



CITY OF SAINT PAUL
Mayor Christopher B. Coleman

Civil Division
400 City Hall
15 West Kellogg Blvd
Saint Paul, Minnesota 55102

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Delivered by Internet

February 2, 2012

Ms. Shari Moore, City Clerk
310 City Hall
15 W. Kellogg Boulevard
Saint Paul, MN 55102

Re: Charter Commission Recommendation to Amend Charter Sections 1.02, 2.01, 2.04, 4.01.1, 401.2, 401.3, 7.04, 8.02, 8.02.2, 8.02.4, 17.07.1 and 17.07.2 standardizing the use of the term "ward".

Dear Ms. Moore:

This letter is to advise you that on January 23, 2012, the Charter Commission of the City of Saint Paul voted to recommend that Sections 1.02, 2.01, 2.04, 4.01.1, 401.2, 401.3, 7.04, 8.02, 8.02.2, 8.02.4, 17.07.1 and 17.07.2 of the Charter be amended by ordinance adopted unanimously by the Council, pursuant to Minnesota Statutes § 410.12, subd. 7 (2010).

Minnesota Statutes § 410.12, subd. 7 (2010) requires the city to publish notice of a public hearing on this proposal within one month of receiving this recommendation. The notice must contain the text of the proposed amendment. The city council must hold the public hearing at least two weeks, but not more than one month after the notice is published. Within one month of the public hearing, the city council must vote on the proposal. It is adopted if it receives the affirmative vote of all seven of the councilmembers and is approved by the mayor. The ordinance must be published as in the case of other ordinances. It becomes effective 90 after passage, approval and publication.

For your convenience I have also enclosed proposed ordinance to accomplish the amendment.

If you have any questions, please let me know.

Ms. Shari Moore, City Clerk

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Sincerely,

A handwritten signature in black ink, appearing to read "Gerald T. Hendrickson". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Gerald T. Hendrickson

Deputy City Attorney

Enclosure

Cc: Council President Kathy Lantry
Councilmembers
Mayor Chris Coleman
Deputy Mayor Paul Williams
Charter Commission Chair Richard Kramer
Charter Commission Staff Bill Johnson
City Attorney Sara Grewing

An ordinance pursuant to Minnesota Statutes § 410.12, subd. 7 (2010) amending Charter Sections 1.02, 2.01, 2.04, 4.01.1, 401.2, 401.3, 7.04, 8.02, 8.02.2, 8.02.4, 17.07.1 and 17.07.2 standardizing the use of the term "ward".

The Council of the City of Saint Paul does Ordain:

Section 1.

Pursuant to Minnesota Statutes § 410.12 subd. 7 (2010), on January 23, 2012, the Saint Paul Charter Commission recommended to the City of Saint Paul that certain charter amendments, as more fully stated below, be made by ordinance. Public notice has been given and a public hearing has been held according to law. The Council of the City of Saint Paul, by unanimous vote, hereby amends Charter Sections 1.02, 2.01, 2.04, 4.01.1, 401.2, 401.3, 7.04, 8.02, 8.02.2, 8.02.4, 17.07.1 and 17.07.2 as follows:

Section 2.

Sec. 1.02. - Wards.

~~The council may, by ordinance, provide for the establishment of wards, define or change their boundaries, and increase or eliminate the number of wards in the city; but no change, increase or elimination shall be made within three (3) months prior to any election held in the city.~~

Sec. 2.01. - Elective officials.

There shall be a mayor elected by the voters of the city at large, and seven (7) councilmembers, each elected from a council ~~district~~ ward as provided herein, and such judges and other officials as are provided by statute and elected as provided therein.

Sec. 2.04. - Vacancy.

An elective office becomes vacant when the incumbent dies, resigns by a writing filed with the city clerk, is convicted of a felony, ceases to reside in the city, or is adjudged incompetent by a court of competent jurisdiction, or when a councilmember ceases to reside within the council ~~district~~ ward from which elected.

Sec. 4.01.1. - Council ~~districts~~ wards.

Each member of the council shall be elected from a separate ~~district~~ ward which is substantially equal in population to all other ~~districts~~ wards. Each councilmember shall be a resident of the ~~district~~ ward from

which elected. Voters may only vote for a candidate for the council ~~district seat~~ward seat within which the voters reside.

~~Sec. 4.01.2.—Initial districts~~

~~The division of the city into seven (7) contiguous districts of substantially equal population, and the serial numbering of same will be effected by a resolution of Charter Commission after public hearings on said districting. The public hearing shall be held after published notice of said hearings, and opportunity to speak shall be allowed members of the public upon such reasonable terms as the commission shall adopt. The commission shall adopt its districting resolution by a majority vote of its entire membership, and file it in the office of the city clerk at least sixty (60) days prior to the day on which filings open for the first city primary election occurring after the 1980 city election. The council shall provide for a sum of money, adequate for this purpose, to be used by the commission to hire staff to aid it in preparing its districting plan.~~

~~Sec. 4.01.3.—Mandatory redistricting.~~

~~After every federal decennial census the Charter Commission shall redistrict in the manner described above. The commission shall redefine the council districts so as to make them substantially equal. . The commission shall file its redistricting resolution in the office of the city clerk no later than the first Tuesday in June prior to the first city election after the federal decennial census.~~

For the purposes of electing city councilmembers, the city shall be divided into seven (7) contiguous wards of substantially equal population, and serially numbered. After every federal decennial census the Charter Commission, after public hearings, shall redistrict in the manner described herein. The commission shall redefine the council wards so as to make them substantially equal. The public hearings shall be held after published notice of said hearings, and opportunity to speak shall be allowed members of the public upon such reasonable terms as the commission shall adopt. The commission shall adopt its districting resolution by a majority vote of its entire membership, and file it in the office of the city clerk no later than the first Tuesday in June prior to the first city election after the federal decennial census. The council shall provide for a sum of money, adequate for this purpose, to be used by the commission to hire staff to aid it in preparing its districting plan.

Sec. 7.04. - Name on ballot.

In years when wards are redistricted, candidates for mayor and council member may file affidavits of candidacy no more than 91 days and no

less than 77 days before the city general election. In all other years, candidates for mayor and council member may file affidavits of candidacy at the same time provided for candidates for the Saint Paul school board. The filing fee for the office of mayor is \$500. The filing fee for the office of council member is \$250. Candidates for city offices may file a petition in place of the filing fee containing the signatures of registered voters in the ~~district~~ ward from which the candidate seeks election. The number of signatures required is either 500 or 5% of the number of votes cast for the office at the previous general election, whichever is less.

Sec. 8.02. - Petition.

Initiative, referendum or recall shall be initiated by a petition

(1)

signed by registered voters of the city equal in number to eight (8) percent of those who voted for the office of mayor in the last preceding city election in the case of initiative or referendum, or

(2)

signed by registered voters of the city equal in number to twenty (20) percent of those who voted for the office of mayor in the last preceding city election in the case of recall of the office of mayor, or

(3)

signed by registered voters of the relevant council ~~district~~ ward equal in number to twenty (20) percent of those who voted for the relevant office of councilmember in the last preceding city election or fifteen (15) percent of the registered voters in the relevant council-~~district~~ ward, whichever number is greater.

Sec. 8.02.2.

Each signer of the petition shall write thereon the petitioner's name and the street number and ~~election~~ council ward or legislative district and precinct designation of the petitioner's residence.

Sec. 8.02.4.

Any person whose name appears on a petition may withdraw his or her name by a statement in writing filed with the city clerk before the clerk advises the council as to the sufficiency of the petition. Any name appearing on any petition which does not comply with the foregoing requirements, except as to council ward or legislative district and precinct designation, shall be stricken, and no names shall be counted which have not been verified.

Sec. 17.07.1. - Commercial development districts; patrol limits.

(1)

A commercial development district in an area within the city as designated herein, or created by the council hereafter in accordance with this section. Six (6) commercial development districts are hereby created, whose names and defined boundaries are indicated on maps attached hereto as Exhibits 1 through 6, which are incorporated and adopted herein by reference. The council may by ordinance create new or additional commercial development districts, or amend the boundaries of those already created, only in accordance with the following procedures:

(a)

The proposed commercial development district shall be submitted in writing, accompanied by a map setting forth its boundaries; and

(b)

Reasonable public notice of the proposed commercial development district shall be given by the license inspector to residents and organizations in the ward or wards in which said district is to be located; and

(c)

The council or a committee thereof shall hold a public hearing in the ward or wards in which said district is to be located; and

(d)

After the foregoing steps, an ordinance designating the new commercial development district and defining its boundaries is adopted upon the affirmative vote of at least five (5) members of the council.

(2)

The council may by ordinance adopt additional procedural and substantive requirements for the creation or amendment of commercial development districts.

(3)

The entire land area in each council-district, ward, which has not been made part of a commercial development district, is a separate liquor patrol limit.

Sec. 17.07.2. - Restrictions.

(1)

No on-sale intoxicating liquor license shall be issued for any location in a liquor patrol limit, nor transferred from a place

outside the liquor patrol limit to any location within the liquor patrol limit, unless:

(a) The number of such on-sale licenses in the liquor patrol limit into which a license is proposed to be issued or transferred has, prior to said issuance or transfer, decreased by one or more from the number which existed in such liquor patrol limit on the effective date of this Charter amendment; and

(b) In the case of a transfer from place to place, the building or structure in which the licensed business operated has been substantially damaged or destroyed by fire, natural disaster or act of God, or the lease for the building or structure in which the licensed business operated has expired and has not been renewed.

(2) Upon the filing of an application for issuance or transfer, the councilmember representing the council ~~district~~ ward congruent with the affected liquor patrol limit shall immediately receive a copy of the application; said application shall be set aside without further action for a period of forty-five (45) days upon a request by said councilmember, during which period residents, community organizations and other organizations within said council ~~district~~ ward shall be notified by the license inspector (if the councilmember does not elect to do so within ten (10) days after receipt of the application) of the content, stated purpose and nature of said application.

(3) After such forty-five (45) day period has expired, or immediately if no such forty-five-day period was requested, the council may proceed to consider an application for issuance or transfer under paragraph (1) herein only if:

(a) A petition supporting the application is signed by at least ten (10) percent of the registered voters in the ward congruent with the affected liquor patrol limit, and filed with the city clerk (who shall examine its sufficiency and report to the council within twenty (20) days; or

(b)

The council determines by an affirmative vote of at least five (5) members that approval of the issuance or transfer of an on-sale intoxicating liquor license within or into the affected liquor patrol limit would not result in a concentration of businesses having such licenses nor that such issuance or transfer would have an adverse impact on existing community institutions and values or tend to cause neighborhood blight or deterioration. The foregoing determination, if made, shall not preclude the council from denying an application for issuance or transfer to a particular location within said liquor patrol limit. Final approval of the issuance or transfer to a particular location shall also require an affirmative vote of at least five (5) members of the council.

- (4) Nothing in this section shall apply to or affect the renewal of any on-sale intoxicating liquor license, or its transfer from place to place, within the liquor patrol limit in which such license is located, or to the issuance of a license to an applicant who purchases an existing business having an "on-sale" license with the intent of operating said business at the same location for at least one year thereafter.
- (5) There shall be no limitation on the number of on-sale intoxicating liquor licenses which may be issued or renewed within, or transferred into, a commercial development district, except as set forth in paragraph (6) below. No restriction applicable to such licenses in liquor patrol limits in this section shall apply to such licenses in commercial development districts.
- (6) Notwithstanding the provisions of any law or this Charter allowing the issuance of on-sale intoxicating liquor license, not more than two hundred fifteen (215) such licenses shall be issued by the city. Priority shall be given, by ordinance, in the issuance of all such licenses first to applicants who purchase an existing business having an "on sale" license with the intent of operating said business at the same location for at least one year thereafter, and then to restaurants capable of seating and servicing meals to not less than one hundred (100) guests at one time and then to hotels having dining rooms capable of seating and serving meals to not less than

fifty (50) guests at one time, and thereafter as the council may determine.

(7)

Private clubs; exemption. The restriction in subsection (1)(a) above shall not apply to licenses issued to or applied for by a club which at the time of application for such on-sale license held a private club license under Chapter 404 of the Saint Paul Legislative Code for the same premises for which a license hereunder is sought or will be issued for so long as the on-sale license remains at that location and the licensed premises is neither enlarged nor transferred and the club operates in conformity with law. This exemption applies only to the requirements of subsection (1)(a) above and not to any other provision or requirement hereof.

Section 3.

This ordinance shall take effect ninety (90) days after passage, approval and publication.