



## Legislation Text

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**File #:** RES 17-1939, **Version:** 1

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Directing the City Clerk not to submit Ordinance 17-40 as a ballot question to the County Auditor for placement on the ballot for the next election.

WHEREAS, Saint Paul City Charter Section 8.01 states that “[t]he people shall have the right to ... require ordinances to be submitted to a vote ... by a process known as ... referendum”; and

WHEREAS, a petition seeking a referendum to repeal Ord. 17-40, commonly referred to as the “Ford Site Zoning Plan,” was filed with the Office of the City Clerk on November 20, 2017 (the “Petition”); and

WHEREAS, Saint Paul Legislative Code Chapters 60-69 are known as the Saint Paul Zoning Code; and

WHEREAS, Ord. 17-40 amended Leg. Code Chapter 66 by rezoning the Ford Site with six new “Ford” zoning district classifications and, further, amended the Zoning Map of Saint Paul as compiled under Leg. Code § 60.303, in order to reflect the rezoning action taken under Ord. 17-40; and

WHEREAS, Leg. Code Chapter 60.102 states that the “zoning code is enacted pursuant to the authority granted to the municipality by Minnesota Statutes sections 462.351 through 462.365”; and

WHEREAS, Minnesota Statutes § 462.351 is part of the Municipal Planning Act (the “MPA”, Minn. Stat. §§ 462.351-.364) which states that “[i]t is the purpose of sections 462.351 to 462.364 to provide municipalities, in a single body of law, with the necessary powers and a uniform procedure for adequately conducting and implementing municipal planning;” and

WHEREAS, Minnesota Statutes § 473.851 is part of the Metropolitan Land Planning Act (the “MLPA”, Minn. Stat. §§ 473.85-871) which states that “[t]he legislature finds and declares that the local governmental units within the metropolitan area are interdependent, that the growth and patterns of urbanization within the area create the need for additional state, metropolitan and local public services and facilities and increase the danger of air and water pollution and water shortages, and that developments in one local governmental unit may affect the provision of regional capital improvements for sewers, transportation, airports, water supply, and regional recreation open space. Since problems of urbanization and development transcend local governmental boundaries, there is a need for the adoption of coordinated plans, programs and controls by all local governmental units in order to protect the health, safety and welfare of the residents of the metropolitan area and to ensure coordinated, orderly, and economic development. Therefore, it is the purpose of sections 462.355, 473.175, and 473.851 to 473.871 to (1) establish requirements and procedures to accomplish comprehensive local planning with land use controls consistent with planned, orderly and staged development and the metropolitan system plans, and (2) to provide assistance to local governmental units within the metropolitan area for the preparation of plans and official controls appropriate for their areas and consistent with metropolitan system plans;” and

WHEREAS, the Minnesota Legislature has declared its intent to provide Minnesota municipalities with a single body of law containing both the necessary powers and a uniform procedure for municipal planning through the MPA and the MLPA regarding the process for adopting and approving land use planning and zoning ordinances; and

WHEREAS, as required by State law, the City complies with the requirements and procedures of the MPA and the MLPA regarding matters related to zoning and planning; and

WHEREAS, the office of the City Attorney has reviewed MPA and MLPA requirements and procedures for

rezoning and has provided a legal analysis and opinion regarding the requirements and procedures for rezoning to the City Council regarding whether the subject matter of the Petition is appropriate to submit to the electorate; and

WHEREAS, City Charter Chapter 8 requires petition for referendum to be signed by registered voters equal in number to eight (8) percent of those who voted for the office of mayor in the last preceding city election; and

WHEREAS, the last preceding city election was held November 7, 2017; and

WHEREAS, according to the Ramsey County Elections Manager, there were 61,646 first choice votes cast for Mayor in the 2017 election, meaning that the required number of signatures for the Petition is 4,932; and

WHEREAS, the Ramsey County Elections Manager, who supervises elections on behalf of the City, has reported to the Council that Petition signatures have been checked for compliance with the requirements of Chapter 8 of the Saint Paul City Charter; and

WHEREAS, the Ramsey County Elections Manager reports that the Petition contains 3,179 signatures, and that 2,872 of those comply with the Charter's requirements; and

WHEREAS, City Charter § 8.08 requires persons circulating a petition to be given thirty (30) days in which to file additional signature papers and to correct the petition;

NOW, THEREFORE, BE IT RESOLVED, based upon the legal opinion of the City Attorney, the City Council finds that the provision of the City Charter allowing referendum for the subject matter of the Petition is preempted by the MPA and by the MLPA; and

BE IT ALSO RESOLVED, that the City Council hereby adopts the report of the Ramsey County Elections Manager and finds that the Petition is insufficient to satisfy the minimum signature requirements under City Charter Chapter 8; and

BE IT ALSO RESOLVED, that the City Clerk is directed to immediately notify the persons who circulated the Petition of its deficiencies and allow such deficiencies to be corrected; and

BE IT ALSO RESOLVED, that the Council finds that resolution of the Petition deficiencies will not resolve the issue of preemption; and

BE IT FINALLY RESOLVED that, based on these findings, the City Clerk is hereby directed not to submit Ord. 17-40 as a ballot question to the County Auditor for placement on the ballot for the next election.