6. Special Matters

Staff is asking the council to recognize Bob Hill, a long time city employee who is retiring at the end of the month. Attached is the recognition. Staff suggests recognizing Bob after the recognition of Public Works Director Brian Wagstrom and before the recognition of Councilmember Patty Acomb.

10H Resolution approving providing park credits for Rridgedale center Tenth Addition

The property owner has asked that the item be pulled from the agenda.

10I Resolution approving the preliminary plat of Dorn Estates, a two-lot residential subdivision with a variance, at 5524 Nantucket Rd.

The preliminary plat request requires a variance. Variances require five votes for approval, so this item should be moved to down in the agenda under agenda number 11 – “Consent Agenda - Items Requiring Five Votes.”

14A Items concerning Villas of Glen Lake at 5517 and 5525 Eden Prairie Road

Staff is recommending a condition be added to the resolution. The language can be found in the city planner’s attached change memo.

14C Items concerning Marsh Run redevelopment, a multi-family residential development by Doran, at 11650 and 11706 Wayzata Blvd.

The city planner’s change memo includes recommended changes to the resolution. Also attached are emails received after the council packet was distributed.

14D At Large Seat B City Council Vacancy

Attached are emails that were received after the council packet was distributed.

14E 2040 Comprehensive Plan

Attached are letters received after the council packet was distributed.
City Council Agenda Item # 6A
Meeting of Dec. 17, 2018

Brief Description: Retirement recognition for Bob Hill

Recommended Action: Recognize Bob Hill

Background

It is the practice of the city council to recognize the contributions of retiring City of Minnetonka employees.

Bob Hill

Bob became an employee of the city on August 13, 1979 and over time has held a variety of positions within a number of departments. Beginning his career as a project planner in the planning department, he eventually took a position in 1983 with the public works department as a maintenance worker. In 2015, Bob moved to the administrative services department working as an image processing technician.

While working in public works, Bob began to work on the planning and construction of the loop trail system. His coordination of this effort is a contributing factor to the passive recreation legacy residents enjoy to this day. He also has held a number of other roles within the city as a contributing member of the first Employees-In-Action committee, Burwell House caretaker, union steward, and co-chair of the labor management committee. During his time at public works, he also spent winters at the Ice Arena driving the Zamboni. Bob’s enthusiastic attitude is contagious and his strong belief in continuing education and training was consistent throughout his career. In his spare time Bob volunteers reading to elementary school children.

Residents have recognized Bob’s contributions to the city numerous times during his career. From his ability to secure challenging permits for trail segments to his dedication during the 1987 flood protecting residential areas from damage, residents often referred to his pleasant disposition and dedication to the task. During his time at public works, Bob was the city’s certified playground inspector and assisted with the implementation of the park renewal effort to renovate the city’s neighborhood parks. It is during this time he was able to fall back on his formal training as a landscape architect, which benefited the city greatly. In 1989 Bob was recognized as the TEAM award winner, for the Top Employee At Minnetonka.

We thank Bob for his dedication and many contributions to the city of Minnetonka.

Recommendation

Recognize Bob Hill.

Submitted through:
Geralyn Barone, City Manager
Perry Vetter, Assistant City Manager

Originated by:
David Maeda, City Clerk
TO: City Council
FROM: Loren Gordon, AICP, City Planner
DATE: Dec. 17, 2018
SUBJECT: Change Memo for Dec. 17, 2018

ITEM 10H – Park credits for Ridgedale Center Tenth Addition

The property owner has requested the item be pulled from the agenda.

ITEM 10I – Dorn Estates

The subject preliminary plat request for a two-lot subdivision, with a minimum lot size variance at 5524 Nantucket Rd., must be moved from Item 10I to Item 11C as requests with variances require five affirmative city council votes for approval.

In addition, staff received comments from area neighbors after the completion of the staff report. These comments are attached to this change memo.

ITEM 14A – Villas of Glen Lake

Staff is proposing to add a condition to address the potential for a future trail. The following language is to be added to Resolution section 4.01(1)(b)(5):

Dedication of a 10-foot trail easement adjacent to the Eden Prairie Road future right-of-way.

ITEM 14C – Marsh Run Redevelopment

- **Parking.** According to City Code §300.22 Subd. 6, the standards outlined in the parking and loading requirements ordinance are to serve as guidelines within PUDs. This means that while the development would be less than what is outlined in ordinance, it would not technically require a variance.

Please make the following changes to staff-drafted resolution approving site and building plans:

1. **Page one:**

   Title: Resolution approving final site and building plans for a multi-family residential building at 11650 and 11760 Wayzata Blvd

The **stricken** language is deleted; the **underlined** language is inserted.
1.02 The proposal includes 243 parking stalls. Staff is recommending an additional two stalls to be consistent with parking recommendations provided by the Institute of Transportation Engineers (ITE) for similar apartment buildings.

<table>
<thead>
<tr>
<th>Ordinance guidelines</th>
<th>Proposed by applicant</th>
<th>Recommended by staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>350</td>
<td>243</td>
<td>245</td>
</tr>
</tbody>
</table>

2. Page two:

2.02

3. Pages three and four:


4.01 The city council approves the above-referenced site and building plans, subject to the following conditions:

- **Voting Requirements:**

  The following is intended to clarify the voting requirements:

<table>
<thead>
<tr>
<th>Action</th>
<th>Votes required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comprehensive guide plan amendment</td>
<td>Affordable housing: 4 votes</td>
</tr>
<tr>
<td></td>
<td>No affordable housing: 5 votes</td>
</tr>
<tr>
<td>Ordinance rezoning to PUD</td>
<td>4 votes</td>
</tr>
<tr>
<td>Resolution approving site and building plan</td>
<td>4 votes</td>
</tr>
<tr>
<td>Preliminary and final plats</td>
<td>4 votes</td>
</tr>
</tbody>
</table>

- **Comments.** Additional comments, received after the distribution of the packet, are attached.

**ITEM 14D – 2040 Comprehensive Plan**

The attached letters were received after the packet was distributed.
Dear City Council members, please find the attached letters regarding the Dorn Estates subdivision.

Thank you,

Eric and Angela Moreira

We feel strongly about this issue, but unfortunately, we have a prior commitment during the upcoming meeting.
Dear City Council,

We’re so disappointed that a compromised solution could not be reached during the planning commission meeting of December 6th. The viewpoint of the planning commission was that since the homeowners could technically create a legally acceptable subdivision that they didn’t want to enact any restrictions on the more city favorable variance lot. We must point out that their logic concludes that the lot is technically 1.03 acres, and in theory, able to be subdivided. Due to the fact that the house lies in the middle of the lot, a standard subdivision is impossible. There are two options, adopting the variance with a small lot, or accepting the larger irregular shaped lot. Both have the same likely buildable area, which visually, will be out of character of the neighborhood. We, therefore, suggest a third option, which is restricting the size of the new home with the McMansion policy. We strongly object to the waiving of the McMansion policy, since this waiver was approved solely to avoid the creation of an unusual lot shape, which in our view is not adequate justification, and leaves the door open for the construction of a house that does not fit with its surroundings. We believe the McMansion policy could be enacted regardless of which subdivision plan you adopt.

If it is true that character of neighborhoods matter, in terms of desirability, then any subdivision should take into account the surrounding environment and restrictions should be in place to match lot scale to home. This is especially true when lot size and buildable area are grossly out of scale with the neighborhood.

Please see the attached documentation we submitted to the planning commission highlighting key information we believe is important in forming our position.

Thank you.

Angela Moreira – 5554 Nantucket Place
Pamela Layton – 5538 Nantucket Place
Cindy Nelson – 5541 Nantucket Place
Theresa Stark – 5561 Nantucket Place

Eric Moreira – 5554 Nantucket Place
Paul Giguere – 5538 Nantucket Place
Carl Nelson – 5541 Nantucket Place
Jonas Hans – 5561 Nantucket Place
Dear neighbors and planning commission,

I appreciate the opportunity to say that I am not in favor of this variance.

First of all, I feel like the barn has always brought character and a sense of history to the area. The large lot is in scale with the large farmhouse. The square footage of the farmhouse is definitely the outlier in an otherwise modest 1969 to early 1970s development. Large expansive lots with mature trees and modest homes define the character of the neighborhood. Most homes have created porches and/or decks to enjoy the park like atmosphere. There is a sense of privacy from homes sited to take advantage of angled views and vegetative screening.

From the Imagine Minnetonka Strategic Planning Project, the most important aspect from the community-wide vision was the character of the city. “Participants stressed the importance of maintaining and preserving the features that give Minnetonka its unique character, including wetlands, parks and open spaces” (Imagine Minnetonka Strategic Planning Project). When you first turn onto Nantucket road, the open space from the large lot and the old barn greets you, identifying a unique neighborhood. The proposed house foundation size would greatly change the feel of this neighborhood. It would be in stark contrast to the existing character, which consists mainly of 2500-3000 square foot homes.

I think this subdivision would adversely impact the appearance, character and appeal of the neighborhood. I am concerned about the scale of the home to the lot and the likelihood that a builder would create a very unimaginative home which would be an eyesore.

My even greater concern is regarding how close the buildable area is sited to the bluff. The appearance of this bluff is very important to the character of the neighborhood. It provides significant screening to many of the neighborhood homes and creates a sense of seclusion. This bluff is continuous with Purgatory’s Park’s remnant maple/basswood/oak forest (geologically, this is also an important transition area from the “big woods” of the west and the oak savannah of the east). Please see the Hennepin County aerial photos from 1937, 1956, and 1967 below.
As you can see from the photos, the bluff has remained an important remnant despite the area being farmed.

Typically a bluff impact zone is 20 feet.

- Has the bluff impact zone been mapped?
The proposed plat is maximizing the depth of the buildable area, which concerns us regarding the preservation of the bluff and its tree cover, both during initial construction of the home and the possible changes a homeowner may make to increase the “usability” of the backyard. Recently, with a few homes experiencing turnover, there has been an increase in tree removal on the bluff. It is amazing how just one grand oak removed can negatively impact the desirability and character, not to mention the biodiversity of the lot. We cannot grow 150 year old oaks in our lifetime.

- Has the species and size of trees slated to be removed been identified?

To protect the bluff, I would urge the planning commission to craft a conservation bluff easement to increase the minimum building setback lines to sixty feet. This would still provide a reasonable sized building area.

If the proposed shared driveway were not used, a reasonably sized home could be sited further forward. The shared driveway is also negative due to the excessive impervious surface, and potential homeowner conflicts.
Based on the City of Minnetonka variance guidelines, a variance can be approved only when “the circumstances are unique to the property not created by the landowner and the variance, if granted, would not alter the essential character of the neighborhood; also economic considerations alone do not constitute practical difficulties.”

- What was the original lot delineation? If the home was on lot 1 and the barn on lot 2 wouldn’t both have been 0.5+ acre?

- Could it be that the remodeled home encroached on the 0.5 acre lot line forcing the homeowners to request a variance?

1967 house size and orientation to lot
Current house size and orientation to lot
Standard lot division with 0.5 acre lots

Based on the historical photos and image analysis, the original farmhouse was much smaller than the footprint it holds today, undergoing an extensive remodeling around the year 2000. This remodeling extended the house both in the north and south direction, making it even more clear that the owners did not intend to differentiate the lot into two separate parcels. The original house had the front door facing toward the south, the direction of the barn. The house was sited near to the middle of the one acre lot. With this orientation, it would have been difficult to subdivide even in 1967 without removing the house. Our analysis suggests that the water and sewer was installed in the event that the old house was removed to allow for a possible subdivision. When the current owners remodeled, they further encroached onto the second lot reducing their potential for subdivision. It is clear that they never intended to keep the two lots separate.

This request for subdivision is definitely economic. Unfortunately, the homeowners are leaving the neighborhood. They have currently taken their house off the market after an unsuccessful attempt to sell this past summer. It concerns us that they have no vested interest except economic considerations for this subdivision.

To summarize our position, we are not in favor of the proposed variance and subdivision. If somehow the planning commission and/or city council votes in favor of this plan, we would urge the planning commission to compromise. Consider the conservation easement for the bluff to increase the building setback to 60 feet. I could even see this easement extending onto lot 1.

What would be an even grander vision would be for the land of lot 2 to be restored into a woodland savanna.

Thank you for your time,

Angela Moreira
5554 Nantucket Place
Minnetonka Planning Commission Staff Plan - Counterpoints

• Complying Proposal
  o Loss of rear yard privacy for Lot 1
    ▪ If the staff is worried about the loss of rear yard privacy for Lot 1 they should be more worried about the rear yard privacy for the neighbors down the hill to the west. Realistically no one would build anything in the small lot area behind Lot 1. However the neighbors down the hill to the west could possibly have a large house overlooking them for as long as they live in their homes.

• Staff Recommended Plan
  o Are the proposed lots reasonable?
    ▪ The staff comments that the average size of the two proposed lots would be 22,340 sq. ft., which exceeds the lot minimum of 22,000 sq. ft. What does this have to do with anything? We are looking at the lots on an individual basis and with that, Lot 2 does not meet the minimum lot size. If staff wants to meet the minimum lot size then approve the complying proposal. The staff also comments that the applicants have demonstrated an ability to create conforming lots. Again, what does this have to do with anything? If you want a conforming lot then approve the complying proposal.

  o Is the variance request reasonable?
    ▪ The staff comments that if the subject lot were vacant it could be divided into two lots. Well, it is not vacant so pointing that out has absolutely no bearing on this variance.

  o Would the proposal meet the tree ordinance?
    ▪ The staff comments that the building will be on an existing large parking area located on the southern side of the property. While there does exist a large parking area, the proposed dwelling uses that parking area as a driveway. The dwelling is proposed to be 64’ deep, following the minimum set back to the south all of the way to the minimum set back to the west.
    ▪ The staff comments that constructing a new home in this area would require minimal soil and vegetation disturbance. What is minimal? Cutting down eight trees and driving large machinery near a steep slope is minimal? Digging a new foundation is minimal as well? I’ve never seen a house built that requires minimal soil disturbance.
    ▪ The staff comments that the applicants may be required to mitigate for some of the trees removed during construction. While I appreciate the effort to save trees there are no protections for the trees after two years, as evidenced by the recent removal of high value trees in the neighborhood.

Eric Moreira
Should the McMansion policy be waived?

- The staff has many comments on this policy. One is that it is only for homes requiring variances. Why? In my opinion it should be for all buildings, as a complying tear down and new home construction is usually what creates a McMansion. The staff also comments that the policy was triggered because the staff recommended the lot line, which created the variance. This is incorrect according to the available documentation. The staff recommended a straight lot line, while the applicant requested a slightly skewed lot line to maximize the size of Lot 2. If the staff is saying that they recommended the skewed lot line than it should have reflected that. Again, if they do not want a variance then approve the complying proposal. It is also the staff’s opinion that the application of the McMansion policy would increase the buildable burden on the property. What about the burden on us, the people who live in the neighborhood and will be subjected to seeing the property day in and day out? What about the neighbors who now have another house looking directly down upon them? The neighbors who will now see another house from their front window? Any visitor who turns onto Nantucket Road and sees a large house immediately in front of them, instead of commenting about how secluded this neighborhood feels. Also Minnetonka is not having a hard time developing its land, so there is no burden on builders. Using the staffs FAR of .18 I estimated that one could build a two-story house with 3,971 square feet. In the last two years five homes have sold, four of which were under 2500 square feet. This is not a burden and shows just how big of a house could be built WITH the McMansion policy in place.

- Grading
  - Staff states that specific plans would be submitted and reviewed by staff at the time of building permits. If the building plans are within all ordinances are they, or can they be, rejected upon size concerns? If not this is exactly why the McMansion policy should be enacted.

- McMansion Policy
  - The lot size is incorrect. It should be 17,300. However the 3,114 square foot number is correct.
Resolution approving the preliminary plat – Counterpoints

2.02
   1a. Functional? Sure. Aesthetics? With a house that I believe would be placed there it would be ugly.
   1b. It will not be an improvement to the appearance. Our neighborhood is completely stable, another house will not add stability, if anything it will detract from it when someone over extends their means and forecloses on it some time in the future.
   2.
   ▪ Are the circumstances unique to the property? No. If the original farmhouse would have been torn down then one could have subdivided.
   ▪ Are the circumstances caused by the landowner? Yes. The original farmhouse was already basically on the lot line. Nothing was ever done to move or demolish the house to make two lots. Instead the existing house was made larger and encroached even more into Lot 2.
   ▪ Are the circumstances solely for landowner’s convenience? No. It would seem that having one large lot is more convenient.
   ▪ Are the circumstances solely because of economic considerations? Yes. They listed their house and it did not sell. By subdividing the lot they will be able to reduce the price of the house and sell the lot to make up the difference.
   3. Would the variance adversely affect the essential character of the neighborhood? Yes. Especially if the McMansion clause was not implemented. There would be nothing stopping a large house being built.

3.02
   1c. The average lot size makes no difference to this variance. Lot 2 will be smaller. Period.
   2. The staff comments that it is a unique circumstance because the existing home is over the lot line. So by saying that this is a unique circumstance you are implying that anyone who willingly ignores where a possibility of a lot line is has a unique circumstance. That is not unique, it is poor planning.
   3. The staff states that the variance would not alter the essential character of the neighborhood. **According to whom?** There are no building plans. Creating a second **lot** would not alter the character. However when you build a house upon it there is a high likelihood that it **will** alter the character. Is someone going to build a 1970’s 2400 square foot house?

4.01
   5a. There is a $5,000 park dedication fee. What is this? Does it go to the Natural Resources department?
   5g1. Tree #741 is not slated for removal on the preliminary plat. Tree #738 is marked for removal.

Eric Moreira
Hello, my name is Eric Moreira. I live at 5554 Nantucket Place and I am requesting that this variance be denied. In creating the review of the homeowners plan the commission speaks of reasonableness, aesthetics, economics, stability and, most importantly, character of the neighborhood. The staff thinks it is reasonable but comment about loss of rear yard privacy without the variance. What about the residents down the hill to the west? They will have another house looking over them for as long as they live in their homes. The staff also states that it is reasonable because the average size of the lots exceeds the minimum. Why does that matter? We are looking at the lots on an individual basis. If you don’t want a variance then approve the complying proposal. They also comment that if the lot were vacant it could be divided evenly. Well it is NOT vacant so what does that have to do with anything?

The staff speaks of aesthetics. The homeowners state that the existing structure on Lot 2 is an eyesore. I would disagree. Subdividing so that a 3,400 sq. ft. house, 64’ deep, 50’ wide with a garage as the first thing you see when you turn onto Nantucket Road would be an eyesore. Trees are aesthetically pleasing. Cutting down eight trees is not pleasing. Nor is opening the possibility of more trees being cut by a new homeowner, as evidenced by the recent removal of high value trees in the neighborhood. I believe the term McMansion was born from the negative aesthetics of a house that is both ugly and out of character with the neighborhood. Do we have plans to show that a house built on Lot 2 would be a McMansion? No. Is there anything stopping it from becoming one? Not without enforcing the McMansion policy. The current home on the non-subdivided lot has an estimated FAR of .11, demonstrating that it fits nicely on the lot. As soon as you subdivide the lot the estimated FAR jumps to .18. This is where I have an issue with the FAR. I understand the basis of it but anyone who looks at the comparison property at 5501 Nantucket Place would never say it has more visual mass than the Dorn property. However the FAR is a useful tool and if you apply the .18 FAR to the new lot a two-story house with a full basement could be built with 3,971 square feet. This is not increasing the buildable burden as the staff comments. Five of the fourteen homes in the neighborhood have sold in the last two years, four of which were less than 2500 sq. ft. In the last 3 months 85 single-family homes in Minnetonka, with less than 3500 sq. ft., have sold. There is not a burden to sell homes in Minnetonka. More importantly what about the burden on the residents of the neighborhood? What about the burden of the neighbors who will now have another house looking down upon them? We are the ones who will have to live with it.

Eric Moreira
There seem to be three important factors in approving a variance; that it is a reasonable use, that the circumstances are unique and that it would not adversely affect or alter the essential character of the neighborhood. Is it reasonable to put a house there? Yes. Would it improve the appearance, aesthetics and stability of the neighborhood? No. Our neighborhood is plenty stable. They are unique only because the original farmhouse, which was basically on the lot line, was never demolished so that two lots could have been created. Because of this the circumstances existed from the original neighborhood development but they were compounded when the current residents expanded their home and encroached even more across the half-acre lot line. I do agree that the variance is not for convenience; I believe it is more convenient to leave the lot as it is. However the variance is 100% economic. Understandably the homeowners are downsizing and would like to sell the home, it was listed this year but it did not sell. It is my opinion that they are subdividing the lot so that the new lot can be sold to make up the difference for a lower offering price on the existing home. Honestly I’m not sure when a subdivision wouldn’t be for economic issues. Why else would you subdivide a lot? The other factor is the essential character of the neighborhood. The staff states that the subdivided lot would not alter the character of the neighborhood. According to whom? A lot would not alter the character. A large house on the lot will affect the character of the neighborhood. There are no building plans available, or required, so the only data you can base this opinion on is the proposed building on the plat.

In closing if the commission still believes that the subdivision should be approved I believe the McMansion policy should be enforced. If it is not then why does the policy even exist? It is not a burden.

I do have one question. What is the $5,000 park dedication fee? Does that go to the natural resources department?

Thank you.

Eric Moreira
Ashley Cauley

To: Pamela Lewis
Subject: RE: Marsh Run/Doran

FYI
Sorry Ashley, I should have included you. I sent this earlier today.
Thanks
Pam

Sent from my iPhone

Begin forwarded message:

From: Pamela Lewis
Date: December 13, 2018 at 12:38:44 PM CST
To: bwiersum@eminnetonka.com, dcalvert@eminnetonka.com, pacomb@eminnetonka.com, bellingson@eminnetonka.com, rschack@eminnetonka.com, mhappe@eminnetonka.com, tbergstedt@eminnetonka.com
Subject: Marsh Run/Doran

Dear Mayor and City Council,
I hope you are well and enjoying the holiday season.
I would like to encourage you to take another look at our unique neighborhood before the Doran proposal vote on Monday. We demonstrated new specific concerns regarding insufficient parking and traffic to the planning commission.
Our side streets do not have the capacity to handle the additional parking or turn around and cut through traffic. Please come through and experience Fairfield Court. It would be heavily impacted as the first turn around to get back to the new building or by people looking for street parking.
A project of this magnitude will inevitably require widening Fairfield Road. The traffic report indicates a downgrade from “C” to “D”. I would ask you to also consider the greater loss of green space and trees along this main boulevard. It would forever change the character and natural beauty of this neighborhood.
Thank you for your thoughtful consideration in this process.
Sincerely,
Pam Lewis
980 Fairfield Court

Sent from my iPhone
Hi Loren and Julie,

The draft is coming along nicely!

I wasn’t specifically looking for issues but I just noticed a couple of typos in my review of the Comp Plan:

Housing - Page 9 - last paragraph in Market Rate Multifamily section seems to be missing something. Should it say “or an average 140 units a year ...”

Transportation - Page 27 - second full paragraph - “less serve” = sever

I’ll let you know if I notice anything else.
December 17, 2015

By email only

Brad Wiersum
Mayor
City of Minnetonka
14600 Minnetonka Blvd.
Minnetonka, MN 55345

Re: 2040 Comprehensive Plan

Dear Mayor Wiersum:

We are a nonprofit legal advocacy firm whose mission is to preserve and expand the supply of affordable housing. We write to support the November 28, 2018, recommendations of the Minnetonka Community Housing Team regarding the City’s 2040 Comprehensive Plan and especially to point out that the plan as drafted fails to address a key legal requirement of Minnesota Statutes § 473.859 Subd. 4: that the Comprehensive Plan include an implementation plan setting out standards, plans, programs, fiscal devices, and other specific actions which “will” meet existing and projected local and regional affordable housing needs.

Minnetonka has one of the largest projected need for new affordable housing in the metro area’s suburbs over the coming decade: 1,064 affordable units, of which 508 (48%) are for extremely low income households, with incomes at or below 30% of Area Median Income. What is missing from the Comprehensive Plan is any acknowledgement that housing affordable to households with income this low requires annual rent subsidies or operating subsidies to project owners and any plans to provide such subsidies. Thirty percent of the income for households in the income group is insufficient to pay typical costs of operating rental housing. (See table 5.5.B-1 of the Comprehensive Plan showing maximum affordable rent of only $674 – and that’s for a four person household in this income group; for a 1-person household maximum income is $19,000 and rent is $475).¹

For the housing to be affordable, the difference between what the household can afford and the rent necessary for an owner to cover basic operating costs, let alone mortgage payments, must be made up with rental or operating subsidies. The failure to do so leaves this group particularly severely cost burdened. The most recent HUD data shows 2,510 severely cost burdened households in the city, paying more than half their income for housing. The largest group of these, 1,120 households have incomes at or below 30% of AMI.²

The Comprehensive Plan draft at page 3 of the Housing Plan lays out the Metropolitan Council’s minimum requirements, reflecting those of the statute, including that:

Plans consistent with Council policy will clearly and directly link identified needs to available tools. Needs are identified within the three

1774 Portland Ave. • St. Paul, MN 55104 • tel: 651.645.7378

Dedicated to expanding and preserving the supply of affordable housing in Minnesota and nationwide
levels of affordability and tools should therefore be addressed within the levels of affordability as well.

The Plan at Section 6.6 clearly identifies the need for 508 new units affordable at or below 30% of AMI. But the implementation material in the Plan completely fails to acknowledge that operating and rent subsidies are an absolutely essential tool for meeting this need and to provide the specific plans and program tools necessary to address that need.

The Plan as currently drafted therefore fails to meet critical statutory requirements and the Metropolitan Council’s minimum requirements. This failure should be addressed before the documented is submitted to the Council.

Yours truly,

Jack Cann,
Attorney

cc: Councilmembers Calvert, Acomb, Elingson, Schack, Happe, Bergstedt

---

1 Using the same 2017 data as is used in the Comprehensive Plan.
For tonight's addendum.

-----Original Message-----
From: Barb Westmoreland <>
Sent: Sunday, December 16, 2018 12:32 PM
To: Brad Wiersum <bwiersum@eminnetonka.com>; Patty Acomb <pacomb@eminnetonka.com>; Tim Bergstedt <tbergstedt@eminnetonka.com>; Bob Ellingson <bellingson@eminnetonka.com>; Deborah Calvert <dcalvert@eminnetonka.com>; Mike Happe <mhappe@eminnetonka.com>; Rebecca Schack <rschack@eminnetonka.com>
Cc: Geralyn Barone <gbarone@eminnetonka.com>
Subject: Filling the At-Large Seat

Dear Mayor and City Council Members,
You have been weighing the decision about the best way to fill the at-large seat.

I encourage you to have a special election.

It is the right of every resident to decide to run for the council seat.
It is the right of every resident to cast her/his vote for representation on the council.

Members of the League of Women Voters - Minnetonka, Eden Prairie, Hopkins are at the ready to organize a candidate forum.

Thank you,
Barb Westmoreland

Sent from my iPhone
For tonight's addendum.

-----Original Message-----
From: Rebecca Schack <rschack@eminnetonka.com>
Sent: Sunday, December 16, 2018 6:20 PM
To: David Haeg <dhaeg@eminnetonka.com>
Cc: Geralyn Barone <gbarone@eminnetonka.com>
Subject: Re: Filling Patty Acomb's Seat

David,
Thank you for your note and insight.

Please keep in touch.

Rebecca

Sent from my iPad

> On Dec 14, 2018, at 2:17 PM, David Haeg <dhaeg@eminnetonka.com> wrote:
> > hello Rebecca -
> > Hope you're well. we missed you at the Unmapped event, but hope you can attend the January 12th League of
> > Women Voters meeting. (formal invite forthcoming!)
> > Since we last spoke, you and other city council members discussed the options to fill Patty Acomb's seat. I
> > watched the video of that meeting and wanted to provide some input.
> > There were two options discussed, each was problematic. The single day special election would likely result in a
> > winner with less than a majority of support. the traditional primary/general approach would require a nearly year-
> > long appointment, giving someone a likely incumbency advantage, and have a primary with very low voter turnout.
> > The council recognized these issues and couldn't agree on a path forward.
> > Moreover, these flawed solutions aren't just a future problem, they're baked into the current city council.
> > Councilman Ellingson mentioned that three current council members were initially appointed, not elected. Two
> > other members won their first election with less than a majority in special elections. Having 5 of 7 city council
> > members initially gain their seats through appointments or non-majority votes makes it clear we have some
> > problems with our election system. (Though not with the results, I think we have good people serving!)
> > This is where ranked choice voting can be helpful. It has the benefits of both options with the drawbacks of
> > neither, addressing all the needs raised by everyone during the city council meeting. RCV would allow Minnetonka
> > to hold a single day special election AND get a clear majority winner, even with a large pool of candidates. No need
> > for a low-turnout primary. No need for a nearly year-long unelected appointment that gives incumbency advantage.
> > No winner with less than 50% support.
> > All my family members wear bike helmets, not because we expect to crash, but because it's common sense to use
> > a tool that would provide the best outcome to an unexpected event. Few people today ride without one. Similarly,
> > ranked choice voting wouldn't need to be used in most cases, since most elections have only 2 candidates or 1
> > running unopposed. But it would be a valuable resource to address the unlikely (but increasingly frequent) elections
> > with many candidates or in filling vacancies, and a far simpler solution to your current predicament.
Food for thought!
-David
For tonight’s addendum.

From: Mary Pat Blake < Mary Pat Blake >
Sent: Sunday, December 16, 2018 7:23 PM
To: Brad Wiersum <bwiersum@eminnetonka.com>; Patty Acomb <pacomb@eminnetonka.com>; Tim Bergstedt <tbergstedt@eminnetonka.com>; Bob Ellingson <bellingson@eminnetonka.com>; Deborah Calvert <dcalvert@eminnetonka.com>; Mike Happe <mhappe@eminnetonka.com>; Rebecca Schack <rschack@eminnetonka.com>
Cc: Geralyn Barone <gbarone@eminnetonka.com>
Subject: Filling the At-Large Seat - The Right Way

Dear Mayor and City Council Members,

I have just learned you are trying to decide the best way to fill the at-large seat.

I encourage you to have a special election. In this heated political environment, it’s important for this situation to be resolved in the most transparent way possible. Appointing someone to fill the seat without an election circumvents the will of the people.

It is the right of every resident to decide to run for the council seat.

It is the right of every resident to cast her/his vote for representation on the council.

Thank you,

Mary Pat Blake

14800 Wychewood Road
Minnetonka, MN 55345
For the addendum.

From: Anne Malm Hossfeld <anne@eminnetonka.com>
Sent: Monday, December 17, 2018 11:55 AM
To: Brad Wiersum <bwiersum@eminnetonka.com>; Rebecca Schack <rschack@eminnetonka.com>; Deborah Calvert <dcalvert@eminnetonka.com>; Bob Ellingson <bellingson@eminnetonka.com>; Mike Happe <mhappe@eminnetonka.com>; Tim Bergstedt <tbergstedt@eminnetonka.com>
Cc: Patty Acomb <pacomb@eminnetonka.com>; Geralyn Barone <gbarone@eminnetonka.com>
Subject: Dec 17, 2018 City Council mtg: Re. Council At-Large Seat B election

Dear Mayor, Council Members & City Manager —

I'm writing to request that you hold an early (April) Special Election for the At-Large Seat B being vacated by Patty Acomb in Jan 2019.

My understanding is an April special election would seat a council member to finish out Patty's term until 2021. But if the Council appoints an interim council member, this seat will be up for city-wide election on the November 2019 municipal election. The risk of the Council appointing an interim council member is that the incumbent will have an undemocratic advantage for the seat in November. Our strongest voice is government is to have an election with candidates on an even field. An incumbent starting out with appointment by governing committee circumvents the even playing field.

An April Special Election would give Minnetonka residents the opportunity to elect a council member of their choice without the influence of sitting government. Certainly, it is an accelerated process with limited time for potential candidates to campaign, but we have done it before! Please give us a vote now!

Thank you for your consideration.

Regards,
Anne Malm Hossfeld
14616 Glendale St, Minnetonka, MN 55345