

***Agenda***

**City of Minnetonka**

**Study Session**

**Monday, Sept. 9, 2019**

**6:30 p.m.**

**New Minnehaha Room (Formally known as the Purgatory Creek Room)**

**Community Center**

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1. Report from the City Manager
2. City charter and elections
3. Public Safety Facilities Update
4. Adjournment

The purpose of a study session is to allow the city council to discuss matters informally and in greater detail than permitted at formal council meetings. While all meetings of the council are open to the public, study session discussions are generally limited to the council, staff and consultants.

**City Council Study Session Item #2  
Meeting of September 9, 2019**

**Brief Description:** City charter and elections

**Background**

Some residents, as well as the nonprofit group FairVote Minnesota, have asked the city council to consider implementation of ranked choice voting (RCV) in Minnetonka. RCV is a voting procedure that could be implemented by an amendment to the city's charter. This staff report begins by describing what home rule charters are, how charters may be amended, the Minnetonka City Charter's chapter regarding the form of government and elections, and a history of amendments to those chapters. The remainder of the staff report addresses what RCV is, where it is in use, and anticipated questions about the use of RCV in Minnetonka. Note that a representative of FairVote has asked to provide a short presentation at the study session to demonstrate how RCV works.

**Home Rule Charter Authority**

Minnetonka is a home rule charter city. The creation of charter cities is authorized by the Minnesota Constitution and Chapter 410 of state statutes. A charter city can exercise any power allowed under its local charter, so long as the power does not conflict with state laws and is not preempted by state law. The adoption of a city charter gives charter cities more local control over the manner in which the city is organized and the powers that it can exercise. This is in contrast to statutory cities, which can only exercise those powers expressly or impliedly provided by state statutes. The charter for the City of Minnetonka was adopted by an election held on November 4, 1969.

By law, all charter cities have a charter commission. The charter commission is independent of the city council, and its members are appointed by the chief judge of the county in which the city is located. The charter commission's statutory duty is to study the local charter and government, and it has a prescribed role in any proposal to amend the city charter.

State law allows the charter to be amended by any of the following procedures:

- The charter commission may propose an amendment to be put to the voters as a ballot question. The city council must determine the wording of the ballot question, but so long as the proposed amendment is constitutional, the council cannot refuse to submit the question to the voters.
- Registered voters may petition to amend the charter. State law and the charter contain detailed requirements, but in general, the petition is submitted to the city clerk to verify that the requirements for the petition have been met, and then it is submitted to the city council. As with the commission-proposed amendments, the council determines the wording of the ballot question but must submit the question to the voters, unless the amendment is not constitutional.
- By ordinance, the city council may propose an amendment to the charter commission. The charter commission has 60-150 days to review the proposed amendment and either return it to the city council or submit the commission's own proposed amendment. The

council then submits to the voters either its original proposal or the substitute amendment.

- The charter commission may recommend that the city council amend the charter by ordinance. After a public hearing, the council may adopt the ordinance by a unanimous vote of all members of the council. The charter amendment becomes effective 90 days after publication of the ordinance, unless a voter petition with the requisite number of signatures is timely submitted. If a sufficient petition is submitted, the council may rescind the ordinance or submit it to the voters. This is the only means to amend a charter that does not require submission to the voters.

### **Minnetonka City Charter – Provisions on Elections**

Chapter 2 of the Minnetonka City Charter outlines the city's form of government. Several characteristics of Minnetonka's form of government would be available even if the city were a statutory city, including: council-manager form of government; seven-member council; and four-year terms for mayor and council members. Minnetonka's ward system, however, is not generally available to statutory cities. Minnetonka's charter provides for the election at large of the mayor and two council members, and the election of the remaining four members from each of four wards. Although there are some unique ways in which a statutory city might have a ward system, the general laws do not allow statutory cities to create ward systems.

Chapter 4 of the Minnetonka City Charter governs nominations and elections. Except for special elections, the charter contemplates a single-winner, majority voting system in odd-numbered years. A single-winner system is one in which voters are allowed to vote for only one candidate per office; this contrasts with multi-winner systems, where voters can vote for more than one candidate for an open seat, and a designated number of the top vote-getters are elected. (E.g., "vote for up to three" school board members.) In a majority voting system, the winner must have a majority of votes to win, as contrasted with a plurality voting system, where the top vote-getter wins, even if he or she has less than a majority of all votes cast.

Minnetonka's charter requires a primary for general elections any time there are more than two candidates for an office; this results in a majority voting system. However, Section 2.06 of the charter provides that there is no primary in a special election to fill a vacancy, except when the special election is held concurrently with a state general election and there is adequate time to conduct a primary. Therefore, the city uses a plurality voting system for special elections in which no primary is conducted.

Since its original adoption in 1969, Chapter 2 of the city charter has been amended 22 times – twice by submission of a ballot question to the voters, and 20 times by unanimous adoption of an ordinance that the charter commission recommended to the council. Of the amendments accomplished by ordinance, two were part of general re-writes of the charter, for gender neutrality and language simplification; others involved amendments to conform to state law or amend provisions that related to council vacancies, qualifications for office, incompatible offices, salaries, and boards and commissions.

The two amendments that were submitted to the voters for approval were: the adoption of the ward system for electing council members, approved by the voters in February 1970; and, the change in the mayor's term from two years to four years, approved by the voters in November

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1991. Chapter 4 has been amended six times – five times by unanimous adoption of an ordinance (two of which also amended Chapter 2) and once by the February 1970 ballot issue.

***Discussion Point:***

- ***Does the city council have questions about the city charter's provisions or the methods of amending the charter?***

**Proposal for ranked choice voting**

The remainder of this staff report is organized around common questions related to ranked choice voting (RCV).

What is ranked choice voting?

RCV is sometimes called “instant runoff voting.” RCV is a methodology that, in general terms, eliminates the process of separate primary and general elections in favor of a single election in which voters may rank candidates for a particular office in order of the voters’ preference – e.g., first, second, third, etc.

Votes are initially tabulated based on the first choices of all voters. If one candidate obtains a majority of all votes cast, that candidate is the winner, and no additional rounds are counted. However, if no candidate obtains a majority of all votes cast, the candidate with the lowest number of first-choice votes is eliminated, and a second round of counting is conducted for the continuing candidates.

In the second round, the first-choice votes in favor of all continuing candidates are counted, and the second-choice votes of those voters who had marked the eliminated candidate as their first choice are allocated among the continuing candidates. If the second round does not result in a majority vote in favor of a single candidate, the candidate with the lowest vote total is eliminated and a third round of voting is conducted. Counting continues in the same manner for as many additional rounds as may be needed. A voter’s first-choice is used until that candidate is eliminated, then the second-choice vote is used until that candidate is eliminated, and then the third choice vote is used. When one candidate obtains a majority of the votes being counted, that candidate is the winner, and no additional rounds of voting occur.

As noted, a representative of FairVote has asked to provide a short presentation at the study session to demonstrate how RCV works. Attached is an executive summary and the presentation submitted by FairVote.

Is ranked choice voting legal in Minnesota?

State law does not currently allow RCV for state elections or for municipal elections in statutory cities. Home rule charter cities, however, may implement RCV by charter amendment and adoption of a properly-drafted ordinance that governs the details of the RCV process. In 2009, the Minnesota Supreme Court upheld the constitutionality of Minneapolis’ RCV ordinance.

Home rule charter cities may provide for RCV in their charters, but only if the charters also provide for municipal elections in odd-numbered years. Due to issues of conformity with the ballot requirements for state general elections, the consensus is that RCV cannot be conducted on municipal elections in even-numbered years.

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Which Minnesota cities are using ranked choice voting or considering its use?

The following cities have adopted RCV:

- Minneapolis amended its charter to provide for RCV in 2006. A committee of the city council initiated the proposal in March 2006 by asking the council to appoint a task force to study the issue. The council submitted a proposed amendment to the charter commission, but the charter commission rejected it twice. The issue was submitted to the voters at the Nov. 7, 2006 election, and it passed 78,741 (64.95%) to 42,493 (35.05%). The council approved the ordinance to establish RCV procedures in 2008. After prevailing in a lawsuit that challenged the constitutionality of RCV, the city first used RCV in the 2009 municipal election. It was again used in 2013 and 2017. Since its adoption in 2008, the ordinance on elections procedures has been amended three times, in 2009, 2013, and 2015.
- St. Paul amended its charter to provide for RCV in 2009, after receiving a voter petition to amend the charter. The voters approved the amendment in November 2009. The council adopted the ordinance establishing RCV procedures in 2011 and amended it in 2011, 2015 and 2018. It has been used in municipal elections since 2011.
- St. Louis Park adopted RCV in 2018, and it will be used for the first time in the 2019 municipal election. According to city records, the city council discussed the use of RCV on numerous occasions, beginning in 2006. In 2017, the council adopted a resolution asking the charter commission to study and make recommendations on the use of RCV. The charter commission discussed the issue at six meetings between Oct. 24, 2017 and Mar. 13, 2018, including a “listening session” where the commission heard from an expert panel, as well as question-and-answer session for the public. On Mar. 13, 2018, the commission recommended that the city council amend the charter by ordinance. The council adopted the ordinance on May 8, 2018, and the charter amendment was effective Aug. 15, 2018. The council adopted an ordinance establishing RCV procedures on Dec. 3, 2018.

The following cities have considered RCV but have not adopted it:

- Duluth proposed to amend its charter in 2015 to allow RCV. The ballot measure failed, with 5,271 (25.29%) voting in favor of the proposed charter amendment and 15,564 (74.71%) voting against.
- Brooklyn Park considered the use of RCV in 2016 but decided not to proceed. The charter commission discussed the issue over a four-year period, from 2011 to 2015. The commission presented a recommendation report to the city council in December 2015. After a public hearing on Feb. 8, 2016, the city council voted unanimously not to amend the city charter. It should be noted that Brooklyn Park holds its municipal elections in even years. Due to an issue of conformity with the legal requirements for state ballots, implementation of RCV requires odd-year elections.
- The Rochester Charter Commission considered the use of RCV in 2018 but chose not to move forward. Rochester holds its municipal elections in even years.

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RCV is under consideration in the following cities:

- The City of Bloomington is currently studying RCV. Its city council and charter commission held a joint meeting on May 16, 2019, at which time the council expressed interest in holding additional study sessions before making a decision on whether to proceed with RCV.
- The City of Red Wing's city council has expressed interest and, on July 8, 2019, referred the issue to the Red Wing Charter Commission for consideration

How many primaries has the city of Minnetonka had in the past 20 years?

One of the potential benefits of RCV is that it eliminates primaries, making the below information pertinent. In the past 20 years, the City of Minnetonka has had four primaries.

2003 – Primary for Council Member Wards 1 & 4 (three candidates each)  
Voter turnout 4.4%

2005 – Primary for Council Member At Large Seat A (five candidates) and  
Council Member At Large Seat B (three candidates)  
Voter turnout 4.58%

2007 – Primary for Council Member Ward 4 (four candidates)  
Voter turnout 8%

2013 – Primary for Council Member Seat B (four candidates)  
Voter turnout 2.7%

The average voter turnout for general elections in Minnetonka from 2011 - 2017 was 14.5%.

How many special elections and appointments has the City of Minnetonka had in the past 20 years?

2002- Council appointment for Ward 3 vacancy because Ward 3 Council Member Koblick was elected to the Hennepin County Board of Commissioners.

2008 – Council appointment for mayoral vacancy because Mayor Callison was elected to the Hennepin County Board of Commissioners.

2009- Council appointment for At Large Seat B because Council Member Schneider was appointed as mayor.

2012- Special election for At Large Seat B because Council Member Greves resigned. No primary, but eight candidates were on the ballot. Voter turnout was 8%.

2018- Special election for Ward 3 because Council Member Wiersum was elected as mayor. No primary, but there were five candidates on the ballot. Voter turnout was 13%.

2018 – Council appointment for Ward 2 vacancy because Council Member Wagner resigned.

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2019- Council interim appointment for At Large Seat B until November special election because Council Member Acomb was elected to the Minnesota Legislature.

How does RCV affect the cost of elections?

The cost of odd year elections can vary depending on whether it is a single ward or citywide election. Primaries can range in cost from \$10,000 (single ward) to \$40,000 (citywide).

Election costs have increased over the past few years with new equipment, increase in the number of absentee voters, and supplies. Due to the fact that there has not been a primary in six years, there is no recent expense data.

Implementing RCV would result in additional costs for outreach and education, ballot printing, postage, ballot counter programming and additional staff time. First time education and outreach alone, depending on the scope of effort, could reach over \$25,000 based on discussions with St. Louis Park staff.

How does RCV impact or change election administration?

The process for election administration would not significantly change with RCV. However, written rules and procedures on how to conduct this type of election in the community would be needed, with direction from the city council.

A great effort would need to be focused on outreach and education during the transition to RCV, and continuing education on this process would be necessary for future elections.

The other change relates to results reporting/tabulating. The process for precinct election judges would not change: they would electronically report initial results to Hennepin County after the close of polling and return the voting machines' results sticks to city hall. After that point, however, RCV would require additional city staff time for vote tabulation. City staff would deliver the result sticks to the county, the county would load the data into their system and provide the city with a cast vote record spreadsheet.

***City staff would use the spreadsheet to manually tabulate the ranked choice voting results. The anticipated turnaround time to manually tabulate results could take days.*** It took Minneapolis one day to tabulate their last election, and the prior election took three days. This process would delay completing election judge payroll and other currently required post-election duties. There are some RCV tabulating programs being developed by the current equipment vendor, but nothing at this point is certified in Minnesota.

What would the staffing impacts be, if any?

Staff anticipates that additional staffing would be needed both to study the possible use of RCV and, if RCV is adopted, to implement it.

Due to other demands on the current full-time elections staff during 2020, temporary, part-time employees would need to be recruited and hired to handle overflow work. This would free up full-time elections staff to assist with the collection of information and public meetings related to the consideration of RCV. Presidential election years generate a higher volume of work than other election years. In 2020, the elections addition of a presidential nomination primary in March means that elections staff will be handling three elections in 2020. The estimated cost of the temporary assistance is \$50,600 - \$56,200.

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If the city adopts RCV, additional staffing would be needed on an ongoing basis. For RCV to be successful, extensive voter outreach and education is necessary. Election judges would need additional training and instructions on how to work with voters at the polling locations, to answer questions and educate those unfamiliar with the RCV process. As part of voter education, and in collaboration with Hennepin County, staff would hold mock elections throughout the transition period to provide voters the opportunity to practice the process. Judges would be hired to execute and manage the planning and education process.

Because RCV would be used only for municipal elections in odd-numbered years, voters would use different voting systems from year to year. Staff anticipates utilizing the additional election staff to provide education and outreach on RCV in odd-numbered years and using the same staff to provide education on primaries and general elections in even-numbered years.

As a point of comparison, St. Louis Park created a multi-layered elections program with part of it entailing RCV. St. Louis Park has 16 precincts and 32,816 registered voters. Minnetonka has 23 precincts and 37,467 registered voters. Based on St. Louis Park's experience, and looking only at the election-related staff that city employed, Minnetonka staff estimates the need to hire one full-time staff person to handle voter outreach and education and RCV implementation, and temporary staff or resources as needed to assist existing elections and communication personnel. The estimated cost range for the full time employee is between \$91,100-\$99,350 including salary and benefits. Additionally, funds totaling \$20,000 - \$35,000 may be needed for technology, supplies, a potential intern and/or graphic design needs, for **a total estimated cost range of \$111,100 - \$134,350.**

How would this change the execution of elections with our partners, Secretary of State's office, Hennepin County, and school districts?

The office of the Minnesota Secretary of State (SOS) works directly with Hennepin County, and the county relays all information to the city. If Minnetonka chooses to use the SOS Election Night Reporting system so that the council results show up on the SOS webpage, that office would not have the ability to put a disclaimer that the results were just the first count results and that further counting may have to occur.

Our relationship with Hennepin County generally would stay the same. The county would continue to do all of the Voter Registration, Absentee Voting (Mail), UOCAVA, Equipment and Ballot Programming, Election Night Reporting and so on. The areas of change would involve designing RCV ballots and tabulating voting results.

During the odd years, the school districts will often have a school board race and a referendum question on the ballot. When this is the case, school district offices and ballot questions would likely be on the back of the ballot. That way the instructions pertain specifically to that type of election. Referendum ballot questions are straight forward – with a yes and a no option. The ballot for school district offices could be confusing because generally those are multi-winner elections. For example, there may be five candidates for three open seats; voters are instructed to vote for three candidates; the three top vote-getters win. RCV voting is not available for school districts. Therefore, the city side of the ballot would be RCV and the school district side would not.



What are other major election changes or factors to consider over the next few years?

Although not official, there has been conversation around a new piece of equipment to replace the current AutoMARK. The AutoMARK is an optical scan ballot marker designed for use by people who are unable to personally mark a ballot due to physical impairments or language barriers. This will require additional training of our judges and education to the voters who utilize this machine.

After the 2020 census, 2021/2022 will be the time for Minnetonka to redistrict to ensure balanced wards. This may or may not result in fewer or higher number of precincts and voting location changes for residents, as well as potential ward boundary changes for council members. City staff time would be needed to educate residents about those changes.

What would be the timing for RCV implementation?

Other cities that have implemented RCV have taken a period of time, generally several months, to study RCV, to obtain information from elections experts, and to solicit public input and disseminate information to the public. That task could be undertaken by the city council, assigned to a task force, or submitted to the charter commission for its consideration. It should be noted that the charter commission is an independent body and is not legally obligated to undertake review unless it is presented with an ordinance by the council. However, the charter commission has a cooperative history with the city council and is comprised of several former members of the council or city commissions.

***If the council wishes further study of RCV, city staff recommends that the issue be referred to the charter commission.*** If there is consensus at this evening's study session to do so, city staff would prepare an action item for an upcoming regular city council meeting for council to formally request the charter commission to study the issue.

If a study is undertaken, it would likely start in November 2019. The charter commission does not meet until November, and the council is in a period of transition, with elections pending and at least two new members starting in January. It is assumed the study would involve at least three meetings, including collection and review of information and one or more opportunities to hear from experienced election officials and the public. Based on the experience of other cities, it is estimated the study could be completed by June 2020.

If an amendment is proposed by the charter commission, it could be adopted by the ordinance process within approximately six to eight weeks, but it would not be effective for an additional 90 days after adoption – roughly November 2020. In the alternative, the issue could be put to the voters as a special election question at the November 2020 election; if the question were to pass, the amendment would be effective immediately. In either case, an early estimated effective date for the charter amendment is November 2020.

Following the adoption of the charter amendment, the council would need to adopt an ordinance that establishes the election procedures for Minnetonka. (For example, Minneapolis and St. Louis Park allow up to three candidates to be ranked, while St. Paul allows up to six.) That process would likely involve several council meetings for study, discussion, and public input. In any case, the earliest that RCV could be used would be the 2021 municipal election.

### **Discussion Points**

- ***Does the city council have any questions regarding ranked choice voting, particularly related to administration and costs?***
- ***Is the council interested in referring RCV to the charter commission for further study?***

### **Summary**

The City of Minnetonka is governed by a home rule charter, which makes it eligible under state law for ranked choice voting in odd-year elections. Although there is support from FairVote Minnesota to institute RCV in Minnetonka, further study would allow for a more in-depth analysis of the process and engage a broader range of voices in the discussion before a final decision is made to allow for RCV.

#### Submitted through:

Geralyn Barone, City Manager  
Mike Funk, Assistant City Manager/Administrative Services Director

#### Originated by:

Corrine Heine, City Attorney  
Moranda Dammann, Administrative Services Manager  
Becky Koosman, City Clerk

### Why Use Ranked Choice Voting?

- Minnetonka elections are typically positive and well-run. But voter turnout, especially in primaries, is very low (4% average), and special elections historically result in a winner without a majority.
- Ranked Choice Voting would allow Minnetonka to eliminate the primary, rolling all candidates into a single November election when turnout is much higher, electing candidates with a majority of support, and saving time/money.
- Minneapolis, St. Paul and St. Louis Park have established a blueprint and process that would make adopting it here straightforward.

### How Does Ranked Choice Voting Work?

- Instead of just picking one candidate per race, voters are allowed (but not required) to make a 1st/2nd/3rd choice
- The first preferences of each voter are counted. If any candidate receives a majority (50% +1) of the first preferences, they win. If no candidate reaches a majority, then the candidate with the fewest first preferences is eliminated. The voters who preferred the eliminated candidate then have their vote moved to their 2nd preference. The ballots are counted again, if a candidate has a majority, they are the winner. If not, candidates continue to be eliminated and ballots reallocated until one reaches the winning threshold.
- A voter's second or third choices have no value and is not counted unless their first choice is eliminated from the contest. A voter's third choice only counts if their first and second choices are eliminated.

### Why Ranked Choice Voting is Better

- Ranked Choice Voting eliminates low-turnout, costly and unrepresentative primaries. Several previous elections required a primary (and we should expect future elections will), with a voter turnout averaging 4%, and voter demographics that are unrepresentative of Minnetonka's population. Eliminating the costly and time-consuming primary frees up more resources for other city priorities, and streamlines the campaigning and voting process for candidates and voters.
- Our current special elections result in a winner without majority support, simply due to math. With 3 or more popular candidates, getting to 50% is challenging. Ranked Choice Voting would ensure a winner with majority support, by eliminating spoiler and vote-splitting dynamics.
- Ranked Choice Voting creates greater civic engagement because it allows more candidates to run through November in regular elections. More candidates and competitive elections foster more interaction between voters and candidates - discussing issues, raising election awareness. Voters have more power with their vote, are more satisfied with the outcome.

### A Proven, Easy and Popular Way to Vote

- Used by millions in the US, 100+ million globally. Used in Minneapolis for a decade, statewide in Maine. Dozens of cities from San Francisco to smaller cities in Utah. Validated by Minnesota State Supreme Court.
- Voters can rank as many or few candidates as they want. 92% of all 2017 voters in Minneapolis thought ranking was easy. 87% of voters ranked more than one candidate. 84% wanted to continue using the system. The effective ballot rate was 99.96%. Works with existing Hennepin County voting equipment.
- All kinds of Minnetonka residents like it. Seniors, busy professionals, parents and the disabled prefer one trip to the polls instead of two. Residents who prioritize low taxes, or those who expect Minnetonka to think ahead. People who want greater community engagement and inclusivity. Younger people with fresh eyes and a desire for more open and inclusive elections.



**VOTE**

A circular button with a patriotic design. The top half is red with a row of five white stars. The middle section is white with the word "VOTE" in bold, black, sans-serif capital letters. The bottom half is blue with a row of five white stars. The button is set against a background of the American flag, showing the stars and stripes.

# OVERVIEW

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- **Where are we now?** We have two opportunities to improve our election process – low-turnout primaries, single day special elections.
- **How does it work?** Ranked Choice Voting is like a primary & general election rolled into a single voting day that results in a majority winner
- **What are the benefits?** It would reduce costs & ensure elections are more representative of voters and their preferences.
- **Is it a good idea?** Used by millions across US, overwhelmingly preferred by voters, validated by Minnesota Supreme Court.

# AGENDA SUMMARY

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1. How voting & counting works
2. The problems it addresses
3. What people think about it






# WHAT DOES A RANKED CHOICE VOTING BALLOT LOOK LIKE?

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**Sample Ballot**

Fill in the ovals by ranking candidates in order of preference

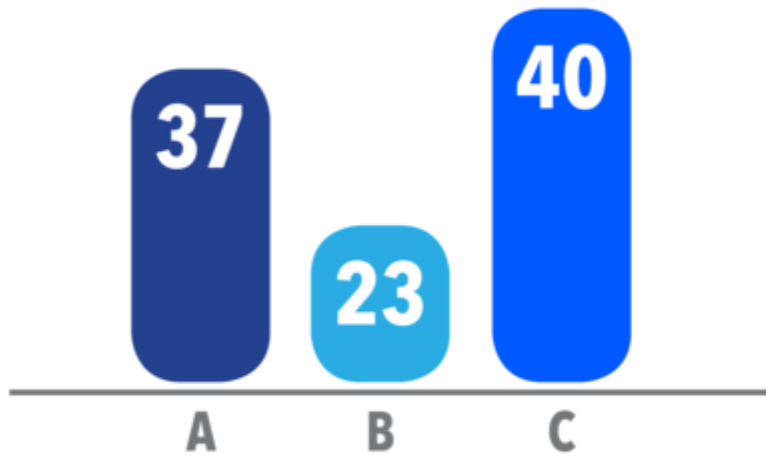
	1st Choice	2nd Choice	3rd Choice
 Candidate A	(1)	(2)	(3)
 Candidate B	(1)	(2)	(3)
 Candidate C	(1)	(2)	(3)



# How Your Vote Counts

Number of voters: 100    Winning threshold:  $100/2 + 1 = 51$  votes

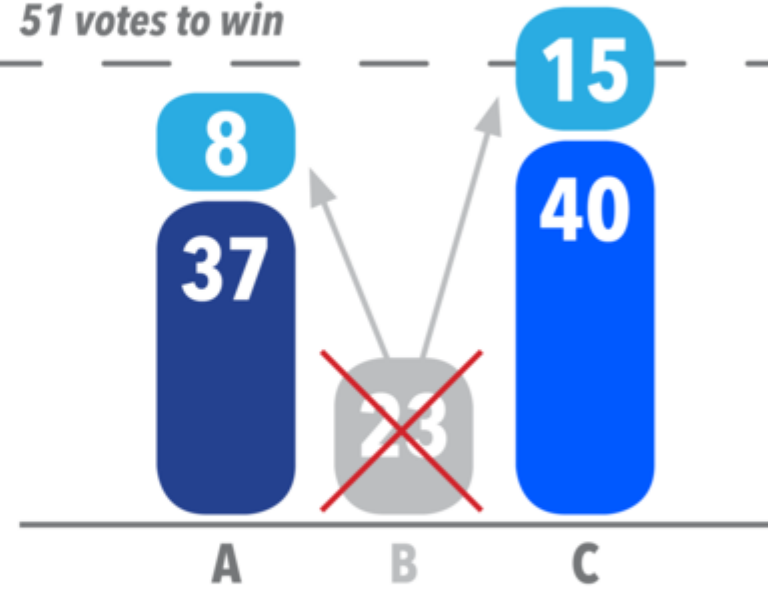
51 votes to win



## Tally Round 1

No candidate reached the winning threshold. Candidate B has the fewest votes and will be eliminated in Tally Round 2.

51 votes to win



## Tally Round 2

Candidate B's votes are reallocated based on those voters' 2nd choices. After Tally Round 2, Candidate C reaches the 51 votes threshold and wins.

# PROBLEMS ADDRESSED BY RANKED CHOICE VOTING

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# PROBLEM #1: SPECIAL ELECTIONS - SPOILERS, STRATEGIC VOTING, WINNERS WITHOUT MAJORITIES

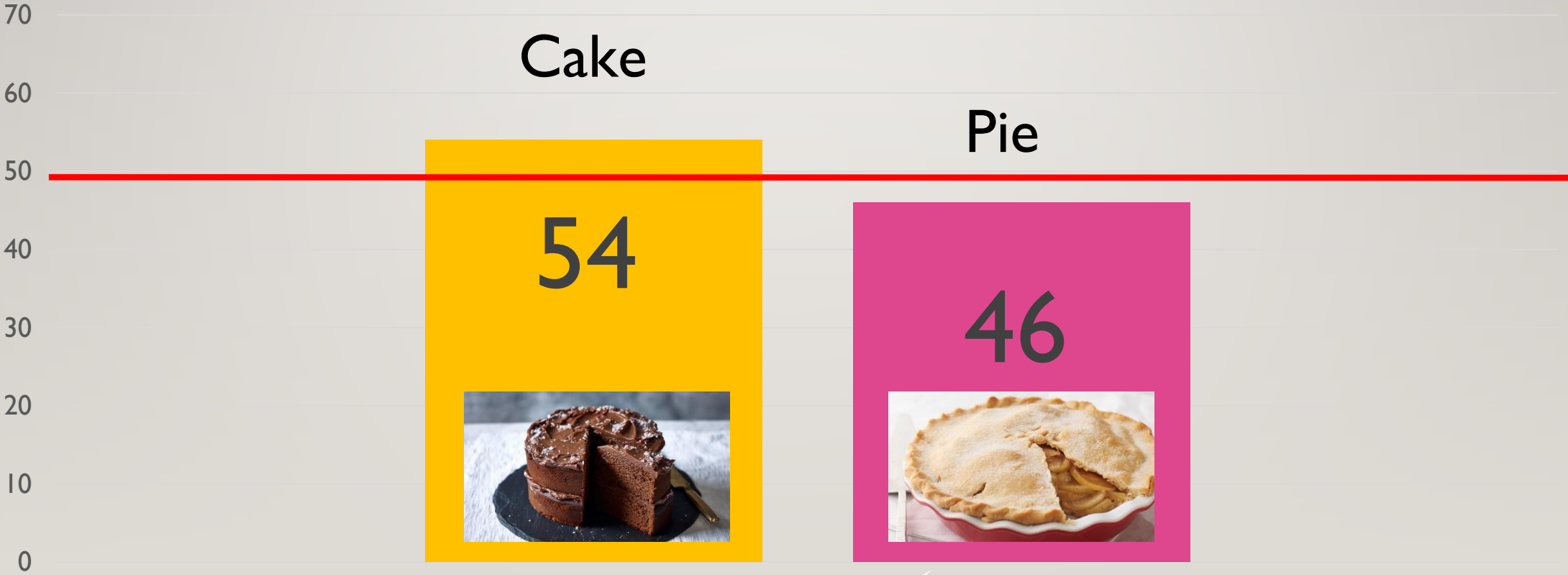
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# CAKE OR PIE?



# 2 CANDIDATE RACE

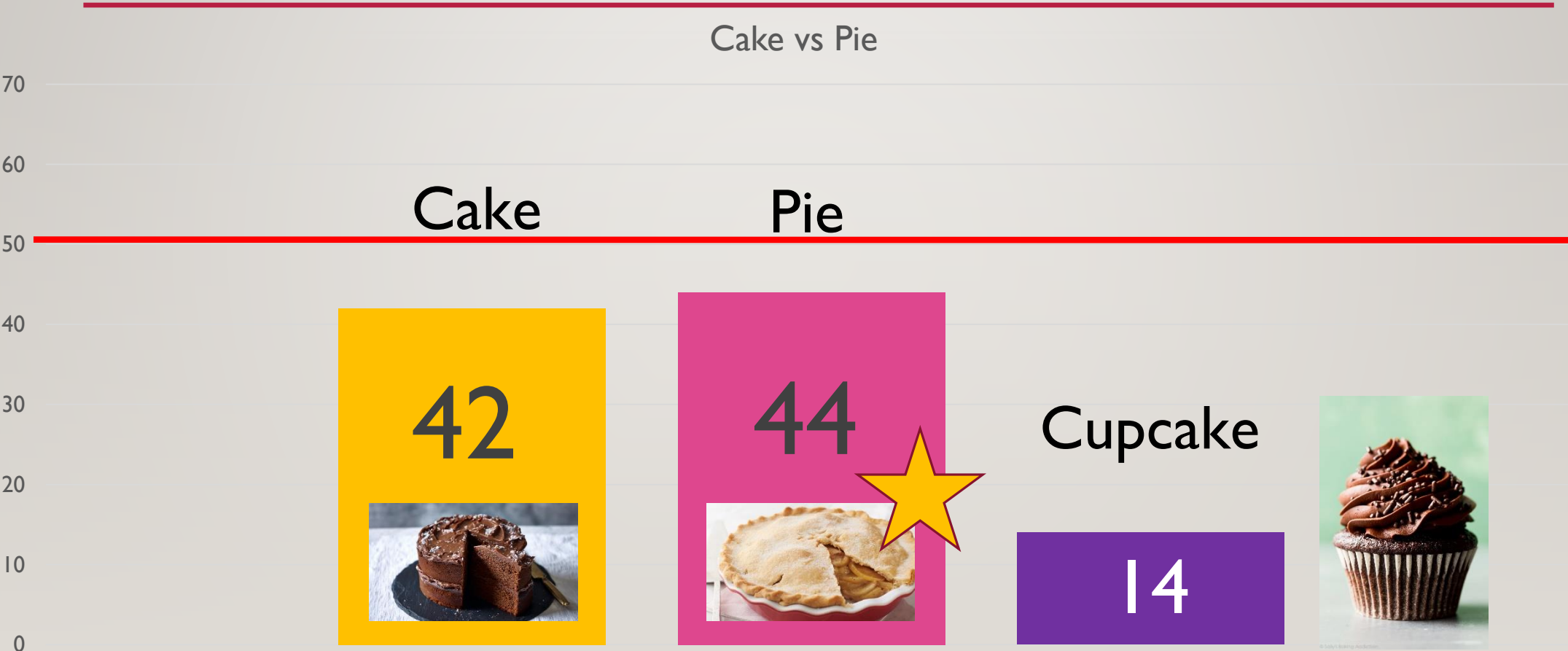
Cake vs Pie



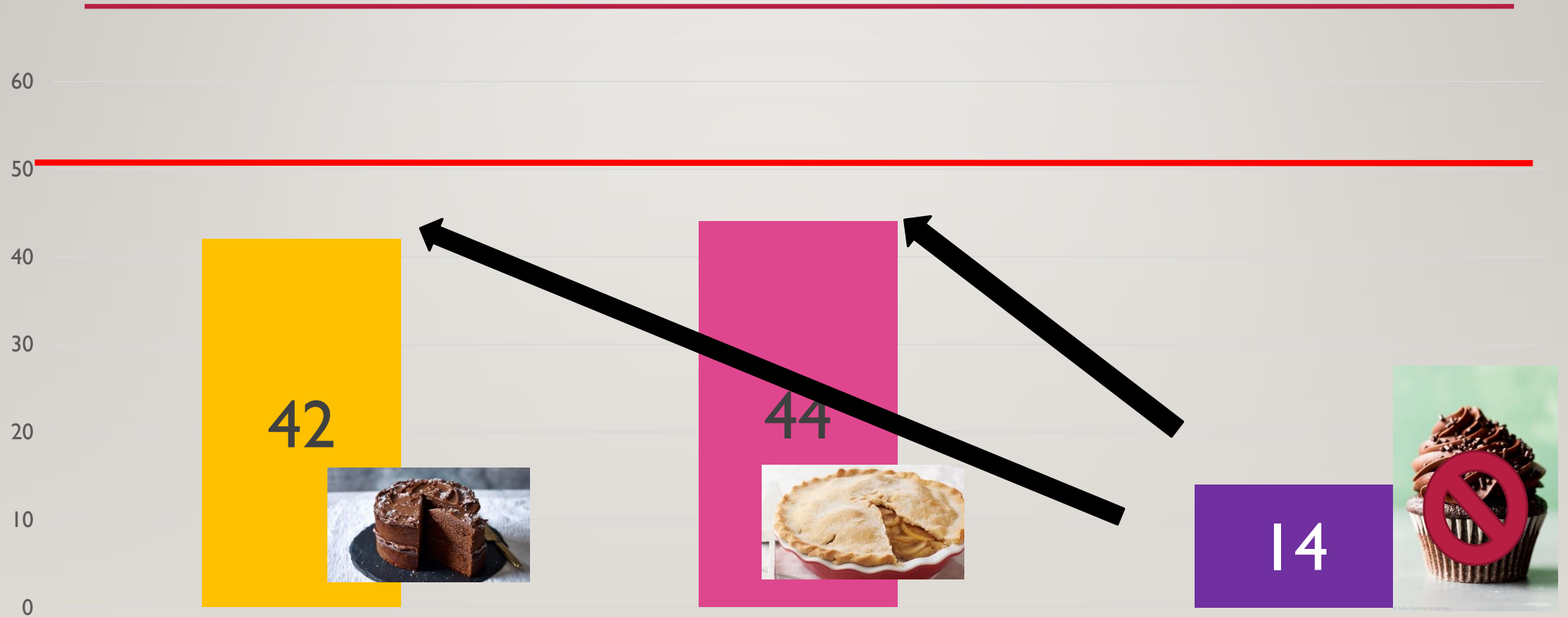
# CAKE OR PIE? OR CUPCAKE?



# 3 CANDIDATES, SAME VOTERS

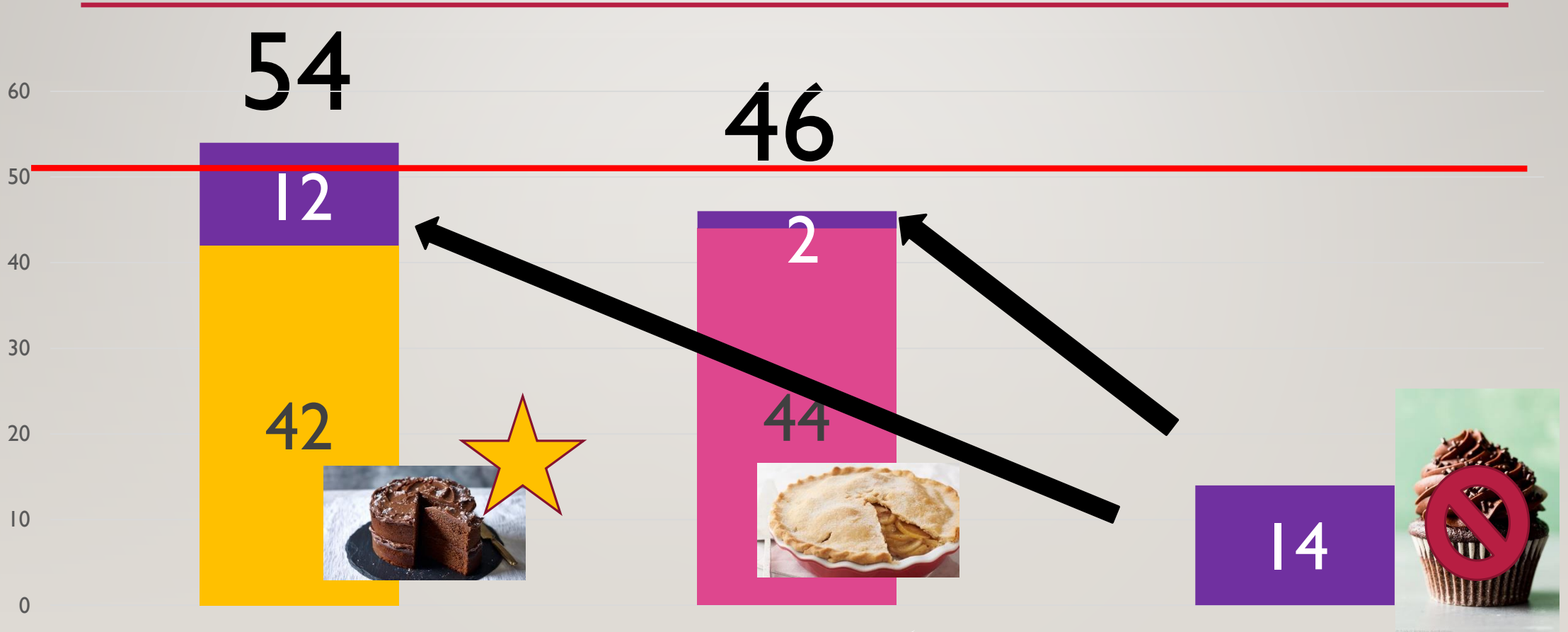


# GETTING TO A MAJORITY WINNER





# GETTING TO A MAJORITY WINNER



# SPECIAL DAY ELECTIONS: MANY CANDIDATES, NO MAJORITY WINNER

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Vegan Carrot Cake



# SUMMARY

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- Ranking candidates produces a winner preferred by the majority
- Emerging candidates can be supported without “spoiling” the outcome
- Less strategic voting: voters choose their favorite without being penalized, losing candidates have a clearer idea of true voter support

# PROBLEM #2: LOW-TURNOUT, UNREPRESENTATIVE, COSTLY PRIMARIES

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# PRIMARY ELECTION TURNOUT

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Election Year	Registered Voters	Voters	Turnout %	Details
2003	16744	736	4.40%	Ward 1 (3 candidates), Ward 4 (3)
2005	35517	1628	4.58%	At large seat A (5 candidates) and B (3)
2007	8819	707	8.02%	Ward 4 (4 Candidates)
2013	35364	956	2.70%	At large seat B (4 Candidates)

# PRIMARY ELECTION CHALLENGES

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- Cost of a primary takes money from other city priorities
- Primary voters are not representative of Minnetonka residents
- Two election days – more challenging for candidates and voters
- Many candidates are eliminated before most people are paying attention

# SUMMARY

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- Ranking enables more efficient and representative elections, better for city administrators, candidates and voters

# GREATER CIVIC ENGAGEMENT

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1. More candidates run
2. More interaction between candidates and voters
3. Higher voting rates
4. Greater voter satisfaction





# WHAT WE KNOW ABOUT RANKED CHOICE VOTING

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1. Proven
2. Easy
3. Popular

# RANKED CHOICE VOTING IS PROVEN

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- Used by millions in US, 100+ million globally
- In Minneapolis for a decade, statewide in Maine, in dozens of other cities from San Francisco to small cities in Utah
- Validated by Minnesota State Supreme Court

# RANKED CHOICE VOTING IS NOT HARD OR CONFUSING

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- Voters can rank as many or few candidates as they want
- 92% of all voters in Minneapolis thought ranking was easy
- 84% wanted to continue using the system
- The effective ballot rate was 99.96%
- Works with existing voting equipment

# WHO LIKES RANKED CHOICE VOTING IN MINNETONKA?

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- Seniors, busy professionals, parents, disabled: One trip to the polls instead of two
- Residents who prioritize low taxes
- People who expect Minnetonka to think ahead
- Those who want greater community engagement and inclusivity
- Younger people with fresh eyes

# ACCORDING TO MINNETONKA RESIDENTS, RANKED CHOICE VOTING IS...

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“A better way to do things”

“The kind of thing I would expect Minnetonka to do”

“Fairer for all the candidates and the voters”

“More efficient, like our city”

“A no-brainer”

“A quick win”

“Obvious, once you think about it for a minute”

**City Council Study Session Item #3  
Meeting of September 9, 2019**

**Brief Description:** Public Safety Facilities Update

**Background**

Over the past several years, the city has been planning for the construction of a remodeled police facility and new building to house the fire department. The project is included in the approved 2019-2023 Capital Improvement Program (CIP) at an estimated cost of \$25,000,000. Additionally, utility fund expenses related to the well, in proximity to the project, were included in the CIP. The city engaged Wold Architects and Engineers to design the project and facilitate a public engagement process. The city council approved the necessary land use requests at its regular meeting on Jan. 28, 2019. On March 18, 2019, the council authorized the issuance of \$25,000,000 in general obligation bonds to finance the facility.

*Initial Project Bids – Best Value Contracting Method*

In March 2019, the city solicited competitive proposals utilizing the best value contracting method, as allowed by state law. Best value contracting allows the city to consider, not only price, but also a number of other factors related to the contractor's qualifications, including quality and timeliness of the contractor's performance on previous projects. The published criteria specified the construction budget at \$22,000,000 and proposals in excess of that amount would not be considered for selection. Additional project costs were not included in that amount, such as architectural design, construction administration, furniture, technology, well, and contingencies.

The city received two proposals on April 16, 2019, in the amounts of \$25,450,000 and \$28,119,000, respectively. Since both proposals exceeded the construction budget, Wold recommended the proposals be rejected. This action was taken by council on May 6, 2019.

At the May 6, 2019 council meeting, it was further discussed to move the project forward using a construction manager (CM) – contractor process. In conjunction with city staff and the architect, a construction manager would assist in reviewing the project plans for potential cost-saving methods from a constructability perspective. The construction manager would then oversee the work of the contractors throughout construction and provide additional project management for city staff. The construction manager form of contracting is commonly used by cities and counties and solicits competitive bids for the project construction. Examples of cities and counties that have utilized construction managers are: City of Burnsville police and city hall remodel, City of Hopkins city hall remodel and Scott County government center.

*Proposed Rebid Efforts – Construction Manager Process*

On July 22, 2019, the city council approved an agreement with Kraus Anderson Construction Company (KA) for the city's police and fire facility project and authorized an internal loan for the contract of up to \$1,500,000 from the special assessment construction fund to be reimbursed by future bond proceeds.

Leading up to this action, city staff conducted interviews for the Construction Manager at Risk (CMAR) delivery method to assist with the project construction. Selection for these professional services was based on cost, expertise, project history, staff commitments and experience with similar type projects. Staff interviewed six firms and selected Kraus-Anderson Construction Company.

The process for the construction manager includes delivering the project within a guaranteed maximum price (GMP), which is based on updated/revised construction documents and specifications. The construction manager acts as a consultant to the city with expertise in all construction aspects of a project of this type including construction methods, relocations, staging and schedule reductions. The construction manager works directly with the architect and the city review ways to engineer the plans and specifications prior to rebidding. This includes potential changes to items such as materials, equipment and schedule, while considering impacts to the original project parameters and a goal of maintaining quality.

The construction manager also continues to manage and control construction costs to not exceed the GMP, as contractually, any costs exceeding the GMP that are not changes to the scope are the financial liability of the CMAR. This method allows the city to have greater cost control on the project while creating a partnership with the CMAR.

KA has been working with the city and architect on the first of a two-phased approach for preconstruction/bidding services (all work up to the GMP). Once the GMP is prepared, the city has the option to determine if they choose to move forward with the project and continue the services of a second phase which would be post construction services for construction project management.

### **Project Modifications**

City staff began working with KA and Wold on a detailed review of the project to determine current market cost estimates and to further understand up-to-date project costs. After review, the staff and consultant group found the total project cost based on today's market to be greater than \$25,000,000 as designed. This is consistent with what was reflected in the best value bids received in April.

The initial review of the entire project now indicates estimated construction costs of \$28,000,000 and an additional \$4,500,000 of other costs noted above, placing the total estimated project cost at \$32,500,000. The group reviewed the construction expertise advice, commonly referred to as value engineering, and identified approximately \$2,500,000 - \$3,500,000 in reductions without compromising programming or quality. These items include:

- changing brick to concrete panels with a brick face
- eliminating in-floor heat in the fire apparatus bays
- changing wire materials to aluminum, when practical
- adjusting garage door types
- amending the phasing of the project to reduce the construction time period

In an effort to further suggest cost reductions, police and fire staff reviewed plans in depth to pinpoint other changes without compromising the initial project goals. These considerations include:

- reducing the overall square footage of the new fire building (e.g., slightly smaller apparatus bays, fewer dorm rooms, smaller living/dining space)
- leaving the police detention area as is (no relocation)
- phasing some of the technology improvements (delaying costs to future CIPs)
- eliminating the training room shell (space would remain unfinished; potential future installation)
- eliminating salvaging and milling of trees removed from the site (exploring having a contractor salvage and mill trees for a different project)

Because costs are projected and not specifically known, some items will be presented as bid alternates. A decision to accept any bid alternates would be determined at the time of bid acceptance.

### Estimated Project Costs and Funding

By incorporating the noted changes, staff believes it is possible to reduce the overall project cost from KA's estimate of \$32,500,000 to between \$28,500,000 and \$29,500,000. Should the city council continue to support moving forward with the project, the following revenue sources are recommended. Exact amounts would be determined once final design is complete and bids are awarded.

Proposed Revenue Source	Amount	Notes
Bond issuance	\$25,000,000	No change from original amount
Utility Fund	\$ 1,000,000 - \$1,450,000	Covers expenses related to the well, including associated piping and earthwork
State sales tax exemption	\$ 550,000	Authorized by MN Legislature earlier this year; \$850,000 was approved; estimating less since this only applies to MN construction materials
Cable TV Fund	\$ 700,000	Use of fund balance and potential delay of scheduled capital projects
Special Assessment Construction Fund (SACF)	\$1,250,000 - \$1,950,000	Forgiveness of loan for Wold design expenses (originally, bond proceeds would have replenished the SACF) and KA fee
General Fund	\$0 - \$250,000	GF reduction in the amount of city permit fees collected
<b>TOTAL PROJECT</b>	<b>\$28,500,000</b> - <b>\$29,900,000</b>	

### Estimated Schedule

Should the city council support changes to the project and the associated financing plan, the following preliminary schedule is proposed:



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Fall 2019	Staff, architect and CMAR review, value engineer and revise bid documents to prepare GMP
Fall 2019/Winter 2020	Advertise for bids
	Council awards contract(s) for construction and sets the date, approves terms and conditions for sale of the bonds and awards bonds
	Estimated construction start
Summer 2021	Estimated substantial completion

***Discussion Points:***

- ***Does the city council have any questions about the proposed project changes?***
- ***Does the city council support the revised funding proposal?***

**Summary**

Given the current economic environment related to labor availability and the escalating costs of materials, plus the challenges of site topography, costs for the proposed improvements to the city's public safety facilities have increased beyond the original project scope. In collaboration with Kraus Anderson and Wold Architects and Engineers, staff would continue to refine plans for the much needed upgrades to the public safety facilities. Forefront in ongoing design and construction efforts would be balancing careful planning with long term needs intended to last well into the future, while continuing to be fiscally responsible.

Submitted through:

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