



**AGENDA
CHARTER COMMISSION
THE CITY OF WHITE BEAR LAKE, MINNESOTA
WEDNESDAY, SEPTEMBER 14, 2022
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF MINUTES

- A. Minutes of the Charter Commission Meeting on January 12, 2022
- B. Minutes of the Charter Commission Meeting on March 7, 2022

3. ADOPT THE AGENDA

4. UNFINISHED BUSINESS

- A. Wrap-up of Redistricting Action

5. NEW BUSINESS

- A. Introductions/Welcome New Members
- B. Election of Officers

6. DISCUSSION

- A. 2022 Proposed Charter Amendments

7. ADJOURNMENT

**MINUTES OF THE
WHITE BEAR LAKE CHARTER COMMISSION
JANUARY 12, 2022**

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 Vice Chairman Aune 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, Jim Berry, Heidi Schmidt Boyd, Scott Costello, Dale Grambush, Dillon Lang, Darryl LeMire and Mark Sather. James Patrick Barone, Scott Bill and Tim Geck were excused. A quorum was declared.

Newly appointed member Darryl LeMire was introduced and welcomed to the Commission.

Staff present included City Manager Lindy Crawford and Assistant City Manager Rick Juba.

2. APPROVAL OF THE MINUTES

It was moved by Member **Costello**, seconded by Member **Amundsen**, to approve the minutes of the meeting held November 10, 2021 with a correction to the header noting the date of November 10, 2021.

The motion carried unanimously.

3. APPROVAL OF THE AGENDA

It was moved by Member **Amundsen**, seconded by Member **Schmidt-Boyd** to approve the agenda as presented.

The motion carried unanimously.

4. OLD BUSINESS

A. Consideration of Charter Amendment proposed Resolution No. 22-1

At the request of Vice Chair Aune, Member Sather, on behalf of a special committee comprised of Members Aune, Costello and Sather, presented a proposed draft resolution entitled, "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". He then reviewed the task assigned to the committee and explained the rationale for the various amendments to the Charter recommended by the Committee. He noted that the proposed changes, while mostly grammatical, are substantive and intended to rephrase existing language adding clarity and confirming current practice. They also include deletion of superfluous gender specific terms and certain obsolete statutory references. He summarized the proposed amendments.

Member Costello offered an additional amendment to Section 4.12 deleting reference to an annual municipal election and monthly City Council meetings.

It was moved by **Member Sather**, seconded by **Member Amundsen** to approve the proposed resolution with the amendment offered by Member Costello.

During discussion of the motion it was the consensus of the Commission to further amend the draft by specifying Chapter 205 in the adoption by reference of the statutory Uniform Municipal Election Law and to delete a proposed change to Section 5.16 of the Charter.

Upon completion of discussion, Vice Chair Aune called for a vote on the motion to adopt Resolution No. 22-1 as amended. Upon roll call vote, the motion was approved unanimously.

Vice Chair Aune directed that the resolution be forwarded to the City Council.

It was moved by **Member Amundsen**, seconded by **Member LeMire**, to recess the Charter Commission meeting and convene the City's Redistricting Commission in accordance with Chapter III of the City Charter.

The motion carried unanimously.

A. Redistricting

1) Municipal Redistricting Roles and Responsibilities
<https://ossmedia.sos.state.mn.us/redistricting/municipal-redistricting/index.html#/>

2) Ward Maps with current populations

Acting as Chair of the Redistricting Commission, Member Aune called the Commission Member's attention to maps provided by City staff illustrating existing ward boundaries and the population of each ward based on 2010 and 2020 US Census estimates. It was observed that if the 2020 Ward population estimates were averaged, the total estimated population of each Ward varied less than 2.5 percent (+/-) from the average.

There was discussion of the need to defer proposed changes in Ward boundaries until legislative district boundaries are determined and as many as five different plans for legislative districts are currently awaiting judicial review and action. Members expressed the advantage of keeping the same municipal Ward boundaries to avoid voter confusion but also discussed the need to address Charter Section 3.03 (2) requirements that all districts shall contain, "as nearly as possible", the same number of residents. Member Sather explained he is awaiting responses from the MN Secretary of State's Office and the League of Minnesota Cities regarding whether there are legal rulings

establishing a precedent for that definition. It was the consensus of the Commission that the question should be presented to the City Attorney and that the Commission should await a decision of legislative district boundaries before further action.

It was moved by **Member Amundsen**, seconded by **Member Berry** to continue further discussion to a later date. The motion passed unanimously on a voice vote.

It was motioned by **Member Lang**, seconded by **Member Berry** to schedule the next meeting of the Redistricting Commission on March 2, 2022 at 7:00 p.m. The motion carried unanimously on a voice vote.

It was moved by **Member Amundsen**, seconded by **Member Aune** to adjourn the meeting of the Redistricting Commission and reconvene the Charter Commission. Upon a voice vote, the motion carried unanimously.

5. NEW BUSINESS

Nothing scheduled

6. OPEN DISCUSSION

Vice Chair Aune asked members to contact him, the Chair or the Secretary if they desired further information prior to the next meeting of the Redistricting Commission.

7. ADJOURNMENT

There being no further business to come before the Commission, it was moved by **Member Amundsen**, seconded by **Member Berry**, to adjourn the meeting at 8:55 p.m.

The motion carried unanimously.

Tim Geck, Chair

ATTEST:

Mark Sather, Secretary

**MINUTES OF THE
WHITE BEAR LAKE REDISTRICTING COMMISSION
MARCH 7, 2022**

1. CALL TO ORDER AND ROLL CALL

In accordance with published notice, a meeting of the White Bear Lake Redistricting Commission was called to order by Chairman Geck at 7:02 p.m. in White Bear Lake City Hall Council Chambers.

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

2. APPROVAL OF THE AGENDA

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

The motion carried unanimously.

3. REDISTRICTING PRESENTATION

Chair Geck first read aloud a letter dated February 22, 2022, from the Redistricting Commission which provided background and formally presented the Tentative Redistricting Plan map and written description to the City Clerk. He covered key points related to the redistricting process, displayed a map of the proposed changes to wards and for informational purposes, displayed the same maps showing voter age and BIPOC populations.

Due to changes in state legislative boundaries, Ward 3 no longer requires two precincts, otherwise its boundaries are proposed to remain unchanged. In order to balance ward populations as nearly as possible, two slight modifications to boundaries are proposed in which the Boatworks Commons apartment complex would shift from Ward 2 into Ward 1, and two city blocks are proposed to shift from Ward 5 into Ward 4.

The Redistricting Plan consists of a modified written description of five ward boundaries and accompanying map depiction.

4. PUBLIC HEARING ON THE TENTATIVE REDISTRICTING PLAN

Chair Geck opened the public hearing at 7:20 p.m.

Dan Jones of 2181 Cedar Avenue thanked the Commission for their service. He felt that knowing the percentage of BIPOC population within each Ward was important.

There being no other public comment, Chair Geck closed the public hearing at 7:21 p.m.

5. ADOPT THE REDISTRICTING PLAN

Chair Geck asked if there for additional discussion relative to the Redistricting Plan. Mike Amundsen pointed out that while the slides for the presentation were correct, the letter from the Commission dated February 22, 2022 needed correction to the percentages noted in the last paragraph under City Redistricting, which should read as follows: "This Tentative Plan (Attachment 4) establishes five districts with a deviation from the 4,977 average ranging from 36 (0.7%) less than to 14 (0.3%) greater."

There being no further discussion, it was moved by **Member Bill**, seconded by **Member Lang** to adopt the redistricting plan as presented. Motion carried unanimously.

6. ADJOURNMENT

There being no further business to come before the Commission, it was moved by **Member LeMire**, seconded by **Member Schmidt Boyd**, to adjourn the meeting at 7:30 p.m.

The motion carried unanimously.

Tim Geck, Chair

ATTEST:

Mark Sather, Secretary

WHITE BEAR LAKE CHARTER COMMISSION MEMBERS

Revised 8/16/2022

Terms Expire May 20, 2024

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MN Statute 410.05
Up to 15 members

Appointed by Chief Judge of Ramsey County Court

ORDINANCE NO. 22-2-2054

AN ORDINANCE AMENDING THE CITY CHARTER OF WHITE BEAR LAKE
AT SECTIONS 2.02, 4.04, 4.12, 4.13, 4.14, 4.17 AND 4.26
FIXING REFERENCES TO ANNUAL MUNICIPAL ELECTIONS
AND CORRECTING REFERENCES TO GENDER SPECIFIC TERMS

THE CITY COUNCIL OF THE CITY OF WHITE BEAR LAKE, MINNESOTA DOES ORDAIN THE FOLLOWING:

The City Charter of the City of White Bear Lake is hereby amended at Sections 2.02, 4.04, 4.12, 4.13, 4.14, 4.17 and 4.26 as follows (deleted text is ~~stricken~~ and added text is underlined).

Sect. 2.02. Municipal Elections. The Uniform Municipal Election Day Law, ~~205-07 (2010)~~, set forth in Chapter 205 of 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 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 **municipal** 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 **municipal** 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 **municipal** 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 **municipal** election with **the** general **municipal** election date occurring fourteen (14) days later. When two (2) or fewer candidates have filed for the vacancy, the general **municipal** election shall occur on the

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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 the appointment.

Council vacancies shall be filled by special **municipal** 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 **municipal** 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 **municipal** 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 **municipal** election with **the** general **municipal** election date occurring fourteen (14) days later. When two (2) or fewer candidates have filed for the vacancy, the general **municipal** election shall occur on the first election date.

The Council at its first regular meeting in January, ~~following the annual municipal election~~ shall set the day dates 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)

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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 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)

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

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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 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)

This ordinance becomes effective after Council unanimous approval and shall take effect and be in force following its passage and 90 days after publication on March 2, 2022 (June 1, 2022).

Yet to be passed by the City Council of the City of White Bear Lake, Minnesota.

First Reading: January 25, 2022
Initial Publication: February 2, 2022
Second Reading: _____
Final Publication: _____
Codified: _____
Posted on web: _____

City Clerk Initials

ORDINANCE NO. 22-2-2054

Dan Louismet, Mayor

ATTEST:

Kara Coustry, City Clerk