

**City Council
Agenda Item 12.B
Meeting of December 8, 2025**



Title: Ordinance amending the city charter to reflect state law requirements regarding resident signature petitions

Report from: Erik Nilsson, City Attorney

Submitted Through: Moranda Dammann, Assistant City Manager

Presenter: Erik Nilsson, City Attorney

Action Requested: Motion

Form of Action: Ordinance

Votes needed: 4 votes

Summary Statement

Minnesota state law outlines specific information required for any election petition. The city charter provides for initiative and referendum, including sample resident signature petition forms. These forms lack certain of the elements required by state law. The proposed charter amendments will provide greater clarity in the charter and better alignment with state law.

Recommended Action

Motion to introduce the ordinance and schedule the public hearing for January 12, 2026.

Strategic Plan Relatability

N/A

Financial Consideration

N/A

Background

The charter commission has recommended amendments to section 5.05 and the appendix of the city charter to reflect state law requirements regarding resident signature petitions. The proposed amendments do not make any substantive changes to the law or process, but are merely intended to provide greater clarity in the charter by achieving alignment with state law.

Minnetonka provides for initiative and referendum in chapter 5 of the city charter. Although the terms are often used interchangeably, they are separate concepts and processes. Initiative is the process for voters to propose and adopt an ordinance. Referendum is the process to require an ordinance passed by the city council to be referred to voters for approval or disapproval. However, both processes commence with the circulation of a signature petition to obtain a threshold percentage of support from registered voters of the city. Each process can ultimately lead to placement of an ordinance on an election ballot.

Minnesota Rules chapter 8205 addresses the required form of the petition. Minn. Rules 8205.1010,

subp. 2(H) requires each signature page to have no more than 10 signature lines with each line providing space for the date of signature, signature, year of birth, printed full name, residence address, city, and county. Only the person signing the petition can complete the date, name, year of birth, and residence address fields. Minn. Rules 8205.1030, subp. 2. Each petition page must include the following statement immediately above the signature lines: "All information must be filled in by person(s) signing the petition unless disability prevents the person(s) from doing so." Minn. Rules 8205.1010, subp. 2(G). The appendix to the city charter includes sample petition forms, which are also cross-referenced in chapter 5 of the charter. Although the forms are intended to serve only as a starting point, they are lacking some of these core elements required by state law. The charter does include a safety valve of sorts by requiring approval of the petition form by the city clerk before it can be circulated for signatures. However, it is advisable to include these core elements in chapter 5 and the appendix forms so that any city resident considering undertaking an initiative or referendum proceeding is aware of the requirements at the outset.

Under state law, the charter may be amended without a ballot measure when the charter commission recommends the amendment to the city council and the council approves the amendment by ordinance. The introduction of the ordinance requires four votes, but the ordinance itself must be approved by unanimous vote of all members of the city council, after a public hearing. Due to the imminent vacancy in the ward 2 seat, the full membership of the council will be six persons in January 2026 and all six votes will be required to adopt the ordinance.

The proposed amendments are attached.

ATTACHMENTS:

[Resident Petition Requirements Amendments](#)