

# MEETING NOTICE AND AGENDA

White Bear Lake Charter Commission  
Wednesday, September 8, 2021  
7:00 p.m.

In the 2<sup>nd</sup> floor Conference Room 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 September 8, 2020
3. Approval of Agenda
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
5. New Business
  - A. Election of Officers
    - Chair
    - Vice Chair
    - Secretary
  - B. Redistricting
6. Open Discussion
7. Adjournment

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

**MINUTES OF THE  
WHITE BEAR LAKE CHARTER COMMISSION  
SEPTEMBER 08, 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 Partick 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 Bill 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 previous 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



## City of White Bear Lake

### City Manager's Office

**To:** Members of the Charter Commission

**From:** Ellen Hiniker, City Manager

**Date:** August 13, 2021

**Subject:** **Review of Charter Section 4.13 - Election of a Council Chair**  
**Correction of references in the City Charter to “annual” municipal elections**

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#### **BACKGROUND**

During election of the Council Chair at the first meeting in January, 2020, Councilmember Jones questioned whether this election should occur with an experienced Council. Per the City Charter, election of the Chair occurs in January following the municipal election, at which time, up to three of five Councilmembers have the potential of being new to the Council. It has been suggested that by moving election of the Council Chair to odd years, Councilmembers making this decision will have already been in place for at least one year.

As reflected in the minutes of the September 8, 2021 Charter Commission meeting, the merits of this change were discussed. It was also pointed out that an election provides the public an opportunity to make a change in Council direction and/or leadership, something which would not be as readily possible if the Chair election were moved to odd years. It was also noted that changing the timing of Chair election might result in the need to re-elect a new Chair should they not be re-elected in an upcoming election.

The Charter Committee did not conclude whether to recommend an amendment related to the timing of the Chair election. However, there was additional discussion related to language that references annual municipal elections, which are actually held biannually. Staff was asked to prepare alternative language to clarify the frequency of municipal elections for the Commission's consideration.

#### **PROPOSED CHANGES:**

Proposed changes are indicated below with deleted text being ~~stricken~~ and added text being double-underlined.

**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 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 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~~ biennial municipal 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)

**Sect. 4.13.** Chair of the Council -- Acting Mayor. At the first regular meeting of the Council in January following the ~~annual~~ biennial municipal 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)

**Sect. 4.26.** Official Publications. The Council shall at its first regular meeting in the January following the ~~annual~~ biennial municipal election, or as soon thereafter as practicable, designate 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)

**RECOMMENDED ACTION**

If the Commission chooses not to alter the timing of election of the Council Chair, staff recommends adoption of the attached resolution forwarding the above proposed City Charter revisions to the City Council for consideration.

**ATTACHMENTS**

Resolution

**CHARTER COMMISSION  
RESOLUTION NO. 21-1**

**A RESOLUTION OF THE WHITE BEAR LAKE CHARTER COMMISSION  
PROPOSING AN AMENDMENT OF SECTIONS 4.04, 4.12, 4.13 and 4.26 OF  
THE CITY CHARTER PERTAINING TO ELECTION FREQUENCY**

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.

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. 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 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)

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**CHARTER COMMISSION  
RESOLUTION NO. 21-1**

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**CHARTER COMMISSION  
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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

# CHARTER OF THE CITY OF WHITE BEAR LAKE, MINNESOTA

## CHAPTER III COUNCIL DISTRICTS

Sect. 3.01. **Number of Districts.** There shall be five City Council Districts.

Sect. 3.02. **Redistricting Commission.** At such time as required to comply with applicable law, the Redistricting Commission, which shall be comprised of the members of the Charter Commission, shall be convened by the President of the Charter Commission. The duties of the Redistricting Commission are ministerial, and execution thereof may be enforced by court action upon petition of any registered voter of the City or by other appropriate legal authority.

Sect. 3.03. **Redistricting Commission Reports.** Within sixty (60) days after the legislative redistricting plan becomes final, the Redistricting Commission shall file with the City Clerk a report containing a tentative plan for readjustment of the Council Districts to comply with these specifications:

1. All districts shall be formed of compact, contiguous territory. Boundary lines between districts shall follow the center of the street.
2. All districts shall contain, as nearly as possible, the same number of residents.

When the plan currently in effect meets the above specifications, the Redistricting Commission shall refile that same plan.

If the Redistricting Commission recommends district boundary changes, its report shall be filed with the City Clerk as the tentative plan. The plan shall include a map and description of the districts recommended.

Sect. 3.04. **Public Hearings.** Within thirty (30) days after the City Clerk receives the tentative plan, the Redistricting Commission shall hold at least one public hearing, to which the Mayor and City Council shall be invited, to consider the tentative plan. Within thirty (30) days after such public hearing, the Redistricting Commission shall adopt a plan and file such plan with the City Clerk. Thereafter, the City Council shall, by ordinance, enact such plan.

Sect. 3.05. **Failure to Enact Ordinance.** In the event the Council fails to adopt such ordinance, the plan shall nevertheless be deemed enacted sixty (60) days after the plan has been filed with the City Clerk.

Sect. 3.06. **Effect of Enactment.** The new Council districts and boundaries shall supersede previous districts and boundaries for all the purposes of the next regular City election, including nominations. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which the Councilmembers elected at that regular City election take office.

Any Councilmember not residing within the boundaries of the Council District from which he/she was elected as a result of district boundary changes shall serve as a Councilmember at large to the expiration of the term.

# WHITE BEAR LAKE CHARTER COMMISSION MEMBERS

Revised 08/2021

## Terms Expire May 20, 2024

Michael Ryan Amundsen  
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\*Currently 2 vacancies

## CHARTER COMMISSION STAFF:

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Kara Coustry, City Clerk/Admin. Asst.  
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## Terms Expire May 20, 2025

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MN Statute 410.05  
Up to 15 members

Appointed by Chief Judge of Ramsey County Court