council for enactment pursuant to Minnesota Statutes Section 410.12, Subd. 7.

Sect. 2.02. Municipal Elections. The Uniform Municipal Election Day Law, ~~205.07 (2010)~~, set forth in Minnesota Statutes, is hereby adopted by reference and made a part of the City Charter of the City of White Bear Lake. The Uniform Municipal Election Day shall be the first Tuesday after the first Monday in November in odd numbered years. Officials elected on that date shall take office on the first business Monday of January succeeding the election for the term which is provided by law. In the event that more than two individuals file for the position of Mayor or City Council for the same ward, a primary election shall be held on the second Tuesday of August of the year the election is scheduled. (Revised by Ord. 90-09-820, 9/25/90; 12-11-1082A, 2/25/13)

Pursuant to Ordinance No. 90-09-820, the Offices of Mayor and City Council members for Ward 2 and 4 shall be held in November, 1993 and every four (4) years thereafter and the individual elected to said offices shall assume office the

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following January , as provided by this Charter or State Law, for a term of four years. The election for the offices of City Council members for Wards 1, 3 and 5 shall be held in November, 1995 and every four years thereafter and the individuals elected shall assume office as provided above for a term of four (4) years.

Sect. 4.04. Mayor -- Vacancy of Office. When the office of Mayor becomes vacant, the Council shall appoint, by majority vote, a qualified person as Mayor if the remaining term of office is less than six (6) months. Notice of the vacancy shall be published by the City Clerk in the official newspaper one week prior to the meeting for the appointment. The appointed Mayor shall exercise all the powers and perform all the duties of Mayor until a Mayor is elected at the next ~~annual~~ municipal General election. The office of Mayoral vacancy shall be filled by a special election when the remaining term of office is six (6) months or greater. The City Clerk shall, within fifteen (15) days of the vacancy, give legal notice in the official newspaper of the vacancy with dates for filing and the date(s) of the special election(s). The period for filing for the vacancy shall be ten (10) calendar days from (including) the date of the legal notice. The special election shall occur within fifteen (15) to twenty (20) days after the close of filing. If more than two (2) candidates have filed for the vacancy, the first election date shall be considered the primary election with general election date occurring fourteen (14) days later. When two (2) or fewer candidates have filed for the vacancy, the general election shall occur on the first election date. (Ref. Ord. 898, 8/24/93)

Sect. 4.12. Council -- Meetings and Procedures. The Council shall make its rules of procedure and shall be the judge of the qualifications and election of its members and of the grounds for forfeiture of their offices, and for this purpose shall have the power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in the official newspaper at least one week in advance of the hearing. Decisions made by the Council under this section shall be subject to review by the courts.

Council vacancies shall be filled by appointment when the remaining term of office is less than six (6) months. The appointment shall be by majority vote of the Council. Notice of the vacancy shall be published by the City Clerk in the official newspaper one week prior to the meeting for

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the appointment.

Council vacancies shall be filled by special election when the remaining term of office is six (6) months or greater. The City Clerk shall, within fifteen (15) days of the vacancy, give legal notice in the official newspaper of the vacancy, with dates for filing and the date(s) of the special election(s). The period for filing for the vacancy shall be ten (10) calendar days from (including) the date of the legal notice. The special election shall occur within fifteen (15) to twenty (20) days after the close of filing. If more than two (2) candidates have filed for the vacancy, the first election date shall be considered the primary election with general election date occurring fourteen (14) days later. When two (2) or fewer candidates have filed for the vacancy, the general election shall occur on the first election date.

The Council at its first regular meeting in January following the ~~annual~~ municipal general election shall set the day of its regular ~~monthly~~ meetings for the year. Special meetings may be called by the Mayor or by the Chair of the Council at any time. Reasonable public notice shall be given for all special Council meetings through the media. (Ref. Ord. 898, 8/24/93)

Three (3) members shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time. The Council shall have the power to compel the attendance of its members at regular and special meetings. The absence of a member from three (3) consecutive regular meetings shall be deemed as sufficient cause for removal from office.

Sect. 4.13. Chair of the Council -- Acting Mayor. At the first regular meeting of the Council in January following the ~~annual~~ municipal general election, the Council shall elect one of its members as Chair of the Council. The Chair of the Council shall appoint all committees of the Council. The Chair shall preside over the meetings of the Council only in the absence of the Mayor and shall maintain the right and authority to vote on all motions, resolutions and ordinances considered by City Council. (Rev. by Ord. 90-09-819, 9/25/90; Ord. 16-12-2021, 12/13/16)

The Chair shall, under the title of Acting Mayor, assume, exercise, and perform all the powers and duties of the Mayor during the Mayor's temporary absence or disability, and the acts of such Chair, as Acting Mayor, shall have the same force and validity as though performed by the Mayor except

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the Acting Mayor shall not have veto authority on any action on which the Acting Mayor has voted which continues to be the prerogative of the Mayor. (Rev. by Ord. No. 90-09-819, 9/25/90; Ord. 16-12-2021, 12/13/16)

Sect. 4.14. Ordinances and Resolutions. All legislation shall be by ordinance, except as otherwise provided in this Charter. Every proposed ordinance shall be submitted in writing and a full reading or summary thereof shall be made at the meeting at which it is introduced. A copy of every proposed ordinance shall be made available to each Councilmember and there shall be on file a reasonable number of copies in the office of the City Clerk, City Hall, and the local Public Library, for public inspections. Notice that such ordinance is to be considered shall be published in the official newspaper prior to its adoption. Such notice need only include the title of the ordinance. No ordinance, except an emergency ordinance, shall be passed at the meeting at which it is introduced.

All other Council action shall be by resolution or motion. Every proposed resolution shall be submitted in writing and a full reading or a summary thereof shall be made at the meeting at which it is introduced. A copy of every resolution shall be made available to each Councilmember and a copy shall be posted at the City Hall.

An affirmative vote of a majority of all members of the Council shall be required for the passage of all ordinances, motions and resolutions, except as otherwise provided in this Charter. Every vote thereon shall be by ayes and nays, which shall be duly recorded.

Any ordinance or resolution passed by the Council shall within five (5) days be presented to the Mayor for approval. The Mayor shall approve and sign such measure or veto and return it with objections to the City Clerk within ten (10) days after receiving the same. Should the Mayor fail to return said measure to the City Clerk within ten (10) days of the date of receiving same, it shall become effective as though signed by the Mayor.

Any ordinance or resolution vetoed by the Mayor may be reconsidered by the Council, but only at its next regular meeting that takes place more than seven (7) days after the measure is vetoed and returned. If after such reconsideration it shall be passed by a four-fifths vote of all the members, it shall become as effective as though signed by the Mayor. (Rev. Ord. 16-08-2016, 8/26/16)

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Every ordinance or resolution passed by the Council shall, before taking effect (except as herein provided), be signed by the Mayor and attested to by the City Clerk, who shall endorse thereon the date of its passage.

Except for emergency ordinances as hereinafter defined, no ordinance shall become effective until after one publication in the official city newspaper. An affidavit of such publication shall be made by the ~~foreman~~ or publisher of the newspaper, which affidavit shall be filed in the office of the City Clerk.

Every ordinance or resolution shall after enactment be fully recorded by the City Clerk in a book kept for that purpose, which book shall constitute a public record.

Sect. 4.17. Ordinances -- Codification. Notwithstanding the provisions of Sections 4.14 and 4.16, the Council may codify the ordinances of the City, and enact such code of Ordinances as a single comprehensive ordinance, repealing and replacing all prior ordinances (except as may be specifically retained by particular reference in the Code). Such Code, when duly enacted by the Council in accordance with the provisions of this Charter, need not be published in the official newspaper of the City, but shall be effective at whatever date the Code may prescribe, provided that: (1) notice of adoption of said Code shall have been published for at least one week in the official newspaper of the City, which publication shall be proved by the affidavit of the ~~foreman~~ or publisher of such paper, and (2) copies of said Code shall have been available at the City offices for distribution to the public at a reasonable price for at least one week prior to said effective date, which fact shall be proved by affidavit of the City Clerk on file with the Code in the office of the City Clerk.

After the adoption of a Code of Ordinances, subsequent ordinances may be incorporated into the Code from time to time at the direction of the Council without any further publication of said ordinances. In so doing the form of said ordinances may be changed to conform to the form of the Code, but no change in the substantive meaning of any ordinance shall be made upon its incorporation into the Code.

Sect. 4.26. Official Publications. The Council shall at its first regular meeting in the January ~~following the annual municipal election,~~ or as soon thereafter as practicable, designate, in accordance with Minnesota Statutes, the official newspaper of the City for publication

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of all notices required by this Charter. In all other cases, the City Council may designate the manner of publication of notices. (Ref. Ord. 898, 8/24/93)

Sect. 5.16. Equipment -- Certificates. The City Council may by four-fifths vote finance the purchase of the fire, police, ambulance, street construction and street maintenance equipment, through the use of certificates of indebtedness as provided for in Minnesota Statutes Section ~~412.301~~.

The foregoing resolution, offered by Commission member ____ and supported by Commission member _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

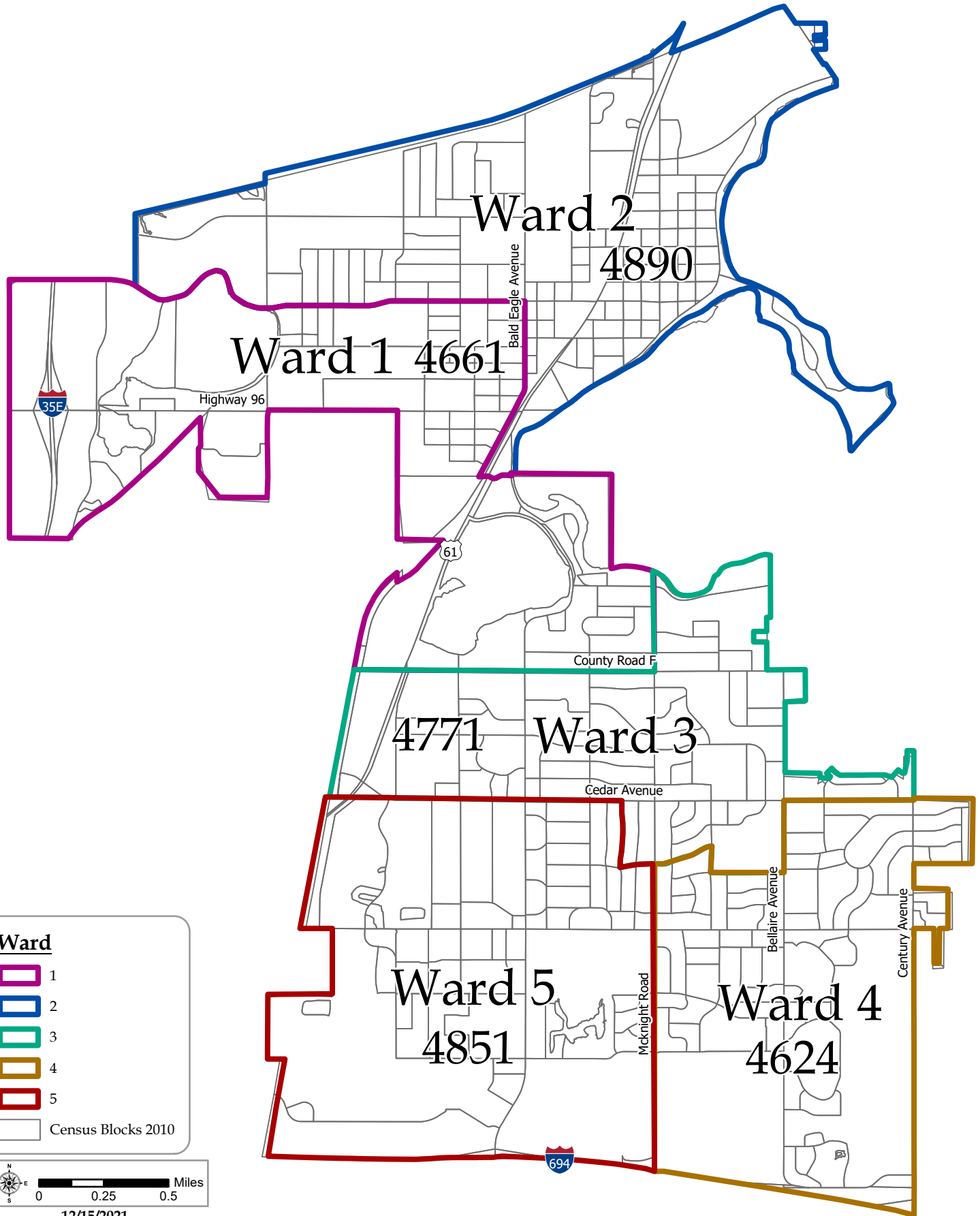
Tim Geck, Chair

ATTEST:

Mark Sather, Secretary

City of White Bear Lake

2010 Ward Populations

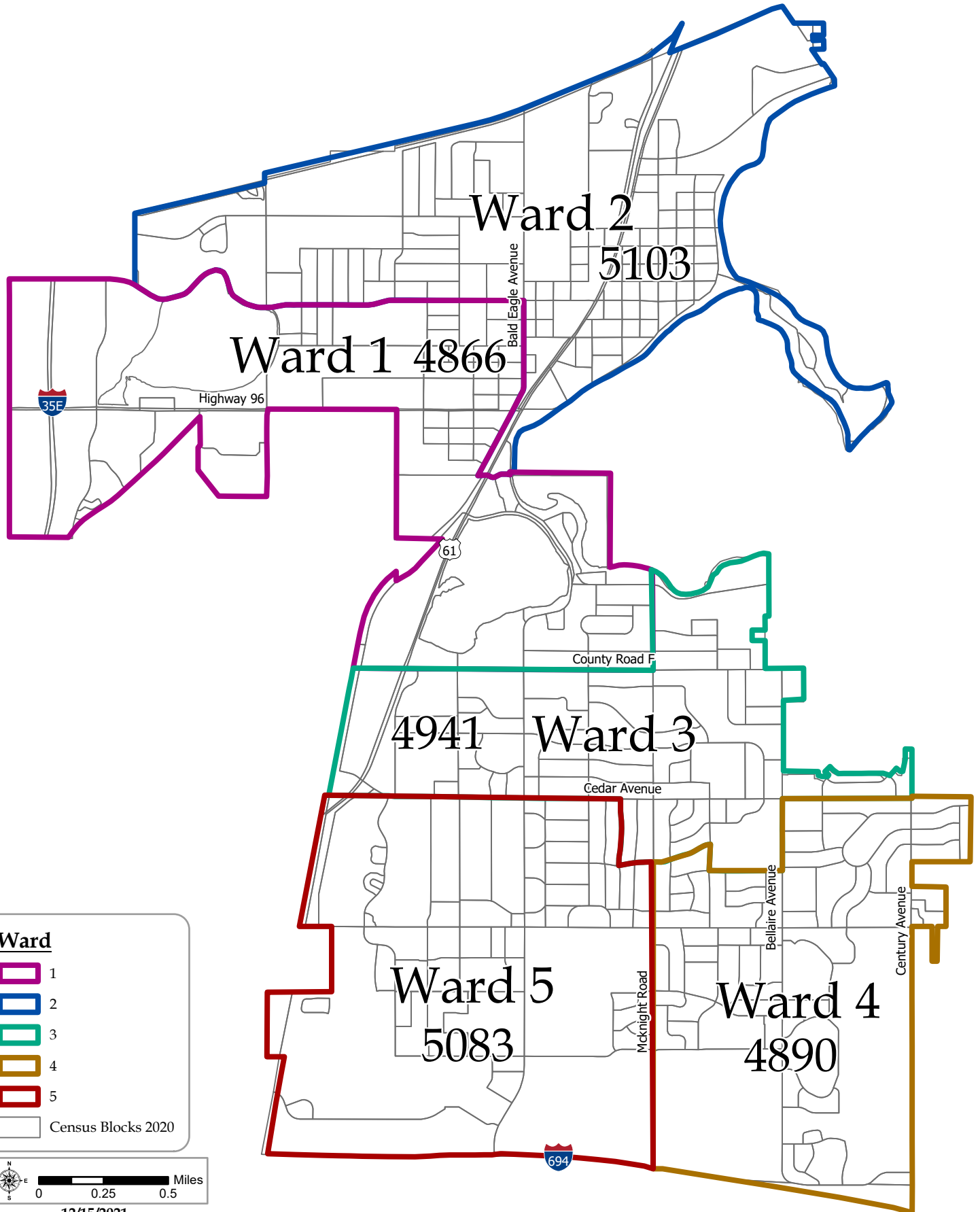


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City of White Bear Lake

2020 Ward Populations



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