

# CITY OF WHITE BEAR LAKE

PHONE 429-5367 •••• 250 MILLER AVENUE  
WHITE BEAR LAKE, MINNESOTA, 55110

March 17, 1969

MILTON L. KNOLL, JR.  
Mayor  
G. STEVENS BERNARD  
City Manager  
EDWARD T. BUTLER  
Chairman of Council  
Second Ward  
RONALD W. HOHMAN  
Councilman  
First Ward  
MILLER R. WEEDA  
Councilman  
Third Ward  
DONALD F. STRANGE  
Councilman  
Fourth Ward  
DEAN L. FENNER  
Councilman  
Fifth Ward  
THOMAS W. NEWCOME  
City Attorney  
EDWARD G. BAYUK  
City Clerk

Mr. Joseph L. Donovan  
Secretary of State  
State of Minnesota  
State Capitol  
St. Paul, Minnesota

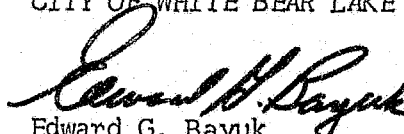
Dear Mr. Donovan:

We are transmitting herewith a certified copy of resolution No. 2367, A resolution Canvassing the Votes for the March 11, 1969, General and Special Elections, passed by the City Council on the 14th day of March, 1969.

Also, enclosed herewith is a copy of the adopted City Charter that becomes effective April 1, 1969.

Yours very truly,

CITY OF WHITE BEAR LAKE

  
Edward G. Bayuk  
City Clerk

EGB:jj

encls

20547  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 18 1969

  
Secretary of State



THE CITY OF  
FRIENDLY  
PEOPLE  
AND  
GOOD LIVING

# 20547  
O.D.

# CITY CHARTER

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

FOR THE

MAR 18 1969

City of

*James P. Holman*  
Secretary of State

## White Bear Lake

Minnesota

### March 11, 1969

Be it Enacted, that the Charter of the City of White Bear Lake, as adopted in the year 1921, and as amended is hereby amended by striking out all that portion of said Charter following, succeeding or subsequent to the title thereof, and by striking out all amendments heretofore adopted and substituting for the stricken portion of said Charter and amendments the following:

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#### CHAPTER I

##### NAME AND GENERAL POWERS

Sect. 1.01. **Name and Boundaries.** The City of White Bear Lake in the County of Ramsey 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 April 1, 1969.

#### CHAPTER II

##### ELECTIONS

Sect. 2.01. **Law Governing Elections.** The general laws of the State of Minnesota relating to elections shall apply to and govern all elections under this Charter.

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 18 1969  
*James J. Johnson*  
Secretary of State

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Sect. 2.02. **Annual Municipal Elections.** Annual municipal elections shall be held on the second Tuesday in March for the election of officers and for decisions on such other measures as may properly be submitted to the electorate for approval.

#### 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 non-feasance 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 he 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) day period 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.

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 his 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.

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  
\_\_\_\_\_ (Yes) \_\_\_\_\_  
\_\_\_\_\_ (No) \_\_\_\_\_

#### CHAPTER III

##### COUNCIL DISTRICTS

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

Sect. 3.02. **Redistricting Commission.** Within thirty days after each state-wide general election, 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 remedy.

Sect. 3.03. **Redistricting Commission Reports.** By the first day of April, after every state-wide general election, 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, as nearly rectangular as possible, and boundary lines between districts shall follow the center of the street.
2. All districts shall contain, as nearly as possible, the same number of registered voters.

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 de-

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scription of the districts recommended and shall provide that each Council District be duly represented by a Councilman. Any Councilman not residing within the boundaries of the Council District from which he was elected as a result of district boundary changes shall serve as a Councilman at Large to the expiration of his term.

Thereafter, the Redistricting Commission shall hold at least one public hearing, to which the City Council shall be invited, to consider the tentative plan. By the first day of July, 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. 3.04. Failure to Enact Ordinance.** If for any reason the Council fails to adopt such ordinance, the plan shall nevertheless be deemed enacted on the first day of August after the plan has been filed.

**Sect. 3.05. 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 day on which all Councilmen elected at that regular City election take office.

#### 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 3.03, 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. He shall be a resident of the City and shall be elected for a term of three (3) years and until his successor is elected and qualified. The Mayor shall receive as compensation the sum of one hundred dollars (\$100.00) per month.

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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, appoint all committees of the Council, 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 require all appointive officers to perform and execute the duties of their respective offices.

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.

**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, excepting 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 due to death, resignation, or removal, the Council shall appoint a qualified person as Mayor. He shall exercise all the powers and perform all the duties of Mayor until a Mayor is elected at the next annual municipal election to serve out the unexpired term.

**Sec. 4.05. City Manager.** The City Manager shall be the business and administrative head of the City. He shall be appointed by the Mayor with the consent of a majority of the Council. He shall be chosen solely on the basis of his training, experience, and administrative qualifications and need not be a resident of the City at the time of his appointment, but shall become a resident as soon thereafter as practicable.

The City Manager may be removed by the Mayor with the consent of a majority of the Council. After he has served as Manager for one year he may within 30 days after notification of dismissal or removal demand written charges and a public hearing on the charges before the Council. Pending such hearing the Manager may be suspended from office. Following the hearing, the Mayor with the consent of a majority

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of the Council shall either reinstate the Manager with back pay or make his removal final.

The Mayor with the consent of a majority of the Council shall designate a qualified person to perform the duties of the Manager during his 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 the affairs of the City. Included among his powers and duties are the following:

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

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

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

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

He 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;

He shall perform such other duties as may be prescribed by the Charter or by law or required of him 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. He shall be chosen solely on the basis of his training, experience, and administrative qualifications and need not be a resident of the City at the time of his appointment, but shall become a resident as soon thereafter as practicable.

**Sect. 4.08. City Clerk — Powers and Duties.** The City Clerk shall be subject to the direction of the City Manager. He shall act as secretary of the Council. His 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 acknowledge-

ments, and the general administration of the affairs of the City as prescribed by the Charter or by law or required of him by ordinance or resolution adopted by the Council.

#### 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 3.03. They shall be residents of the City and Council Districts from which they are elected and qualified.

The regular Council terms shall be staggered and Council members shall be elected as follows: The Councilman from Council District 3 shall be elected in the same year as the Mayor; Councilmen from Districts 1 and 5 shall be elected in the succeeding year; and Councilmen from Districts 2 and 4 shall be elected in the next succeeding year. For subsequent years, this cycle shall be repeated.

Each member of the Council shall receive as compensation the sum of seventy-five dollars (\$75.00) per month.

**Sect. 4.10. Council — Powers 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 by ordinance create, rearrange, and abolish departments, offices, or agencies, other than those established by this Charter, and may by ordinance adopt a complete administrative code.

**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 a certified public accountant or firm of 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. If the State makes such an audit, the Council may accept it as satisfying the requirements of this section.

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

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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 his 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.

When a vacancy occurs in the Council, the Council shall appoint a qualified person from the Council District in which the vacancy occurs to serve as Councilman until a Councilman is elected at the next annual municipal election to serve out the unexpired term.

The Council at its first regular meeting in the month following the annual 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 Chairman of the Council at any time.

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. Chairman of the Council — Acting Mayor.** At the first regular meeting of the Council in the month following the annual municipal election, the Council shall elect one of its members as Chairman of the Council, who shall preside over the meetings of the Council in the absence of the Mayor.

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

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**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 a summary thereof shall be made at the meeting at which it is introduced. A copy of every ordinance shall be made available to each Council member and there shall be on file a reasonable number of copies in the office of the City Clerk for public inspection. 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 Council member and a copy shall be posted at the city hall.

An affirmative vote of a majority of all the members of the Council shall be required for the passage of all ordinances 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 his objections to the City Clerk within ten (10) days after receiving 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. 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.

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

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in the official city newspaper. An affidavit of such publication shall be made by the foreman or publisher of the newspaper, which affidavit shall be filed in the office of the City Clerk.

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

**Sect. 4.15. Ordinances — 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 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. 4.18. 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.** All bids, contracts, purchases and awards are divided into two classes. Those for two thousand dollars (\$2,000.00) or less, authorized by the Council in the budget resolution, may be made by the City Manager. Purchases, contracts or awards for more than two thousand dollars (\$2,000.00) shall be made only after advertising the same in the official newspaper for two (2) consecutive weeks and shall call for sealed bids in such form and under such conditions as the City Manager may direct and shall be accompanied by a deposit for such an amount as the Council may require. All awards shall be made by the Council with the advice of the City Manager, and all such contracts, bonds and obligations or awards shall also be subject to the approval of the Mayor as in the case of ordinances and resolutions.

#### 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 one year, but shall be removable at the pleasure of the Council.

**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;

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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 a 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 franchises;

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 his duty to see that they are kept in full force and effect.

When any person shall have forfeited his bond, his 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 \_\_\_\_\_ of the City of White Bear Lake, without fear or favor, to the best of my judgment and ability.

Subscribed and sworn to (affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

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**Sect. 4.24. Elective Officers — Commencement of Term.** The terms of all elective officers shall commence at the first regular meeting of the Council in the month following the annual municipal election.

If any person elected to any office in the City shall for ten (10) days after receiving notice of his election fail to take an oath or affirmation, he shall 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.

**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 the month following the annual 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.

**Sect. 4.27. Interference with Administration.** Neither the Council nor any of its members shall in any manner interfere with the City Manager or attempt to dictate or prevent his appointment of any person to office or employment by the City. Except for the purpose of inquiry, the Council 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. Any such dictation, prevention or other interference on the part of a member of the Council with the administration of the City shall be deemed a misdemeanor, and upon conviction thereof may, at the discretion of a court having jurisdiction, be removed from office.

## 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.

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**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 the funds of the City. The estimates of expenditures for each budgeted fund shall be arranged for each department or division of the City under the following heads:

(1) Ordinary expenses (for operation, maintenance, and repairs); (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).

Ordinary expenses 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. All increases and decreases shall be clearly shown. In parallel columns shall be set forth the amounts appropriated and the amounts expended under similar heads 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 a statement of anticipated revenues. In parallel columns shall be set forth the revenues which have accrued 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 statement of revenues for each fiscal year shall specify the following items: sums derived from (a) taxation, (b) fees, (c) fines, (d) interest, (e) sales and rentals, (f) earnings of public utilities and other public service enterprises, (g) special assessments, (h) sales of bonds and other obligations, and (i) miscellaneous, not included in the foregoing.

The estimates shall be submitted to the Council at or before its first regular meeting in September. 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, and posting 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.

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**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 September. 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 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.

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

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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 considers necessary within the statutory per capita 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. He 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.

**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.

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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 his office or position.

**Sect. 5.12. Accounts and Reports.** The Council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with State law and this Charter.

The City Manager shall be the chief accounting officer of the City. He 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.

Once each year, on or before the last day of February, the City Manager shall submit a report to the Council covering the entire financial operations of the City for the past fiscal year. This report shall show: (1) the cash balance at the beginning and at the end of the last fiscal year; (2) the total expenditures for operation, maintenance, and capital items; (3) the condition of each of the funds; (4) the total receipts by sources and the total expenditures by general purposes; (5) the total outstanding bonds and debts of the City, when due, the amount of new bonds issued, the amount redeemed, and the interest rate of each issue; (6) the final condition of all the budget allowances; (7) an inventory of all the property owned by the City; and (8) such further information as the Council, other City officials, and the taxpayers should know. Said statement shall be published once in the official newspaper of the City not later than the second week in March.

**Sect. 5.13. City Indebtedness.** The City shall not loan its credit, become a stockholder, or make contributions or dona-

—Notes—

tions 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 per cent (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.** Any other provision in this Charter to the contrary notwithstanding, 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 author-

izing 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.

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 (4/5) 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 acquisition 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 a 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. **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. 8.03. **Eminent Domain.** Acquisition of property by Eminent Domain shall be in accordance with the laws of the State of Minnesota.

Sect. 8.04. **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.

Sect. 8.05. **Construction of Words.** Whenever the personal pronouns "He", "His", or "Him" are used in this Charter, such words shall be construed as synonymous with and equivalent to the words "She", "Hers", or "Her".



**--Notes--**

**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.

**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.

#20547  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
**FILED**  
MAR 18 1969  
*Joseph P. Sullivan*  
Secretary of State



RESOLUTION NO. 2367

RESOLUTION CANVASSING VOTES CAST AT THE  
MARCH 11, 1969, CITY GENERAL AND SPECIAL ELECTIONS  
AND STATING CANDIDATES ELECTED TO THEIR RESPECTIVE  
OFFICES AND ADOPTION OF THE REVISED CITY CHARTER

WHEREAS, the recorded vote in the City General Election was as follows:

	WARD II	WARD III	WARD IV	TOTAL
COUNCILMAN - SECOND WARD - 3 YEARS				
Edward T. Butler	490			490
Tom Shirley	338			338
COUNCILMAN - THIRD WARD - 1 YEAR				
George W. Miser		296		296
Dean W. Westberg		271		271
COUNCILMAN - FOURTH WARD - 3 YEARS				
George J. O'Leary			393	393
Eugene C. Heltemes			384	384

WHEREAS, the recorded vote in the City Special Election was as follows:

	WARD I	WARD II	WARD III	WARD IV	WARD V	TOTAL
SHALL THE PROPOSED REVISED CHARTER BE ADOPTED?						
YES	103	541	497	557	59	1,757
NO	32	135	41	98	10	316

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota:

1. That the following persons be hereby declared elected to the office opposite their respective names for the term stated:

Councilman 2nd Ward	For a Term of 3 Years	Edward T. Butler
Councilman 3rd Ward	For a Term of 1 Year	George W. Miser
Councilman 4th Ward	For a Term of 3 Years	George J. O'Leary

2. That the Revised City Charter is hereby declared adopted.

The foregoing Resolution, offered by Councilman Hohman and supported by Councilman Strange, was declared carried on the following vote:

Ayes: Councilmen Stellmacher, Hohman and Strange  
Nays: None  
Passed: March 14, 1969

#20547  
STATE OF MINNESOTA  
MAR 18 1969

ATTEST:

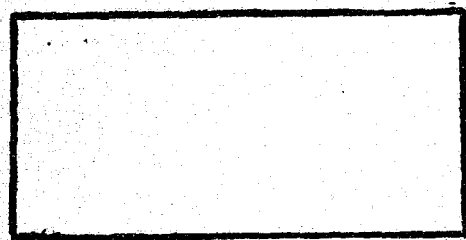
Edward G. Bayuk, City Clerk

Donald F. Strange, Acting President

I, Edward G. Bayuk, Clerk of the City of White Bear Lake, Minnesota, do hereby certify that the foregoing resolution is a true and correct copy of a resolution passed by the City Council on the 14th day of March, 1969.

Edward G. Bayuk, City Clerk

**THE PRECEDING**



**DOCUMENT(S)**

**HAVE BEEN**

**REFILMED**

**TO ENSURE**

**LEGIBILITY**



RESOLUTION NO. 2367

RESOLUTION CANVASSING VOTES CAST AT THE  
MARCH 11, 1969, CITY GENERAL AND SPECIAL ELECTIONS  
AND STATING CANDIDATES ELECTED TO THEIR RESPECTIVE  
OFFICES AND ADOPTION OF THE REVISED CITY CHARTER

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Tom Shirley	338			338
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Dean W. Westberg		271		271
COUNCILMAN - FOURTH WARD - 3 YEARS				
George J. O'Leary			393	393
Eugene C. Heltemes			384	384

WHEREAS, the recorded vote in the City Special Election was as follows:

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Passed: March 14, 1969

#20547  
STATE OF MINNESOTA  
MAY 18 1969

Donald F. Strange, Acting President

ATTEST:

Edward G. Bayuk, City Clerk

I, Edward G. Bayuk, Clerk of the City of White Bear Lake, Minnesota, do hereby certify that the foregoing resolution is a true and correct copy of a resolution passed by the City Council on the 14th day of March, 1969.

Edward G. Bayuk, City Clerk