



## **CHARTER COMMISSION AGENDA**

**July 12, 2023 – 6:30 P.M.**

### **SPECIAL CHARTER COMMISSION MEETING**

**Minnehaha Room, Minnetonka Community Center**

1. Call to order
2. Roll call
3. Approve minutes of Nov. 15, 2022 meeting
4. Petition to amend city charter
5. Feedback regarding charter commission handbook
6. Adjournment

**Attachments:**

- a. Draft minutes, Nov. 15, 2022 meeting
- b. City attorney memo
- c. Resolution acknowledging receipt of petition



---

**MINUTES OF THE  
MINNETONKA CHARTER COMMISSION**

**Nov. 15, 2022**

1. CALL TO ORDER

Chair Northrup called the meeting to order at 6:31 p.m. He provided opening comments about the mission and role of the charter commission and also thanked the city attorney for the support she provides as staff liaison.

2. ROLL CALL:

Members present: Dick Allendorf, David Larson, John Northrup, Rachel Panner, Linnea Sodergren, LuAnn Tolliver, Brad Wiersum, Lori Weissman. Terry Schneider participated in the meeting remotely, as allowed by Minn. Stat. § 13D.02. City Attorney Corrine Heine and Assistant City Manager Moranda Dammann also attended.

3. APPROVE MINUTES OF NOV. 9, 2021 MEETING

Northrup noted a correction to add Panner as present under roll call, and Heine noted a typographical error. Wiersum moved, Larson seconded, to approve the minutes of the Nov. 9, 2021 meeting. All voted in favor.

4. REPORT REGARDING RANKED CHOICE VOTING COSTS AND SURVEYS

Assistant City Manager Moranda Dammann gave the staff report about the city's experience with ranked choice voting (RCV) during the 2021 municipal election, including costs of RCV and post-election survey results. Allendorf asked for further information about staff costs. Dammann explained that the city had hired a full-time employee, with an expected allocation of .6 FTE for ranked choice voting duties and .4 FTE for other duties. Duty assignments shifted, however, so that more senior elections staff performed much of the ranked choice voting work and delegated tasks to the new staff person. Sodergren asked if the position would continue to be needed, and Dammann said yes. Allendorf indicated that further analysis would be appropriate, taking into account the staff costs and estimated "saved" costs from not having a primary. Schneider agreed. Northrup noted that Fair Vote Minnesota had represented that RCV would result in lower election costs. Dammann indicated she could update the information.

With respect to the post election survey, Northrup asked if staff was happy with the rate of responses. Dammann stated the city was pleased with the response rate. Dammann also indicated that the staff received several calls from residents asking about how and when results would be released. Sodergren said it is clear from the survey results that there is a variety of opinions, but she thought it was clear that voters respect the staff and the way that elections are handled.

Wiersum commented that the city's elections staff does a great job and that, whatever the voting system is, the staff will handle it right. Weissman was also complimentary of the elections staff.

Tolliver said it was interesting to see the effort that residents took to provide feedback. Larson commented on how well-spoken and thorough the residents were in their comments.

Northrup thanked Dammann for the report.

#### 5. REPORT OF CITY ATTORNEY

Heine gave the city attorney report on court decisions issued in the past year that related to city charters. She also reported on the results of 2022 ballot questions that involved charter amendments in other cities, and she summarized the reappointment process that the current chief judge is following. Northrup and Larson both commented on the process for reappointment to the commission and how helpful the chief judge's assistant was in that process.

#### 6. ELECTION OF OFFICERS

Northrup introduced the topic of electing officers. Wiersum asked whether the current slate would be interested in continuing in those roles, and the officers responded affirmatively. The current officers are Northrup as chair, Sodergren as vice-chair, and Tolliver as Secretary. Wiersum moved, Weissman seconded, that the commission re-elect the same slate as officers. All voted "aye."

#### 7. ANNUAL REPORT

Heine reviewed the draft annual report. Tolliver moved, Panner seconded, a motion to approve the annual report. All voted "aye."

#### 8. OTHER BUSINESS

Sodergren mentioned that Heine had recently received an award, and Wiersum asked Heine to inform the commission. Heine stated that she had received an award for "Outstanding State Chair" from the International Municipal Lawyers Association, an organization of municipal attorneys from across the United States and Canada.

Heine whether the commission would be interested in a handbook that would include materials such as the roster, information about accessing commissioner email accounts, reference materials about the function and role of the charter commission, and an annotated form of the charter. Sodergren thought it would be helpful but prefers an electronic copy rather than a 3-ring binder.

Northrup stated it would be helpful to have a printed copy of the city charter available. Wiersum liked the idea and thought the handbook would be valuable, but he felt it would involve a lot of work. He suggested assembling it in two phases – first a copy with no annotations, and then add the annotations later.

Weissman asked about the availability of the charter online, and Heine confirmed the charter is available at the website with the city code. Allendorf stated that he believes the agenda packets provide all of the information that he needs.

Weissman and Larson both indicated that a handbook would be helpful. Schneider felt that a phased approach is appropriate and suggested three phases – basic information, then annotations that include commentary, and then the annotations that include the history of amendments. Heine indicated that she would prepare the packet using a phased approach. The copies will be distributed electronically, but a 3-ring binder can be made for any commissioner who requests one.

As a possible future business topic, Northrup raised the issue of establishing the size of the commission at nine members. He noted that the by-laws provide for 7-15 members but that the commission has operated with nine members for many years. There was general discussion about how the commission has operated for many years and how commissioners are appointed. Schneider noted that, although the commission has generally operated with nine members, the commission has also typically had the mayor or a member of the council on the commission, and when that person leaves office, the commission has sometimes expanded to accommodate appointment of a sitting mayor or council person. Sodergren stated her preference for keeping the membership number flexible. Wiersum indicated the issue should be put on next year's agenda, and Heine stated she would bring back options for the commission to consider in 2023.

#### 9. FUTURE MEETING SCHEDULE

The commission discussed dates for the 2023 annual meeting. By consensus, the commission selected Tuesday, Nov. 14, 2023 at 6:30 p.m. in the Minnehaha Room.

#### 11. ADJOURNMENT

Larson moved, Weissman seconded, to adjourn the meeting. All voted "aye." The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

LuAnn Tolliver  
Secretary

**To:** Minnetonka Charter Commission  
**From:** Corrine Heine, City Attorney  
**Date:** July 3, 2023  
**Subject:** Meeting of July 12, 2023, Agenda Item 4

---

The city has been informed that a committee of residents is circulating a petition to amend the city charter. The object of the petition is to eliminate the use of ranked choice voting for municipal elections and to return to the election process that was in use prior to 2021, i.e., requiring a primary whenever there are more than two candidates for any office.

### **Status of petition**

As of the writing of this report, the petition for charter amendment has not been submitted to the city clerk. However, under state law, the petition must be submitted no later than July 11, 2023, in order for the proposed amendment to be placed on the ballot for the general election in November. In anticipation that a petition will be timely submitted, the chair has called a special meeting of the charter commission for July 12, 2023 at 6:30 p.m.

If a petition is submitted to the city clerk on or before July 11, an addendum to the agenda packet will be distributed and posted promptly. If a petition is not timely submitted, the July 12 meeting will be canceled.

### **Procedural requirements and timeline**

State law sets out several procedural requirements for amending a city charter by petition of voters. Those are listed below, with relevant dates.

Petition must be submitted to city clerk at least 17 weeks prior to election day.	July 11, 2022 (for Nov. 7 general election)
City clerk must submit petition to charter commission	July 12, 2022 (if petition is received by July 11)
Charter commission submits petition to city council. (The commission has no discretion in this matter, and it has no decision to make, other than to acknowledge receipt of the petition and to submit it to the city council.)	July 12, 2022, by adoption of proposed resolution
City clerk has 10 days from the date of submission to review the petition and determine whether it complies with law and contains the required number of signatures. (1512 signatures required)	July 24, 2022 (10 days, excluding weekends and holidays)

Notice of correction: the packet for this meeting contained typographical errors. The dates in the column above should all be in 2023, not 2022.

<p><b>If there are deficiencies</b>, city clerk must notify committee “at once.”</p>	<p>Actual date depends upon when city clerk completes review, but no later than Aug. 3.</p>
<ul style="list-style-type: none"> <li>• Committee has 10 days to correct deficiencies.</li> </ul>	<p>Actual date depends upon date of clerk’s notice, but no later than Aug. 14 (10 days, excluding weekends and holidays).</p>
<ul style="list-style-type: none"> <li>• City clerk has 5 days to re-examine</li> </ul>	<p>Actual date depends upon when petition is resubmitted, but no later than Aug. 21 (5 days, excluding weekends and holidays)</p>
<p><b>If there are no deficiencies, or if deficiencies have been corrected</b>, city council receives certified final results from city clerk. (Unless the proposed charter amendment is manifestly unconstitutional, the city council has no ability to prevent the amendment from being proposed to the voters. The city attorney cannot make a recommendation on constitutionality without seeing the actual petition that is submitted, but it is expected that the petition will not be unconstitutional.)</p>	<p>Any regular or special council meeting after the city clerk has final results and before Aug. 25, 2023. (Aug. 25, 2023 is statutory deadline for submitting ballot questions to county auditor for Nov. 7 election)</p>
<p>City council must determine language of the question that will appear on the ballot</p>	<p>No later than Aug. 25, 2023</p>
<p>Voters vote on question at election</p>	<p>Nov. 7, 2023</p>

A proposed resolution is provided for the charter commission’s action.

**MINNETONKA CHARTER COMMISSION**

**Resolution No. 2023-**

**Resolution acknowledging receipt of petition for a charter amendment related to ranked choice voting**

---

Be it resolved by the Charter Commission of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. On \_\_\_\_\_, 2023, a petition for a charter amendment was delivered to the staff liaison for the Minnetonka Charter Commission.

1.02. Pursuant to Minnesota Statutes § 410.12, the charter commission is required to receive the petition papers for a proposed charter amendment and transmit the same to the Minnetonka city council.

Section 2. Commission Action.

2.01. The charter commission acknowledges receipt of the petition for a charter amendment and directs the staff liaison to transmit the petition to the Minnetonka city council, in accordance with Minnesota Statutes § 410.12, by delivering the same to the city clerk, for verification and further processing.

Adopted by the charter commission of the City of Minnetonka, Minnesota, on \_\_\_\_\_.

---

John Northrup, Chair

Attest:

---

LuAnn Tolliver, Secretary

**Action on this resolution:**

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.