



## Legislation Text

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**File #:** Res. 2022-089, **Version:** 1

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**City Council Meeting Date:** September 20, 2022

**To:** Mayor and City Council

**From:** Ben Martig, City Administrator

Consider Resolution Receiving Charter Amendment to Section 4.5 of the City Charter and Calling for a Public Hearing on Charter Amendment Proposed to be Adopted by Ordinance.

**Action Requested:**

The Northfield City Council is asked to consider the attached resolution receiving the Charter Commission's proposed amendment as submitted and calling for a public hearing.

**Summary Report:**

The Northfield Charter Commission adopted the attached proposed changes to Northfield Charter Section 4.5 at their September 8, 2022 meeting. Charter Commission Chair Lance Heisler submitted the attached amendment to the City Clerk, City Administrator and Mayor via email on September 15, 2022. Heisler requested that staff initiate the posting, publication requirements for consideration of this ordinance and put it on the City Council agenda. The proposed Charter Commission Ordinance is attached.

The Charter Commission began reviewing City Code Section 4.5 at their March 10, 2022 meeting. The issue they were reviewing is whether the state statutes regarding the Municipal Planning Act pre-empts the City Charter. City Charter Section 4.5 currently requires a 2/3 vote of the City Council on zoning amendments while state law only requires a simple majority. The Commission reached out to two law firms to inquire about the matter. Margaret Neuville from Gregerson, Rosow, Johnson & Nilan, Ltd. issued two legal opinions related to this issue, as well as appeared at the September 8, 2022 Charter Commission Meeting. Her legal opinions, as well as that of City Attorney Chris Hood, are attached.

Current Charter Section 4.5 and details on the process of amending the City Charter are attached, including a 2011 memo from City Attorney Hood detailing the procedure for the Charter Commission to seek amendments to the Northfield City Charter, Minn. Stat. §410.12 referenced in the Attorney Hood's Memo.

Charter amendments require a unanimous vote of all seven members of the City Council to pass.

Attachments includes:

- Attachment #1 Resolution of Charter Amendment related to Section 4.5
- Attachment #2 Exhibit A to Resolution (Notice of Public Hearing related to amendment)
- Attachment #3 Draft Ordinance Amending City Charter, Section 4.5
- Attachment #4 Letter from Charter Commission Chair Lance Heisler related to Section 4.5
- Attachment #5 2011 Hood Memo detailing the Charter Commission Amendments
- Attachment #6 Minn. Stat. §410.12

- Attachment #7 Charter Amendment Process Timeline
- Attachment #8 Northfield City Charter Section 4.5 Hyperlink
- Attachment #9 September 8, 2022 Charter Commission Meeting video
- Attachment #10 Neuville Legal Opinion July 13, 2022
- Attachment #11 Neuville Legal Opinion June 28, 2022
- Attachment #12 Martig Email Referencing Hood Legal Opinion March 24, 2022

**Alternative Options:**

The City Council could approve a motion to send this back to the Charter Commission with alternate language and not approve the attached resolution.

**Financial Impacts:**

N/A

**Tentative Timelines:**

Please see attachment #7 for proposed timelines. The timeline was developed based on the existing meeting schedule. The schedule would need to be amended if any members were absent from a meeting where action is proposed.