



Legislation Details (With Text)

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Type: Information/Discussion Item **Status:** Passed
File created: 8/30/2022 **In control:** Charter Commission
On agenda: 9/8/2022 **Final action:** 9/8/2022
Title: Discussion of Attorney Opinion on Section 4.5 of City Code related to Ordinances, Resolutions and Motions.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1 - Northfield City Charter Section 4.5, 2. 2 - Minnesota Statute 462.357 Subd. 2, 3. 3 - Abrahamson v. Le Sueur Case, 4. 4 - Attorney General Opinion, 5. 5 - Nordmarken B. Richfield Case, 6. 6 - Motokazie v. Rice County Case, 7. 7 - Neuville June 28 Opinion, 8. 8 - Neuville July 13 Opinion, 9. 9 - Proposed Ordinance Modifying Section 4.5

Date	Ver.	Action By	Action	Result
9/8/2022	1	Charter Commission		

City Council Meeting Date: September 8, 2022

To: Charter Commissioners

From: Lance Heisler, Chairman

Discussion of Attorney Opinion on Section 4.5 of City Code related to Ordinances, Resolutions and Motions.

Action Requested:

The Northfield Charter Commission will continue to discuss proposed changes to City Charter section 4.5 related to ordinances, resolutions, and motions.

Summary Report:

The Charter Commission will continue its discussion regarding the possible amendment to Section 4.5 of the Charter. This section deals with the number of votes needed to pass a Northfield zoning ordinance. The applicable Charter Section 4.5, Minnesota Statute 462.357, and case law and a Minnesota Attorney General opinion relevant to this discussion are included in the packet.

The issue is whether the state statutes regarding the Municipal Planning Act pre-empt our City Charter. To aid in this discussion, the Charter Commission has retained attorney Maggie Neuville, who will be present by remote video to answer questions and advise the Charter Commission. Two written opinions provided by Ms. Neuville are also included in the packet. At the conclusion of all discussion, the Charter Commission will discuss whether or not to propose an amendment of Section 4.5 to the City Council.

The Commission will conclude the meeting, if time allows, for the Charter Commission's ongoing review of Charter Provision.

Attached are City Charter Section 4.5 (attachment 1), Minnesota Statute 462.357 subd. 2 (attachment 2),

Abrahamson v. Le Sueur (attachment 3), Attorney General Opinion (attachment 4), Nordmarken B. Richfield Case (attachment 5), Motokazi v. Rice County Case (attachment 6), Nueville Junu 28 Opinion (attachment 7), Nueville July 13 Opinion (attachment 8), and the proposed Ordinance modifying Section 4.5 (attachment 9).

Alternative Options:

N/A

Financial Impacts:

N/A

Tentative Timelines:

N/A