



Legislation Text

File #: RES 21-696, **Version:** 1

Resolution requesting an advisory opinion from the Attorney General.

WHEREAS, at its April 7, 2021 meeting, the Saint Paul City Council denied APC 21-1 an appeal by Alatus, LLC from a planning commission decision denying the site plan application for a new mixed use development located at 411 and 417 Lexington Parkway North and affirmed the Planning Commission's decision; and

WHEREAS, at its April 14, 2021 meeting, the City Council adopted Resolution 21-632 memorializing its April 7, 2021 decision to deny an appeal by Alatus LLC from a planning commission decision denying a site plan application; and

WHEREAS, on April 14, 2021 the Mayor vetoed Resolution 21-632; and

WHEREAS, three Council members have brought forward Resolution 21-673 raising multiple legal issues with the Mayor's veto; and

WHEREAS, the Attorney General's Office is authorized by statute to issue written legal opinions only to constitutional executive officers, state agencies, bodies of the state legislature, and attorneys for local governments or pension funds and these opinions do not generally have legally binding effect as a court decision, but they can be helpful to inform the actions of local public officials and some opinions are formally "published", while others are not; and now

THEREFORE BE IT RESOLVED, that in an attempt to avoid litigation of these issues, the City Council directs the City Attorney to request an advisory opinion from the Minnesota Attorney General on the legality and effect of the Mayor's veto, in light of the issues raised by Resolution 21-673, relevant provisions of the City's zoning code and charter, and the Mayor's veto message, and be it further

RESOLVED, the City Council ~~directs~~ requests the City Attorney to include a copy of Resolution 21-673 as written as part of the formal request for an opinion.