



White Bear Lake City Charter

Charter of the City of White Bear Lake, Minnesota

This Charter was presented and approved by the citizens of the City of White Bear Lake at the 1921 referendum election. Revisions and amendments approved, pursuant to Minnesota Statutes, through October 9, 2023 have been codified herein.

*By the authority of the City Council of
White Bear Lake, Minnesota.*

President of Charter Commission

Secretary of Charter Commission

Mayor

City Clerk

Printed: October 2023

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CHAPTER I

NAME AND GENERAL POWERS

Sect. 1.01 Name and Boundaries.

The City of White Bear Lake in the Counties of Ramsey and Washington and State of Minnesota shall continue to be a municipal corporation under the name City of White Bear Lake, with the right to adopt and use a common seal and alter it at will. The limits and boundaries of the City shall be as now established by law, and with all territories heretofore and hereafter made a part of the City.

Sect. 1.02 Rights and Liabilities.

The City of White Bear Lake shall have perpetual succession and shall remain vested with and continue to have, hold, and enjoy all property rights, rights of action, and rights of every kind now belonging or pertaining to the City and shall be subject to all the liabilities that now exist against the City.

Sect. 1.03 Powers.

The City shall have all powers which it may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitution of the State of Minnesota and of the United States. This Charter shall be construed liberally, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers herein conferred.

Sect. 1.04 Charter a Public Act.

This Charter shall be a public act and need not be pleaded or proved. It shall become effective on October 11, 1979.

CHAPTER II

ELECTIONS

Sect. 2.01. Procedures at Elections.

Subject to this Charter and applicable state laws, the Council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided by this Charter and supplementary ordinances, general state laws on elections shall apply to municipal elections.

Sect. 2.02. Municipal Elections.

The Uniform Municipal Election Law, 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. (Ref. Ord. 90-09-820, 9/25/1990; Ord. 12-11-1082A, 2/25/2013; Ord. 23-06-2062, 6/27/2023)

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 (4) 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 (4) years thereafter and the individuals elected shall assume office as provided above for a term of four (4) years.

THE RECALL

Sect. 2.03. Right of Recall.

The people of the City of White Bear Lake hereby reserve to themselves the right and power to remove from office at any time any or all of the elected officers of the City for malfeasance or nonfeasance in office. The exercise of this power shall be designated as "the recall".

Sect. 2.04. Recall – Initiative.

Any five (5) registered voters may form themselves into a committee for the purpose of removing any elected officer of the City. A certificate, stating the name of the official whose removal is sought and reciting in not more than 200 words the grounds for seeking such removal, shall be duly signed by all the members of the committee and filed with the City Clerk before petitions are circulated for the signatures of voters.

Sect. 2.05. Recall Petition.

Each petition for the recall of any officer shall have a copy of the certificate attached thereto. To be effective the petitions must be signed by at least one-tenth of the registered voters of the Council District or City served by the official whose removal is sought. The petitions shall be filed with the City Clerk within fifteen (15) days after the date on which the certificate was filed, after which the City Clerk shall have five (5) days to examine them.

Should the petitions be irregular, or should the required number of registered voters not have signed, the City Clerk shall so notify all the members of the committee and shall grant them ten (10) additional days in which to correct the petitions. If at the end of the ten (10) days the petitions have not been corrected or signed by the required number of registered voters, no further attention shall be given them.

Sect. 2.06. Recall Election.

Should the petitions or amended petitions be found sufficient, the City Clerk shall at once transmit to the City Council the certificate and the petitions. The official whose

recall is sought shall be notified by the City Clerk of the sufficiency of the petitions and of the pending action. (Revised 9/25/1990)

The City Council shall at its next regular meeting provide for the holding of the recall election, not less than thirty (30) nor more than forty-five (45) days thereafter. However, if a regular municipal election is to take place within three (3) months, the recall election may be held at that time.

If the official whose recall is sought resigns from City office within fifteen (15) days of the date on which the recall petitions are presented to the City Council, the vacancy shall be filled by appointment as provided in this Charter. Such official shall not be eligible for appointment to the office. (Ref. Ord. 93-08-898, 8/24/1993)

Sect. 2.07. Recall Ballot

The ballots to be used at the recall election shall be substantially as follows:

*Shall _____ be recalled from
the office of _____*

**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.

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 elected as a result of district boundary changes shall serve as a Councilmember at large to the expiration of the term. (Ref. Ord. 93-08-898, 8/24/1993)

**CHAPTER IV
OFFICERS -- POWERS AND DUTIES**

Sect. 4.01. Form of Government.

The government of the City of White Bear Lake established by this Charter shall be of the Modified Council-Manager form, consisting of an elected Mayor, a Council of five (5) members elected by Council Districts, except as otherwise provided by Section 3.06, and an appointed City Manager.

THE EXECUTIVE BRANCH

Sect. 4.02. Mayor – Powers and Duties.

The Mayor shall be the chief executive officer of the City. The Mayor shall be a resident of the City and shall be elected for a term of four (4) years and until a successor is elected and qualified, pursuant to the Uniform Municipal Election Day Law. (Ref. Ord. 93-08-898, 8/24/1993)

It shall be the duty of the Mayor to preside over the meetings of the Council, sign all contracts and other obligations of the City, and from time to time give the Council such information and recommend such ordinances, resolutions and measures as the public welfare may require. The Mayor shall have no vote in the Council, but shall have the power of veto, as herein provided. The Mayor shall also have such other powers as may be conferred by or inferred from this Charter or any municipal ordinance or resolution now in force or that may be hereafter enacted.

The Mayor shall see that the laws of the State, this Charter and the ordinances, rules and regulations of the City are duly enforced and strictly observed within the City limits. (Ref. Ord. 90-09-819, 9/25/1990)

Sect. 4.03. Mayor – Appointments.

The Mayor shall appoint and have power to remove from office all appointive officers provided for in this Charter or otherwise necessary for the proper management of the City, except in those appointments otherwise qualified or expressly delegated to the Council or City Manager.

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 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 first election date. (Ref. Ord. 93-08-898, 8/24/1993; Ord. 23-06-2062, 6/27/2023)

Sect. 4.05. City Manager.

The City Manager shall be the business and administrative head of the City. The Manager shall be appointed by the Mayor with the consent of a majority of the Council. The Manager shall be chosen solely on the basis of training, experience, and administrative qualifications and need not be a resident of the City at the time of appointment, but shall become a resident as soon thereafter as specified by the City Council. (Ref. Ord. 93-08-898, 8/24/1993)

The City Manager may be removed by the Mayor upon the ratification of this action by a majority vote of the City Council. Said removal may be initiated by the Mayor on the

Mayor's own initiative or by resolution of a four-fifths vote of the City Council requesting the Mayor to take action to remove the Manager. In the event that such a request is made of the Mayor by a four-fifths vote of the Council, the Mayor shall have thirty (30) days after said request to either take action to remove the Manager or state in writing to the Council reasons for not removing the Manager. The Council after thirty (30) days from said request, may upon a four-fifths vote remove the Manager.

After the Manager has served in that capacity for one year, the Manager may demand written charges and a public hearing on the charges before the Council prior to the date when final removal takes effect. After the hearing, if one is demanded, the Manager will either be reinstated as Manager, or removal will be finalized. Pending the hearing and removal, the Manager may be suspended from office by the Mayor with the consent of the majority of the Council, or by a four-fifths vote of the Council.

The Mayor with the consent of a majority of the Council shall designate a qualified person to perform the duties of the Manager during the Manager's absence, suspension, or disability, or while the office of City Manager is vacant.

Sect. 4.06. City Manager – Powers and Duties.

The City Manager shall control and direct the administration of affairs of the City. Included among the Manager's powers and duties are the following: (Ref. Ord. 93-08-898, 8/24/1993)

The Manager shall organize and control all necessary departments and divisions of the City administration created by this Charter or the Council;

The Manager shall appoint and remove, upon the basis of merit and fitness and subject to applicable Civil Service provisions, if any, all City employees;

The Manager shall attend all meetings of the Council and have the right to take part in discussion, but not to vote;

The Manager shall recommend to the Mayor and Council for adoption such measures as the Manager may deem necessary for the welfare of the people and the effective administration of the City's affairs;

The Manager shall keep the Mayor and Council fully advised as to the financial condition and needs of the City, and shall prepare and submit to the Council the annual budget.

The Manager shall perform such other duties as may be prescribed by the Charter or by law or required by ordinance or resolution adopted by the Council.

Sect. 4.07. City Clerk.

The City Clerk shall be appointed and removed by the City Manager. The Clerk shall be chosen solely on the basis of training, experience, and administrative qualifications.

Sect. 4.08. City Clerk – Powers and Duties.

The City Clerk shall be subject to the direction of the City Manager. The Clerk shall act as secretary of the Council. The Clerk's duties shall include the keeping of the official

seal and public records, the custody and disbursement of public funds, the administration of oaths, and affirmations, the taking and certifying of acknowledgments, and by general administration of the affairs of the City as prescribed by the Charter or by law or required of the Clerk by ordinance or resolution adopted by the Council. (Ref. Ord. 93-08-898, 8/24/1993)

THE LEGISLATIVE BRANCH

Sect. 4.09. Council – Election and Term of Office.

The legislative powers of the City of White Bear Lake shall be vested in a Council of five (5) members, one (1) member to be elected from each of the five (5) Council Districts of the City, except as otherwise provided by Section 3.06. They shall be residents of the City and Council Districts from which they are elected and qualified. (Ref. Ord. 12-11-1082A, 2/15/2013)

Sect. 4.10. Council – Power and Duties.

All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law. The Council may initiate action for the removal of appointive officers by four-fifths vote.

Sect. 4.11. Council – Independent Audit and Investigations.

The Council shall provide for an independent annual audit of all City accounts and may provide for such other audits as it deems necessary. Such audits shall be made by the State or by a certified public accountant or firm or such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The Council may, without requiring competitive bids, designate such accountant or firm annually.

The Council may investigate the affairs of the City and the conduct of any City department, office or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Council shall be guilty of a misdemeanor.

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 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 shall set the dates of its regular 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. 93-08-898, 8/24/1993)

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. (Ref. Ord. 23-06-2062, 6/27/2023)

Sect. 4.13. Chair of the Council – Acting Mayor.

At the first regular meeting of the Council in January following the 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. (Ref. Ord. 90-09-819, 9/25/90; Ord. 16-12-2021, 12/13/16; Ord. 23-06-2062, 6/27/2023)

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. (Ref. Ord. 90-09-819, 9/25/1990; Ord. 16-12-2021, 12/13/2016)

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. (Ref. Ord. 16-08-2016, 8/26/2016)

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 publisher of the newspaper, which affidavit shall be filed in the office of the City Clerk. (Ref. Ord. 23-06-2062, 6/27/2023)

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. 4.15. Ordinance – Emergency.

Notwithstanding the provisions of Section 4.14, in the event of serious menace to the health, lives or property of the people of the City of White Bear Lake, or danger from insurrections or lawlessness threatening the peace or security of the community, the Council may pass an "emergency ordinance." Such ordinance shall describe the emergency and recite that it is passed as an emergency measure. When passed by a four-fifths vote of the Council, it shall, without notice or publication thereof, become and be in full force and effect. After its adoption, the ordinance shall be published as

prescribed by this Charter. Every emergency ordinance shall stand repealed as of the 61st day following the date of adoption, but this shall not prevent re-enactment as an emergency ordinance if the emergency still exists.

Sect. 4.16. Ordinances – Title and Form.

The subject of every ordinance shall be set forth fully in its title, and no ordinance shall contain more than one subject.

The enacting clause of all ordinances shall be as follows: "The Council of the City of White Bear Lake does ordain..."

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 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. (Ref. Ord. 23-06-2062, 6/27/2023)

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. 4.18. Journal of the Council.

The Council shall keep a record of its proceedings in a journal and the ayes and nays of the Council shall be entered in said journal.

Sect. 4.19. Contracts – How Made.

The general laws of the State of Minnesota, as related to contracts shall apply.

MISCELLANEOUS

Sect. 4.20. City Attorney.

The City Council shall have the power to appoint a City Attorney or Attorneys and fix the compensation to be paid said City Attorney or Attorneys, who shall be a member or members of the bar of the State of Minnesota. Such attorney or attorneys may be

appointed for terms up to five years, but shall be removable at the pleasure of the Council. (Ref. Ord. 23-06-2062, 6/27/2023)

Sect. 4.21. City Attorney – Duties.

The duties of such City Attorney or Attorneys shall include:

To act as the legal adviser, attorney and counsel for the City and for all officers, departments, and agencies thereof, on City business.

To prosecute all suits, actions and proceedings for and in behalf of the City, and defend all suits, actions and proceedings against the City;

To prepare all contracts, bonds, and other legal instruments, in writing, in which the City is interested or concerned, and endorse upon each an approval form; however, an approval of bonds to be issued by the City may be covered by separate certificate which is to be filed with the records of the City Council;

To be the prosecuting attorney for the prosecution of violations of City ordinances and franchisees;

To perform such other duties as may be required by ordinance or resolution.

Sect. 4.22. Official Bonds.

The City Manager, City Clerk, and such other officers and employees as may be required by the Council shall each give bond in sufficient surety, in such amount as fixed by the Council, for the faithful performance of their respective official duties. Such bonds shall be payable to the City, and the bonds of each officer shall protect the City for acts of any deputy or assistant of such officer. The legal sufficiency of all bonds shall be passed upon by competent legal authority. The bonds shall be approved by the Council, which approval shall be endorsed upon each bond signed by at least three (3) members of the Council. The Mayor shall have custody of all bonds, and it shall be the Mayor's duty to see that they are kept in full force and effect. (Ref. Ord. 93-08-898, 8/24/1993)

When a bond shall have been forfeited by a person, that office shall be considered vacant and shall be filled according to the provisions of this Charter.

Sect. 4.23. Oath of Office.

Before entering upon the duties of their respective offices, each official shall take an oath of office. Such oath shall be substantially as follows:

"I do solemnly swear (affirm) that I will support the Constitution of the United States and the State of Minnesota and will discharge and faithfully execute the duties devolving upon me as [position] of the City of White Bear Lake without fear or favor, to the best of my judgement and ability." _____.

*Subscribed and sworn to (affirmed) before me this day of [month] , [year] .
_____.*

Sect. 4.24. Elective Officers – Commencement of Term.

The terms of all elective officers shall commence on the first business day of January succeeding the election for the term which is provided by law. The elected officials shall take oath or affirmation of office on, or before, the aforementioned day.

Any person elected to any office in the City shall, and after receiving notice of election, fails to take an oath or affirmation, that person be considered as having declined said office. Such office shall then be considered vacant and shall be filled according to the provisions of this Charter. (Ref. Ord. 90-09-819, 9/25/1990; Ord. 90-09-820, 9/25/1990)

Sect. 4.25. Meetings and Records.

All proceedings, records and documents belonging to the City shall be maintained in accordance with state law. All meetings conducted by the Council, committees of the Council, and departments or commissions thereof shall be public meetings.

Sect. 4.26. Official Publications.

The Council shall at its first regular meeting in January, 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. 93-08-898, 8/24/1993; Ord. 23-06-2062, 6/27/2023)

Sect. 4.27. Interference with Administration.

No elected official, including the Council as a whole, shall in any manner obstruct the City Manager in the conduct of duties as set forth in this Charter, or attempt to dictate or prevent appointment of any person to office or employment by the City. Except for the purpose of inquiry, the elected official shall deal with the administrative services of the City solely through the City Manager, and shall not give orders to any of the subordinates of the City Manager, either publicly or privately.

**CHAPTER V
FINANCE AND TAXATION**

Sect. 5.01. Fiscal Year.

The fiscal year of the City shall be the calendar year.

Sect. 5.02. System of Taxation.

Subject to the State constitution and state law, the Council shall have full power to provide by ordinance for a system of local taxation.

Sect. 5.03. Budget – Preparation.

The City Manager shall prepare the estimates for the annual budget. The budget shall be by funds and shall include all operating funds and departments of the City. Each operating fund and department of the City shall provide justification of its budget

request that makes comparison to previous service levels. The statement of estimated expenditures for each budgeted fund and department shall be arranged for each fund or department of the City under the following headings:

(1) Ordinary expenses (for operation, maintenance and repairs) shall be subdivided into: (a) Salaries and wages, with a list of all salaried offices and positions, including salary allowance and the number of persons holding each; (b) other expenses, with sufficient detail to be readily understood; (2) Payment of principal and interest on bonds and other fixed charges; (3) Capital outlays (for new construction, new equipment, and all improvements of a lasting character.)

All increases and decreases in expenditures shall be clearly shown. In parallel columns shall be set forth the amounts appropriated and the amounts expended under similar headings for each of the past two completed fiscal years and for the current fiscal year, actual to date and estimated for the balance of the year, and anticipated for the ensuing fiscal year.

The budget shall also include for each budgeted fund and department a statement of anticipated revenues. The statement of each fiscal year shall specify the following items: Sums derived from (a) taxation, (b) licenses and permits, (c) fines, (d) interest, (e) gross receipts of public utilities and other public service enterprises, (f) special assessments, (g) sales of bonds and other obligations, (h) government aids, and (i) miscellaneous not included in the foregoing.

All increases and decreases in revenues shall be clearly shown. In parallel columns shall be set forth the amounts appropriated and the amounts expended under similar headings for each of the past two completed fiscal years and for the current fiscal year, actual to date and estimated for the balance of the year, and anticipated for the ensuing fiscal year.

The preliminary estimates shall be submitted to the Council at or before its first regular meeting in September. Final estimates shall be submitted to the Council in accordance with applicable Minnesota State Statutes. Such estimates shall be printed or typewritten and there shall be sufficient copies for each member of the Council, the Mayor, the City Manager, the City Clerk, heads of departments and commissions. Copies shall be posted at the City Hall and the public library. Copies shall be made available to the general public upon request. A reasonable fee may be charged by the City Manager to cover the cost of printing such copies. (Ref. Ord. 93-08-898, 8/24/1993)

Such final estimates, in summary form, shall be published in the official newspaper not later than ten (10) days following the meeting at which the final estimate is presented to the Council. (Ref. Ord. 93-08-898, 8/24/1993)

Sect. 5.04. Budget Funds.

Funds shall be maintained in the City Treasury for which the Council may levy an annual tax. Any surplus in any fund may be invested under the direction of the Council in such securities as are authorized by statute for the investment of such funds, and such investments may be liquidated at any time.

A General fund shall be maintained for the payment of expenses for the general operation of the City. Into this fund shall be paid all monies levied for this fund and all monies not required to be placed in some other fund.

The aggregate amount of property tax levied in any one year for this fund shall not exceed the amount allowed by the laws of the State of Minnesota, and a levy in excess of such limitation shall be void as to such excess.

There shall also be maintained in the City Treasury such other funds, or division of funds, as the budget shall require or the City Manager or Council shall direct, or as required by state law.

Sect. 5.05. Budget – Emergency Appropriations.

The Council may include an emergency appropriation as a part of the budget but not to exceed ten percent (10%) of the total budget. A transfer from the emergency appropriation to any other appropriation shall be made only by a four-fifths majority vote of the Council and shall be used only for the purposes designated by the Council.

Sect. 5.06. Budget – Adoption.

The budget shall be the principal item of business at the first regular monthly meeting of the Council in November. The Council shall hold adjourned meetings from time to time until all the estimates have been considered. The meetings shall be so conducted as to comply with the applicable Minnesota State Statutes to give interested citizens a reasonable opportunity to be heard. The City Manager shall explain the various items of the budget as fully as may be deemed necessary by the Council. The budget finally agreed upon shall be a resolution setting forth in detail the complete financial plan of the City for the ensuing fiscal year. It shall indicate the sums to be raised and from what sources, and the sums to be spent and for what purposes, according to the plan indicated in Section 5.03. The total sum appropriated shall be less than the total estimated revenue by a safe margin. (Ref. Ord. 93-08-898, 8/24/1993)

The Council shall adopt the budget resolution prior to the adoption of the tax levy resolution as required in Section 5.07.

At the beginning of the fiscal year, the sums fixed in the budget resolution shall be and become appropriated for the several purposes named in the budget resolution and no other. The budget resolution shall be published in a manner designated by the Council.

Sect. 5.07. Tax Levy.

The Council shall adopt a resolution levying whatever taxes it considered necessary within the statutory limits for the ensuing year. The tax levy resolution shall be certified to the county auditor in accordance with the law.

Sect. 5.08. Budget – Enforcement.

It shall be the duty of the City Manager to enforce strictly the provisions of the budget. The City Manager shall not approve any check upon the City Treasury for any budgeted expenditure unless there is a sufficient unexpended balance left after deducting all total past expenditures including the sums of all outstanding checks. No officer or

employee of the City shall place any orders or make any purchases except for the purposes and for not more than the amounts authorized by the budget resolution. Any obligation incurred by any person in the employ of the City for any purpose not authorized in the budget resolution, or for any amount in excess of the amount therein authorized, shall be a personal obligation upon the person incurring the expenditure. (Ref. Ord. 93-08-898, 8/24/1993)

Sect. 5.09. Budget – Alterations.

After the budget resolution has been adopted, the Council shall have no power to increase the amounts fixed in the budget resolution, by insertion of new items or otherwise, beyond the estimated revenues, unless actual receipts exceed the estimates and then not beyond the actual receipts. The Council may at any time, by resolution, reduce the sums appropriated for any purpose by the budget resolution. The Council may, by a four-fifths majority vote, authorize the transfer of sums from unencumbered balances of appropriations in the budget resolution to other purposes, except from dedicated funds, and subject to the limitations of this Charter.

Sect. 5.10. Disbursements – How Made.

No disbursements of City funds shall be made except by check signed by the City Manager and the City Clerk and specifying the purposes for which the disbursement is made and the fund from which it is drawn.

Each check shall be payable to the order of the person in whose favor it is drawn and may be transferred by endorsement. No claim against the City shall be allowed unless accompanied by an itemized statement of such claim.

Sect. 5.11. Collections and Depositories.

All receipts of money belonging to the City, excepting only those funds collected by the County Treasurer, shall be paid into the City Treasury by the person authorized to receive the same. All such monies and also all monies received upon the tax settlement from the County Treasurer, shall be deposited as soon as possible in a bank or banks approved by the City Council. Any person in the employ of the City guilty of a violation of this provision shall be liable to be reduced in rank or salary, or may be dismissed from the office or position. A public hearing must be held if requested by the employee.

Sect. 5.12. Accounts and Reports.

The Council may prescribe and enforce proper accounting methods, forms, blanks, publications and other devices consistent with State law and this Charter.

The City Manager shall be the chief accounting officer of the City. The Manager shall submit to the Council each month a statement showing the amount of money in the City Treasury, the status of all funds, the amount spent or chargeable against each of the annual budget allowances, the balance left in each, and such other information relative to the finances of the City as the Council may require.

Sect. 5.13. City Indebtedness.

The City shall not loan its credit, become a stockholder, or make contributions or donations to any person, company, or corporation except as provided by law or this Charter.

Except as provided in Sections 5.14 and 5.15, no obligation shall be issued to pay current expenses, but the Council may issue and sell obligations for any municipal purpose in accordance with the law and within the limits prescribed by law. No such obligations shall be issued and sold without the approval of the majority of the electors of the City voting on the question at a general or special election, except in the case of obligations for which an election is not required by this Charter or by State law. The purpose for which such obligations are issued shall be set forth in the resolution authorizing them, and the proceeds from such obligations shall not be diverted to any other purposes.

Sect. 5.14. Tax Anticipation Certificates.

At any time after January first following the making of the annual tax levy, the Council may issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total amount of certificates issued against any fund for any year with interest thereon until maturity shall not exceed ninety percent (90%) of the total current taxes for the fund uncollected at the time of issuance. Such certificates shall be issued on such terms and conditions as the Council may determine and shall bear interest at a rate not to exceed that permitted by State law. They shall become due and payable not later than the first day of May of the year following their issuance. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued and the full faith and credit of the City shall be irrevocably pledged for the redemption of the certificates in the order of their issuance against the fund.

Sect. 5.15. Emergency Debt Certificates.

Notwithstanding any Charter provision to the contrary, if in any year the receipts from taxes or other sources should for some unforeseen cause become insufficient for the ordinary expenses of the City, or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, the Council may by ordinance issue and sell on such terms and in such manner as the Council determines emergency debt certificates to run not to exceed two years and to bear interest at a rate not to exceed that permitted by State law. A tax sufficient to pay principal and interest on such certificates with the margin required by law shall be levied as required by law. The ordinance authorizing an issue of such emergency debt certificates shall state the nature of the emergency and be approved by at least a four-fifths majority of the members of the Council. It may be passed as an emergency ordinance.

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. (Ref. Ord. 23-06-2062, 6/27/2023)

CHAPTER VI

FRANCHISES

Sect. 6.01. Franchises Required.

Except as otherwise provided by law, no person, firm, or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefor from the City. A franchise shall be granted only by ordinance requiring a four-fifths vote of the Council. In no case shall a franchise be granted by an emergency ordinance.

Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the City Clerk to guarantee publication before the ordinance is passed. A franchise shall be without any validity whatever until it has been unconditionally accepted in all its terms, and such acceptance, properly executed by the grantee, has been filed with the City Clerk.

Sect. 6.02. Franchises – Term.

No perpetual franchise shall ever be granted, nor shall any franchise be granted for a longer term than twenty-five (25) years.

Sect. 6.03. Franchises – Power to Regulate.

Subject to any applicable law the Council may by ordinance reasonably regulate and control the exercise of any franchise, including the maximum rates, fares, or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares, or prices under any applicable law, ordinance, or regulation or in proceedings for municipal acquisitions of the grantee's property by purchase or eminent domain.

Sect. 6.04. Franchises – Public Hearing.

Before any franchise ordinance is adopted or any rates, fares or prices are fixed by the Council, the Council shall hold a public hearing on the matter. Notice of such hearing shall be published at least once in the official newspaper not less than ten (10) days prior to the date of the hearing.

Sect. 6.05. Franchises – Renewal or Modification.

Every renewal or modification of any existing franchise or of any franchise granted hereafter shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

CHAPTER VII

PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

Sect. 7.01. Acquisition and Operation of Utilities.

The City of White Bear Lake may own and operate any public utility for supplying its own needs for utility service or for supplying utility service to private consumers or both, provided that the proposition to operate such a utility shall first have been submitted to the voters as a separate proposition and approved by a majority of those voting on the question. Upon approval of such proposition, the City may construct all facilities reasonably needed and may acquire any existing utility properties so needed. The operation of all public utilities owned by the City shall be under the supervision of the City Manager.

Sect. 7.02. Rates and Finances.

Upon recommendation of the City Manager, the Council shall have the power to fix all rates and charges for public utilities provided by the City, but such rates and charges shall be just and reasonable. The Council may also prescribe the time and manner in which payments for all such services shall be made, make such other regulations as may be necessary, and prescribe penalties for the violation of such regulations.

Sect. 7.03. Purchase in Bulk.

The Council may, in lieu of providing for the local production of public utility commodities or services, purchase the same in bulk and resell them to local consumers at such rates as it may fix.

Sect. 7.04. Lease of Utility.

The Council may, if the public interest will be served thereby, contract with any responsible person, partnership, or corporation for the operation of any utility owned by the City, upon such rentals and conditions as it may deem necessary; but such contract shall be embodied in and let only by an ordinance approved by four-fifths (4/5) majority vote of the Council. Such ordinance shall not be an emergency ordinance. In no case shall such contract be for a longer term than twenty (20) years.

Sect. 7.05. Disposition of Public Utility.

No public utility owned by the City shall be sold or otherwise disposed of by the City unless the full terms of such sale or other disposition thereof, together with the purchase price, shall have been published in the official paper of the City once a week for six successive weeks; the proposition must thereafter be approved by a four-fifths (4/5) majority vote of the Council, submitted to the electorate at the next general or municipal election, and ratified by a majority of the electors voting thereon.

CHAPTER VIII

MISCELLANEOUS

Sect. 8.01. Public Improvements and Special Assessments.

The City shall have the power to make any and every type of public improvement not forbidden by the laws of this state and to levy special assessments to pay all or any part of the cost of said improvements. The procedures for initiating and conducting said improvements and for levying assessments therefor shall be in accordance with the applicable laws of this state.

Sect. 8.02. Vacation of Streets.

The Council may by resolution approved by at least four-fifths (4/5) of all the Councilmembers, vacate any street, alley, public grounds, public way or any part thereof, on its own motion, or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way or part thereof to be vacated. No such vacation shall be made unless it appears in the interest of the public to do so, after a public hearing has been held. Said public hearing must be preceded by published notice in the official newspaper and written notice shall be mailed to abutting property owners stating that the Council will meet to consider the proposed vacation and affected property owners and the public will have an opportunity to be heard. Said notices shall also include any further terms and/or such procedures as the Council in the resolution may prescribe. The published and written notice shall be issued, as outlined above, no less than ten (10) days prior to the public hearing. A notice of the completion of such proceedings shall be filed with the proper County officers, in accordance with law. Any failure to file the notices shall not invalidate any such vacation proceedings.

Sect. 8.03. Acquisition of Property.

The City may acquire by purchase, gift, devise, exchange, or in any other legal manner, including Eminent Domain, in fee or such lesser estate as the Council deems necessary, any property (real, personal or mixed), either within or without its corporate boundaries, needed by it for any public use or purpose.

Sect. 8.04. Eminent Domain.

Acquisition of property by Eminent Domain shall be in accordance with the laws of the State of Minnesota.

Sect. 8.05. Punishment for Offense.

Every act or omission to act under this Charter or the ordinances and regulations of the City which is made subject to punishment shall be, if the punishment is not otherwise prescribed, punishable as a misdemeanor. The Council may establish by ordinance a procedure for imposing an administrative penalty for any violation of the City code or a City ordinance. The procedure must provide that any person charged with an administrative penalty will receive notice of the violation and an opportunity to be

heard by a neutral party. The procedure may authorize the City to use the services of a non-City employee to decide whether an administrative penalty should be imposed.

Sect. 8.06. Statutes Applicable to City.

All general laws and statutes of the State of Minnesota applicable in general to cities operating under home rule charters and applicable to cities of the same class as the City of White Bear Lake operating under home rule charters and not inconsistent with the provisions of this Charter, shall be applicable to the City of White Bear Lake, and shall be construed as supplementary to the provisions of this Charter.

Sect. 8.07. Terms of Present City Officers.

All officers of the City of White Bear Lake, in office when this Charter takes effect, shall continue in office in the same manner as heretofore until their respective terms shall expire and their successors are elected and qualified.

Sect. 8.08. Existing Ordinances Continued.

All ordinances and regulations of the City of White Bear Lake in force when this Charter takes effect, and not inconsistent with the provisions hereof, are hereby continued in full force and effect until amended or repealed. (Ref. Ord. 93-08-898, 8/24/1993)

Sect. 8.09. Pending Condemnations.

Any condemnation or assessment proceeding in progress when this Charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the City prior to the time when this Charter takes effect shall be collected and the lien thereof enforced in the same manner as if this Charter had not been adopted.

Sect. 8.10. Ordinances to Make Charter Effective.

The Council shall by ordinance make such regulations as may be necessary to carry out and make effective the provisions of this Charter.

Sect. 8.11. Fees and Penalties.

The Council may provide by ordinance that unpaid fees, charges, administrative penalties, and late payment penalties imposed by the City may be imposed and collected as a special assessment against property that was the subject matter, or related to the subject matter, of the fee, charge, or penalty, or against the property that was the location of an activity, proposed use, delivery of City service, or other circumstances that resulted in the fee, charge, or penalty. The ordinance must provide that the City will first attempt to obtain voluntary payment of the fee, charge, or penalty. The ordinance must also provide that notice and an opportunity to be heard will be given to the property owner listed on the official tax records before the penalty is assessed.

