

**Minutes
Minnetonka City Council
Monday, August 10, 2020**

1. Call to Order

Mayor Brad Wiersum called the meeting to order at 6:30 p.m.

2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

3. Roll Call

Council Members Brian Kirk, Rebecca Schack, Susan Carter, Deb Calvert, Bradley Schaeppi, Kissy Coakley and Brad Wiersum were present.

4. Approval of Agenda

Calvert moved, Kirk seconded a motion to accept the agenda with addenda to Item 14.A. All voted "yes." Motion carried.

5. Approval of Minutes:

A. June 29, 2020 study session

Calvert moved, Kirk seconded a motion to accept the minutes, as presented. All voted "yes." Motion carried.

B. July 13, 2020 regular council meeting

Calvert explained on Page 11 in the third paragraph she would like her statement to read she would not push for an outdoor mask requirement, but supports wearing masks as a rule when social distancing was not possible and where it makes sense for safety reasons. She explained she was not against wearing masks outdoors when the conditions require it.

Calvert moved, Kirk seconded a motion to accept the minutes, as amended. All voted "yes." Motion carried.

6. Special Matters:

A. Women's Equality Day Proclamation

Coakley read a proclamation in full for the record proclaiming Women's Equality Day to be Wednesday, August 26, 2020 in the City of Minnetonka.

Read the proclamation.

7. Reports from City Manager & Council Members

City Manager GERALYN BARONE reported on upcoming city events and council meetings. She explained the wearing of masks would be required at all times at the farmer's market. She noted the primary election would be held on Tuesday, August 11 and polls would be open from 7:00 a.m. to 8:00 p.m.

Calvert indicated she attended a National League of Cities - Cities are Essential conference call to discuss the dire needs of municipalities for funding during the pandemic. She encouraged people to contact their legislators to make them aware of local city needs.

Calvert commented she attended a Metro Cities conference call today where the group received a presentation from the Secretary of State Steve Simon on absentee and mail-in voting.

Calvert reported the community was still in need of election judges and those willing to serve in this capacity should contact city hall for further details.

Peg Keenan, the executive director of the ICA Food Shelf, formally retired last week. She wished Ms. Keenan all the best in her retirement.

Schaeppi thanked the park board for their efforts on behalf of the community. He thanked the public works department for working diligently on behalf of the residents in the city.

Schaeppi stated he was hearing the feedback regarding Lone Lake and his hope was that the city would be putting more money into Lone Lake than into attorneys' fees at the end of the day.

Wiersum noted he would be attending a League of Minnesota Cities Fiscal Future Policy Committee meeting this week.

8. Citizens Wishing to Discuss Matters not on the Agenda

Heather Holm, 15327 Lake Shore Ave, stated she supported the application for a permit to protect the rusty patch bumblebee population in Lone Lake Park. She explained this species was listed as federally endangered in March of 2017 after extensive research demonstrated its decline in Ontario and the eastern United States. She noted she first documented the rusty patch bumblebee in 2016 in

Lone Lake Park and in July of 2017. She stated in March she made staff aware of the presence of the rusty patch bumblebee in Lone Lake Park. She explained many people are unaware of the April 2018 memo and its impact on whether a project proposer applies for an incidental take permit. She reported this undermines all of the planning, research and funding efforts to prevent the extinction of this species, if project proposers are allowed to violate the law and destroy endangered species habitat. She indicated she co-wrote the petition requesting the city to complete an environmental assessment. She commented on the SEH assessment of the project and noted statements such as “the bee’s ideal habitat is not present in great quantities” and “the proposed trail will not impact any areas that support an abundance of nectar species” were included. She stated the petition was denied because of staff’s concerns about the additional cost (\$20,000) and claims they had completed parts of the environmental assessment applicable to the project. She believed the city failed to address the impacts to the rusty patch bumblebee and the biological assessment, and the legal permitting requirements were not reviewed. After the council’s decision in August of 2018 the city published Resolution 2018-094. In this Resolution was the following statement, the project proposer will apply for all permits as recommended or required by the US Fish and Wildlife Services and will comply with all conditions of such permits. She stated she has been waiting for the city to do the right thing on what is legally required. She commented city staff was aware that an incidental take permit was required. She reviewed an email from the US Fish and Wildlife organization to city staff. She explained she sent an email to the city council in August of 2019 emphasizing the trail project would impact the rusty patch bumblebee and encouraged the city to apply for the take permit. However, the city’s webpage states an incidental take permit is not required nor would it be pursued for this project. She explained a take permit was legally required under Section 10 of the endangered species act. She indicated the research community and the pollinator community was watching the city closely. She feared if the city did not apply for the incidental take permit the city would be setting a dangerous precedent. She pleaded with the council to direct staff to apply for an incidental take permit.

Ben Marks, 4362 Avondale Street, stated he was a spokesperson for the Minnetonka mountain bike trail advocates. He discussed the Lone Lake Park mountain bike trail project and the threatened litigation by the Center of Biological Diversity. He explained bringing this project to the city has been a long journey. He commented after the project was approved the council began to encourage the two stakeholder groups to collaborate with facilitation by city staff. He noted Linda Russell and himself collaborated on the trail use policy which was unanimously approved by the park board last Wednesday. He stated in the press release published last week by the Center of Biological Diversity announcing their intent to sue, Linda Russell is listed as the point of contact. Even with this pending litigation, he continues to communicate with Linda. He reported Linda has stated the Friends of Lone Lake Park acknowledge the trails

are going to be built and they have no intent to encourage a delay or sabotage the project. Rather the group would like the project to be done correctly and for the city to be transparent in the mitigation plan. He encouraged the council to support city staff in expediting the work that needs to be done to keep the project on schedule. He noted staff has worked diligently to address all issues and concerns. He indicated there would be great disappointment in the community if this project were derailed or delayed. He commented mountain biking was one of the only activities left for the families working from home through this pandemic. He requested the council empower staff to ensure the mountain biking trail construction begins in early September as planned.

Luke Van Santen, 2148 Sheridan Hills Road, stated he has lived in his home since 2002. He commented on the mountain biking trail proposed in Lone Lake Park and the pending lawsuit. He stated this lawsuit had to do with endangered species in Lone Lake Park and an excessively strict interpretation of the endangered species act. He indicated the stipulation states the city must apply for an incidental take permit and while this permit is required in some cases, city staff has determined in this case it is not necessary. He reported this decision was supported and/or allowed by legislation. He discussed how this legal decision had been affirmed by actions of staff. He noted staff has had close interaction with relevant agencies, such as Nine Mile Creek Watershed District and the US Fish and Wildlife Service and the consensus among these agencies. He explained staff was clearly aware of the high level of controversy around this project and has adequately and correctly interpreted applicable regulations. He noted the media statement and underlying lawsuit has misstated the relative importance of Lone Lake Park as it relates to rusty patch bumblebee habitat in the state and nation. He indicated the article states that Lone Lake Park accounts for 13% of the rusty patch bumblebee habitat in the state of Minnesota. However, given the acreage in other parks listed by the Three River Parks District which included 19,989 acres, Lone Lake Park (146 acres) would account for only .7% of the rusty patch bumblebee habitat in Minnesota. He reported the article states the proposed mountain biking trail would take out six acres or critical habitat. He indicated this was quite different from the 0.9% acres that will be directly impacted by the trail itself. He explained a quick math check shows the Center for Biological Diversity seems to be considering the trail corridor to be 10 feet wide than the trail which would be 12 to 18 inches. He commented calculating the corridor instead of the actual trail width was incorrect because the part of the corridor outside the trail could serve in some fashion as habitat for the rusty patch bumblebee. He stated these calculations do not take into account the other 50 Minnetonka parks and suburban backyards as remaining habitat for the rusty patch bumblebee. Lastly, he commented in the article the Center for Biological Diversity has requested the city to develop a plan to mitigate impact on the bees and convince the city to do the right thing. He indicated if the Center for Biological Diversity had been involved for more of this process, they would know the city was doing the right thing and was encouraging positive impacts for

pollinators. He stated it would only take four Minnetonka lawn owners to fully mitigate the same area the trail would impact. He explained if the Center for Biological Diversity had been involved in the volunteer effort to remove invasive buckthorn, stickseed, garlic mustard and prickly ash from the trail corridor they would know the city was already doing the right thing to address erosion while also protecting high value plants and trees within their parks. He reported if the Center for Biological Diversity had been more involved perhaps their labors could have gone towards building Lone Lake Park up instead of heading towards a lawsuit. He hoped his frank words were not viewed as antagonistic but rather illustrated that the project had been undertaken by the city and trail advocates with concern for not just the people residents, but for all species of residents in Minnetonka. He did not ask the council to take any actions this evening, but hoped the council would remember his words when deliberations were conducted in the future.

9. Bids and Purchases: None

10. Consent Agenda – Items Requiring a Majority Vote:

A. Resolution approving the final plat of PATRIOT ESTATES at 3515 Park Valley Road

Kirk moved, Schack seconded a motion to adopt Resolution 2020-057 approving the final plat. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances: None

13. Public Hearings:

A. Items concerning Shady Oak Crossing:

- 1) Resolution approving the final plat of Shady Oak Crossing at 4312 Shady Oak Road and 4292 Oak Drive Lane;**
- 2) Resolution approving the Vacation of Easements;**
- 3) Resolution approving the execution of an Assignment of Tax Increment Financing Note and Subordination Agreement; and a Consent and Estoppel Certificate**

City Planner Loren Gordon and Community Development Director Julie Wischnack gave the staff report.

Calvert stated she was having a bit of technical difficulties. She asked if this utility easement was the same one the city was reluctant to vacate previously for a parking lot. Gordon explained the easement back in 2017 was the sanitary sewer easement that ran between the two properties. He reported this pipe would remain in place and was different from the proposed easement. The new easement would provide additional drainage and utility easements for the site.

Wiersum questioned if the applicant was in attendance. Gordon reported the applicant was in attendance.

Wiersum opened the public hearing.

With there being no comments, Wiersum closed the public hearing.

Schack moved, Kirk seconded a motion to hold the public hearing and adopt Resolution 2020-058 Resolution 2020-059 and Resolution 2020-060. All voted "yes." Motion carried.

City Manager Geralyn Barone reported Linda Russell would like to speak to the council at this time as she was cut off from the meeting earlier.

Calvert moved, Carter seconded a motion to amend the agenda to allow for the continuation of Citizens Wishing to Discuss Matters not on the Agenda. All voted "yes." Motion carried.

8. Citizens Wishing to Discuss Matters not on the Agenda

Linda Russell, 5423 Maple Ridge Court, stated she was a representative for the Friends of Lone Lake Park. She urged the council and city staff to work with the Center for Biological Diversity to meet the letter of the law of the endangered species act. She indicated it was so important for the community and was critical for the survival of the rusty patch bumblebee. She wanted a full mitigation plan in place that meets the highest standards. She hoped the council will agree to support the staff regarding this matter.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

14. Other Business:

A. Consideration of charter commission Resolution 2020-01 on ranked choice voting

City Attorney Corrine Heine gave the staff report.

Charter Commission Chair Northrup addressed the council regarding the resolution the charter commission adopted voting 7-1 to reject the charter amendment proposed by the city council. The charter commission had concerns with the manual tabulation process that had to be followed for RCV noting an additional FTE would be required for the city. Exhausted ballots was another concern for the charter commission. The expense for RCV was discussed and the charter commission anticipated RCV would cost the city \$65,000 more per year than current elections. He believed now was the wrong time for the city to change its voting practices.

Wiersum thanked Chair Northrup and the entire charter commission for their diligent service to the community.

Calvert asked if the city could share factual information, such as increased staffing costs within the information sent to residents regarding RCV. Heine reported factual information could be included noting the costs would have to refer to estimates.

Calvert confirmed that blank votes on RCV ballots were not considered "no" votes. Heine reported this was the case.

Coakley questioned how councilmembers could educate the public regarding RCV. Heine discussed the fair campaign practices act and explained this pertained to committees. She explained she could not give any legal advice to any proponent or opponent of the ballot question. She noted she only gives advice to the city and the city would not be promoting or opposing RCV.

Schaeppi commented a lot of people may be voting on this matter based on cost. He asked if the city council would be able to provide feedback on the staff recommendation regarding costs or if this was outside of the council's purview. Heine advised the council would have input because the council determines the budget. If this item is placed on the November ballot, the council will have to discuss costs further. She reported the most accurate statement the city could make was that RCV saves the cost of a primary in any year where there are more than two candidates for a position. In a year where there are not more than two candidates for a position, it does not save primary costs. Beyond that, the city could state the city was likely to incur some costs for vote tabulation and for voter outreach and education. These costs have yet to be determined by the council. She reported every communication made by the city will be reviewed by herself to ensure there were no fair campaign act issues.

Carter expressed concern with the fact the city cannot convene people at this time in order to educate them regarding RCV. She understood the city would be sending digital material and mailers to educate the public, but an in person forum

would be out of the question. Heine stated an in person forum could potentially be held at the community center per the governor's executive orders in late September of October.

Calvert stated she has been pondering this matter for some time. She noted this was a non-partisan issue. She questioned if the city could work in partnership with an organization to hold a forum where both sides can engage in discussions regarding RCV. Heine reported in terms of the expenditure of public funds the Attorney General would opine a city to expend funds to sponsor a debate where the proponent and opponent would have equal time to speak so long as the city does not endorse either side of the matter.

Calvert requested further information regarding what would be included in local articles and mailers regarding RCV. City Manager Geralyn Barone reported the city had some information on the website and a direct mailing was being considered to all households in Minnetonka that would include background information regarding RCV, what an exhausted ballot was, what the ballot question would be, what it means to vote yes, what it means to vote no and why this matter was being placed on the ballot. She noted this information could be printed in the *Minnetonka Memo* as well.

Calvert questioned if financial information regarding costs would be included in the mailer. Heine reported the final language has not been prepared and noted the draft language would state it was not known if RCV would result increased or decreased election costs. RCV eliminates a primary, which would save the cost of a primary when there are more than two candidates for a seat. In years where there are not more than two candidates, RCV would result in no cost savings. RCV requires additional staff time for tabulating votes and will likely require voter education and outreach, but the council has not established a budget for those costs. She commented this was the information that was likely to be put out. She noted all of the packets that have been provided to the city council and charter commission were public information. She reported the public could pull information from these packets and it would be factually correct to state staff has estimated the costs at X, Y or Z. She indicated it would not be factually correct to state those will be the costs.

Wiersum asked how staff defined a legally sufficient petition. Heine stated she had not looked up this definition. She commented under state law a petition has to include a number or percentage of signatures of registered voters living in Minnetonka and are qualified to vote. She noted the percentage was based off a recent election. She discussed the specific format that has to be used for petitions and how the formal process that has to be followed for this petition.

Wiersum stated if the proposed charter amendment were repealed, what would be the fastest process for getting a charter amendment on the ballot. Heine

reported the petition would have to be assembled and submitted at least 17 weeks in advance of the election date. She noted this would rule out the February special election. She indicated the April special election could be an option if the petition were submitted correctly.

Wiersum inquired if the vote were delayed and the issue did not appear on the November 2020 ballot, could voters propose an alternative voting scheme by petition and could two alternative petitions be on the ballot at the same time at some future election. Heine explained if two separate petitions were circulated and met all of the requirements they would need to be submitted to the voters, even if they were inconsistent.

Wiersum commented RCV has not been successful in every circumstance it was tried. He noted some jurisdictions have repealed RCV. He questioned if the council could add language that if RCV were adopted a review and consideration of repeal of the methodology could be required at a specific future point in time. Heine stated the difficult question would be if this language could be added to the proposed ordinance, and this could not. She indicated the statute states the charter commission could propose alternate language or the council may submit the original ordinance, but statute does not allow the city council to substitute alternate language.

Wiersum asked should the ballot question identify the number of candidates to be ranked under the RCV scheme. Heine stated this could not occur because the charter does not provide this. Rather, the amendment as proposed provides the city council must adopt an ordinance that determines the rules for counting votes and the ballot form. Part of determining the ballot form would be to decide how many rankings the city wishes to show. She commented in Minneapolis and St. Louis Park three was selected and in St. Paul six was selected.

Kirk inquired if a special election were approved in April would it become effective prior to the 2021 election. Heine stated she has not researched this and was not comfortable saying there would be enough time.

Barone reported it would cost the city an estimated \$50,000 to administer a special election.

Kirk commented if Fair Vote Minnesota were to move forward with a special election if the council does not put this on the ballot, he questioned if it would be in the best interest of the city to budget for these expenses in 2021. Barone stated if the council were to not place this on the ballot and there was a possibility a petition would proceed the council can discuss including a special election in the 2021 budget. She explained it would be in the city's best interest to plan for a special election.

Wiersum opened the meeting to public comment.

Sandy Johnson, 12201 Minnetonka Boulevard, requested the council vote to allow RCV to be on the ballot in November. She believed it was critical that the community be given the opportunity to vote on this question. She noted her vote would be yes. She discussed the mayor's leadership at the charter commission and recommended this item be placed on the ballot for November, versus requiring a special election.

Jonathan Wiese, 5726 Creek Park Drive, thanked the council for allowing him to speak. He noted he supported RCV and requested the council place this item on the ballot in November. He stated 75% of Minnetonka residents agreed with him. He commented on the benefits of RCV and encouraged the council to hear the voices of the public.

Chris Barry, 15404 Highland Lawn Courts, stated he was new to RCV. He believed RCV would bring in new candidates who are interested in participating in the political process that might not otherwise. He anticipated RCV would bring in new voters as well. He encouraged Minnetonka to increase civic engagement by pursuing RCV.

Mary Pat Blake, 14800 Westwood Road, reported she grew up in Minnetonka and was a fourth generation Minnetonka resident. She indicated she supported RCV and hoped the council would allow Minnetonka voters to vote on this matter in November. She stated there was some evidence that RCV may result in a greater number of candidates for open seats. However, it was not certain if RCV was the major reason for this increase. She explained that making something easier to do would make people more likely to do this. She anticipated that primary elections make it more difficult for candidates to run, but with RCV experience has shown that more candidates run. She commented on the discussion held by the charter commission regarding primary elections. She discussed how having a greater number of choices led to more competition. She noted this would also lead to more voters who feel like their vote matters. She commented on the experience of Minneapolis voters with RCV and noted the number of candidates increased by 50% to 100%. She believed it was healthy to keep the steady flow of good ideas and candidates flowing into the city through RCV. She thanked the council for moving RCV to the ballot this November.

Ben Wilinski, 5727 High Park Drive, stated he has lived in Minnetonka for the past eight years. He explained he supported RCV. He discussed how manual tabulation of votes has been occurring for years for close elections. He explained that at times things needed to adapt in order to move forward in the best manner. He noted 75% of voters in Minnetonka supported RCV and the November election would be a great time for voters to address this matter. He understood the city's budget was a concern which was why this matter should be

addressed by one question in November. He addressed the concern of educating the public and stated he believed efforts were in place by Fair Vote Minnesota to properly educate the public.

Mark Luther, 14600 Wood Rough Road, reported he has lived in Minnetonka since 1994. He indicated he was not in favor of RCV because it was confusing to the voter. He did not understand what would happen when votes were counted. He believed high quality leadership would not be achieved with RCV, but rather second and third choice candidates would be put into leadership positions. He stated this opinion was based on the results of the City of Minneapolis elections. He recommended Minnetonka not pursue RCV.

Bruce Honnigford, 13705 Summit Lane, stated he supported rescinding the ordinance. He indicated RCV was a complex issue. He explained he was concerned about the election process. He discussed one of the biggest threats to democracy which was wealth disparity. He noted there were over 12 powerful organizations that were funding Fair Vote Minnesota. He feared that with so many powerful organizations funding these issues the voice of the people was being lost. He commented public information on this issue was lopsided and the nation was gradually losing its democratic election process to ultra-rich people. In addition, there was one councilmember that wanted to silence any discussion on this issue because of alleged dog whistles. He stated as RCV was being strong-armed into the public arena, it was the job of the council to listen to its constituents.

David Teigland, 2418 Ford Road, commented he supported RCV. He reported he served as an election judge in Minneapolis, which has used RCV for several years. He explained he has found RCV to be easy for voters to use and improves their engagement in the election process. He noted RCV leads to fewer spoiled ballots. He encouraged the council to move RCV to the November ballot.

David Haeg, 17045 Chilton Hills Road, thanked the council and staff for bringing this issue to the hands of the voters in November. He stated Minnetonka was an exceptional city. He appreciated the fact that Minnetonka was an assessing city that looked for ways to improve. He noted there were some flaws in the election process and the city would like to find a way to get more people involved in the process. He commented one election was better than two. He encouraged the council to move RCV to the November ballot.

Sharon Grimes, 14301 Stewart Lane, stated she has lived in Minnetonka for the past 13 years. She explained she supported RCV and she encouraged the council to put this item on the November ballot. She indicated voters were smarter than are being given credit. She wanted to see more people participating in elections, which would occur with RCV.

Barb Blake Westmoreland, 4718 Caribou Drive, commented she has been waiting for this council vote for the past two years. She indicated RCV would improve voter participation while eliminating unnecessary primary elections. She supported the council moving RCV to the ballot in November.

Diana Klein, 3610 Druid Lane, thanked the council for their time. She explained she supported putting RCV on the November ballot. She believed people would become more engaged in voting through RCV.

Paula Ramaley, 17306 County Rd 101, stated she supported the council putting RCV on the November ballot. She responded to some of the concerns that were raised regarding RCV and noted there were a number of volunteers working at a grass roots level to promote RCV and this was not being pushed by an outside influence. She indicated RCV positively impacts voter turnout and creates more competitive races, while also creating greater candidate engagement. She encouraged the council to trust the voters and let them weigh in on RCV in November.

With there being no further residents wishing to address this matter, Wiersum closed the meeting to public comment.

Schaepfi stated he was for Option 2 with the Bloomington language. He indicated he was not in a political party and discussed his experience running for city council, indicating a primary would have been a disincentive for him. He reported Minnetonka had high quality staff members and votes would be tabulated properly. He thanked the charter commission for their time and consideration on this topic. He explained he was willing to go against the recommendation of the charter commission because he was listening to the voice of the people. He understood there were concerns regarding costs which would come from upfront education costs. He indicated there were a lot of passionate people in Minnetonka that supported RCV. He stated he would like to see the council move RCV to the November ballot.

Schack discussed the process that was followed for this matter and believed there could have been a better way to handle this issue in order to not disenfranchise some residents. With that said, she believed RCV was a valid voting system, but she was not sure it would address the problems in Minnetonka. She appreciated the system that was in place now and its tradition. She explained she was trying to consider if now was the time to let the voters decide. She commented people were very split on this issue and for this reason the matter should be put on the ballot. She indicated she did have concerns with how to educate the public between now and November. She explained this has been a major distraction during a difficult time both for the council and staff. She believed it made sense to move this to the November ballot to in order to get this

issue decided by the voters. She did not believe it was in the city's best interest to have this matter continued into 2021. She stated she supported the language proposed by staff along with the communication plan. She recommended a forum be held by the League of Women Voter's later this fall.

Kirk stated he supported Option 2 and the language proposed by staff. He explained this was an important issue that should be put in front of 85% of Minnetonka voters. He thanked the charter commission for addressing this difficult task. He clarified that the voting machines the city currently used could tabulate the first round of ballots. He discussed ballot exhaustion and noted the majority of the expense for RCV would be incurred in 2021. He reiterated that he supported placing RCV on the November ballot.

Calvert thanked the charter commission for their incredible hard work and for being conscientious stewards of the city's charter. She referred to a comment regarding dog whistles and noted this was made to her. She explained she did not appreciate references to globalism and George Soros and various other terminology, which were euphemisms and antisemitic tropes. She reported she was not stifling dialogue but rather was calling out bias. She thanked staff, especially City Attorney Heine, for her efforts regarding this matter. She stated she appreciated Chair Northrup's report and indicated her view that this issue would eventually make it to the ballot. She believed it was in the city's best interest to place RCV on the ballot in November, in order to receive the best cross section of views. She reported the proposed communication plan would allow people to make an informed decision in November. While she was pained to go against the recommendation of the charter commission, she explained she liked the wording in option 2 and believed this matter should move forward.

Carter thanked the charter commission and staff for all of their efforts. She also thanked her colleagues on the city council. She indicated she supported option 2 and she wanted the voters to decided regarding RCV.

Coakley thanked the charter commission and staff for all of their time and effort addressing this issue. She discussed the type of education that could occur in the city regarding RCV given the fact in person events would be difficult. She suggested phone calls be made and videos be posted on the city's website to inform the public. She also recommended two or three direct mailings be sent. She reported she supported the Bloomington and St. Paul language.

Wiersum stated at various times he has met with councilmembers to talk about being a councilmember. He explained when he has an issue he has to address, he has to think about what is best for Minnetonka, not what is best for an interest group. He reported the council doesn't get to pick its issues, but rather they are brought to the council. He understood now was not the best time to address RCV, given the fact the city was in the middle of a pandemic. However, he

commented he did not have to decide if RCV was the best thing for Minnetonka tonight, but rather this decision would be made when RCV was placed on the ballot. He stated if this matter did not come before the city in November of 2020, the matter could be brought to the city under a special election in April of 2021, which would cost the city an additional \$50,000 to administer. He discussed the voter turnout that was predicted for this November versus the turnout the city would have at a special election. He stated his view at this time was to have a broad referendum of voters determining on how voters vote in the future. For this reason, he would support placing this item on the November ballot.

Heine discussed the ballot language in further detail with the council noting she would discourage alternate D.

Schack clarified City Attorney Heine's proposed language was on Page 16 within the packet.

Calvert retracted her comment regarding alternate D.

Carter thanked City Attorney Heine for her clarification and noted for this reason she would be rescinding her previous comments and recommended the language be approved as written on Page 16 within the packet.

Wiersum concurred.

Calvert moved, Carter seconded a motion to adopt Resolution 2020-061 calling for a special election and establishing ballot language as recommended by staff on Page 16 in Section 2.04.

Carter thanked all of the residents who spoke up this evening and who have taken the time to speak to her offline regarding RCV.

All voted "yes." Motion carried.

15. Appointments and Reappointments: None

16. Adjournment

Kirk moved, Calvert seconded a motion to adjourn the meeting at 9:50 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Becky Koosman
City Clerk