

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: IX. A.

From: Debra Mangen
City Clerk

Date: November 5, 2012

Subject: CORRESPONDENCE

Action
Discussion
Information

Action Requested:

Attached is correspondence received since the last Council Meeting.

No action is necessary.



AIRPORT FIRE DEPARTMENT

MINNEAPOLIS-ST. PAUL INTERNATIONAL AIRPORT

6920 34th Avenue South

Minneapolis, Minnesota 55450

Telephone: (612) 726-5005 Fax: (612) 726-5605

Marty Scheerer, Fire Chief
City of Edina
6250 Tracy Ave
Edina, MN 55436

Dear Chief Scheerer,

On October 22, 2012, the Airport Fire Department was dispatched to a swampy area near Snelling Lake, where it was reported one person trapped under an excavator that had tipped over. What was initially a rescue operation quickly turned into recovery as fire and medics arrived on scene.

Airport Fire would like to thank Bloomington Fire for their assistance in standing by at Fire Station #1 while our crews worked to recover the victim. We would also like to thank Ulie Seal (Bloomington Fire), Tom Schmitz (Eden Prairie Fire), and Craig Essig (Edina Fire) - members of the Minnesota Task Force 1 - urban search and rescue team - for assisting us in devising a plan for recovery.

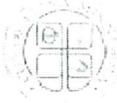
Sincerely,

Chief David Burke
Fire Chief
MSP Airport Fire

*Craig
Nice work!
Thanks,
Marty*

Susan Howl

From: Lynette Biunno on behalf of Edina Mail
Sent: Tuesday, October 30, 2012 8:40 AM
Cc: Susan Howl
Subject: FW: Bike lanes on Wooddale and Valleyvirw



Lynette Biunno, Receptionist

952-927-8861 | Fax 952-826-0389
lbiunno@EdinaMN.gov | www.EdinaMN.gov

...For Living, Learning, Raising Families & Doing Business

From: sallyadunn2003@yahoo.com [<mailto:sallyadunn2003@yahoo.com>]
Sent: Monday, October 29, 2012 7:05 PM
To: Edina Mail
Subject: Bike lanes on Wooddale and Valleyvirw

It's great having these new bike lanes. I feel much safer when I bike these roads.
Sally A. Dunn
5020 Windsor Avenue

Sent from my Verizon Wireless 4G LTE DROID

Marie B. Nelson

5925 Halifax South

Edina, MN 55424

October 22

Just an observation -
I travel down Wooddale at least
4 or 5 times a week at various
hours. I have yet to see a
bicyclist. I think the lanes are
ill advised & unnecessary as
Edinans I think we are courteous
to bikers. Marie Nelson

October 18, 2012

Mayor Hovland
City of Edina

Dear Mr. Hovland,

Thank you for your strong support in stopping the marriage amendment in Minnesota. This amendment would only legalize discrimination in our state and prevent those of us in a committed relationship from ever marrying. My brother and I are in a deep, loving relationship and see no reason why we cannot marry. Once we defeat this amendment, I am sure we will be able to count on your support to allow us to marry some day. Thank you again.

Love,

Handwritten signatures of Rick and Bobby. The signature on the left is 'Rick' and the signature on the right is 'Bobby'.

Rick and Bobby
Edina

October 19, 2012

Mr. Marty Scheerer
Fire Chief
City of Edina / Fire- Rescue & Building Inspections
4801 W. 50th St.
Edina, MN 55424

Dear Mr. Scheerer,

My husband, Jim, and I recently had our roof replaced. During the construction, we had some concerns on whether the contractor was following the shingle manufacturer's installation instructions. We contacted Mr. Mike Kuisle, a building inspector at City hall. He was extremely knowledgeable, thorough, courteous, and generous with his time. At the inspection, Mike did find a correction the contractor needed to make prior to Mike giving the final approval. Edina residents are very fortunate to have Mr. Kuisle on staff. Good hire/great guy

Thank you

Yours truly,



Lori and Jim Grotz
5513 Park Place
Edina, MN 55424

cc: Scott Neal, City Manager
Steve Kirchman, Chief Building Official
Mayor Jim Hovland
Joni Bennett, City Council
Ann Swenson, City Council
Mary Brindle, City Council
Josh Sprague, City Council

Susan Howl

From: Lynette Biunno on behalf of Edina Mail
Sent: Friday, November 02, 2012 8:19 AM
Cc: Susan Howl
Subject: FW: Bike Lanes around town



Lynette Biunno, Receptionist

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lbiunno@EdinaMN.gov | www.EdinaMN.gov

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From: John Powell - gMail [<mailto:chesterware@gmail.com>]
Sent: Friday, November 02, 2012 7:23 AM
To: Edina Mail
Subject: Bike Lanes around town

Just wanted to send a HUGE thank you for all the new bike lanes I've been seeing around town.

I bike almost daily between Edina and downtown Mpls and have been able to leverage many of the new lanes.

I think it makes a huge difference in helping bikes and cars be comfortable with each other on the same road.

And thank you for being willing to try something new on Wooddale. Personally, I think people will get used to, just like they got used to round-a-bouts. If we have to monitor and adjust, that's fine. That's way better than not doing anything at all. Kudos to everyone involved.

Thanks also from my wife who is grateful each time I arrive home safe.

Safer routes really do make a difference and our community is enhanced by them.

Thank you!

Cheers,
jp

John Powell
chesterware@gmail.com
952-688-3861

Susan Howl

From: Lynette Biunno on behalf of Edina Mail
Sent: Tuesday, October 16, 2012 12:42 PM
Cc: Susan Howl
Subject: FW: Please forward to the City Council. Re: Multiple trucks driving around town to pick up garbage and bicycle advisory lanes



Lynette Biunno, Receptionist

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lbiunno@EdinaMN.gov | www.EdinaMN.gov

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From: Lorenzo Tunesi [<mailto:lorenzo.tunesi@gmail.com>]

Sent: Tuesday, October 16, 2012 11:40 AM

To: Edina Mail

Subject: Please forward to the City Council. Re: Multiple trucks driving around town to pick up garbage and bicycle advisory lanes

Dear City Council Members,

Garbage collection: I would like to second the opinion expressed a few weeks ago by a person who wrote a letter to the editor in the Sun Current newspaper. S/he was arguing that Edina should contract with one garbage pick up collector in order to reduce pollution, truck traffic and road deterioration.

Bicycle advisory lanes: I support the bicycle advisory lanes. While not perfect they show that Edina is moving forward in the "bikeability" quality of life measurement. We are certainly in a transition period during which drivers will learn to share the road with bicycles but I expect that drivers will become comfortable with them as time passes.

Best regards,

Lorenzo Tunesi
4413 Ellsworth Dr
Edina, MN 55435

Susan Howl

From: Lynette Biunno on behalf of Edina Mail
Sent: Tuesday, October 16, 2012 11:05 AM
Cc: Susan Howl
Subject: FW: Minnehaha Woods Street Reconstruction - comments and questions



Lynette Biunno, Receptionist

952-927-8861 | Fax 952-826-0389

lbiunno@EdinaMN.gov | www.EdinaMN.gov

...For Living, Learning, Raising Families & Doing Business

From: Crabtreejr@aol.com [mailto:Crabtreejr@aol.com]
Sent: Tuesday, October 16, 2012 10:42 AM
To: Edina Mail; jonibennett12@comcast.net; Mary Brindle; joshsprague@edinarealty.com; swensonann1@gmail.com
Cc: Scott Neal; Wayne Houle
Subject: Minnehaha Woods Street Reconstruction - comments and questions

Dear Mayorr Hovlumd and Members of the Edina City Council

1. Introduction

My name is John Crabtree. I own and reside at 5408 Oaklawn Avenue in the Minnehaha Woods neighbourhood of Edina.. I have many comments and questions about the street reconstruction process which took place in 2011.

2. Private sewer line upgrading

2.1 The City's intentions in requiring private sewer lateral upgrading

I and other home owners understand that the City did not want any digging in the short and near term once street reconstruction had been completed. This is commendable, and could be met by upgrading private lateral within the City's right of way.

There was also a second intention. At the informational meeting in February 2011, the owners and residents were told that the City could face additional sewer charges if excess ground water seeped into the sanitary sewers. I do not recall if Mr. Houle actually said that the City was currently facing these extra charges. The City could reduce the seepage of ground water into the sanitary sewer if it could persuade home owners to upgrade their sewer laterals not just in the right-of-way but the entire lateral from the house to the main. Please note that the City did not offer any incentives to this, eg in the form of reduced rates.

I believe that the second of these intentions dictated many of the City's actions and not only led to home owners doing more work that they needed to, but paying more than they should for the work which they did have done.

2.2 City's assessment process for City performed upgrading of sewer laterals

At the informational meeting in February 2011, I recall being told that, if the home owner did not upgrade their sewer lateral, then the City would upgrade the lateral only within the right-of-way. The estimate given at the meeting was \$4,500. The method by which that estimate was obtained was not given. I also recall being told that the cost of this would be assessed to the homeowner, and the price would be the same regardless of whether the upgrading was done by open-cut (trench) or relining. At that time I did not understand the full implications of that statement.

When the City undertakes work for a group of residents and there is a communal benefit, it is very reasonable that the total cost should be split equally among those residents. However when the City does work for individual home owners, and there is no communal benefit, and particularly when the cost of the work done for those home owners varies, and is known, the City charges the actual costs to each home owner. An example would be the tree removal work done by the City, for which the assessments were approved by the City Council at the last council meeting, where the home owners were charged the specific cost, not an average. In the case of the sewer lateral relining, there is no communal benefit, the costs vary widely depending upon the method chosen, and are known.

I believe that this averaging method of assessing the sewer lateral costs is fundamentally flawed.

Q.2.2a Why was this method of assessing the costs of sewer lateral relining chosen for Minnehaha Woods?

Q.2.2b What is the precedence for it?

2.3 Other inducements to fully upgrade sewer laterals.

At the February 2011 information meeting, the home owners were encouraged to talk to contractors, who were present, with the exhortation that they could probably get their sewer lateral fully upgraded for very little more money than the City would charge for an upgrade in the right-of-way only. The invitation letter dated 1st February 2011, from Mr. Houle was encouraging the home owners to get together to do group purchasing. Home owners were also told that they had to get work done in a relatively short time, ie May 15th on the east side of the project.

Q.2.3a How can a group of home owners obtain any purchasing power when: the contractors all know each other, they know the City's estimate, and there are few economies of scale, particularly for relining work?

2.4 What the City did not do - part 1

The first thing which a home owner needed to know in helping to determine whether open-cut work might have been appropriate is the location of the lateral. The City and its engineers SEH gave no collective assistance to the home owners in helping determine this. Individual home owners could obtain this information if they knew what questions to ask of the City Engineering Department. The City could have asked the Public Works Department to mark all of the sewer lateral locations, and advised the home owners of this. The City did not. Please note that the City Public Works Dept marks the locations of sewer and water lines when requested by Gopher One.

Q.2.4a Why did the City not do this?

Instead it was left to this home owner, with some assistance, to get a copy of the City drawing showing the locations of all of the sewer laterals, lay a 330" tape in the streets, locate the points in the street where the laterals connected to the main, put a marker at the side of the road, and take a photograph. The photograph for 5408 Oaklawn Avenue was shown at the last City Council meeting. These photographs were taken for and sent to all 192 houses affected by the project.

During this process, it became apparent that the City drawings were incomplete, and inaccurate. This led three emails to Mr. Muse of SEH requesting clarification of the measurements. In the third he indicated that the City drawings were out of date, and that home owners should bet their own lines televised and located. Part of that email is an appendix to this email.

More will be said later about the drawings.

2.5 What the City did not do - part 2

The City and its engineers, SEH, had bid information on March 22, 2011. The costs \$1472 for open-cut and \$4,000 or \$4,100 for relining depending upon the depth. This information was not communicated to the home owners. The reason given at the last City Council meeting was that the City could not determine an exact cost, because of the averaging methodology, which has been discussed in section 2.2 of this document.

It is also apparent from this bid information that the City was anticipating that its contractor would do the upgrade work on 122 of the 192 houses affected by the project.

2.6 The consequences of the City's failure to convey the bid information

The benefit to the City was that more home owners had their sewer laterals fully relined privately, thus accomplishing the second objective detailed in section 2.1

The consequences to the home owners were costly:

i) if they had known the \$1,472 figure it would have completely changed the nature of any discussions with a relining contractor, particularly if an open-cut solution was possible. The contractors would have quickly had to put their best prices on the table. I think that many home owners would have taken that option, particularly if they had not had sewer issues.

ii) some home owners had new sewer laterals from their houses to the close to the edge of the street. This is typically in the cas where a house has been torn down and rebuilt. Then only the last 15' or so needed to be upgraded. The home owner at 5412 Oakalwn Avenue, and another across the street, discovered that her sewer had a cast iron swer to the edge of the stret. \$2,900, which is what she paid for relining looks very expensive when the City should have done the work for \$1,472, or possibly less..

iii) the home owners who had the City's contractor upgrage their laterals will be subsidising those home owners for whom the City's contractor relined the lateral, if the current assesmnets are approved.

2.7 Type I and Type II sewer laterals

In the Minnehaa Woods neighbourhood the break point between Type 1 laterals, where the City would allow open-cut upgrading, and Type II where they would not, was set at 11'. For the Richmond Hills neighbourhood, it was set at 14'.

Q.2.7a Why the difference?

Q.2.7b Were the reasons for the differences documented at the time the break point was chosen? If so, please send me copies of all details.

It should also be pointed out that under certain circumstances it is possible to do an open-cut upgrade to a sewer lateral in a Tyoe II situation without digging below the Type I /Type II cut-off point. This information was not given to the home owners.

2.8 Other aspects of sewer lateral relining work

I think that there were five contractors principally involved in privtae relining work. Two of them had a number of problems where they allowed the liner to slip into the main. I understand that they did not immediately realise it. The instructions from the manufacturer of the liner material state that a camera should be put down the line at the time the work is done. Clearly the contractors were not following the manufacturer's instructions. This work is inspected by the City Building Dept. Clearly there is a problem with the inspection process.

3. New Driveways

My driveway, alongmg with many others had a flared apron. This was very useful as I almost always reverse my car onto my driveway (and then iinto my tandem garage). As in many other cases, the City removed most of the apron and effectively narrowed part of the driveway. And yet at 5412 Oaklawn Avenue, where there was a wider apron, this was maintained by the City during the installation of the new kerb and gutter.

4. Black dirt

As part of the installation of the kerb and gutter, the City's contractor had to cut back the edge of the street. They removed much good black dirt from home owners' yards. The space behind the new kerbs was filled with "black dirt". Many home owners were very upset twith the quality of this material. Apparently it met the requirements of the contract.

Q.4a Was the same material used by the Contractor in other work which they have performed within the City?

Q.4b If so, did the home owners complain?

Q.4c If so, why did the City not change its specification?

We were told that the Contractor could not put back the dirt which they themselves had displaced in yards.

Q.4d Why could the dirt not be reused?

Q.4e Was the contractor gaining by removing good dirt, and replacing it with inferior dirt?

5. Lawn warranties

At the information meeting in February 2011, my notes show that we were told that there would be a one year warranty from the date of final payment, which was estimated to be in July 2012. At the last City Council meeting Mr Houle stated that the warraty on sod was only six weeks. Yet again the home owners were not told the whole story. There is a lot of

dead sod in the neighbourhood.

Q.5a Is the poor dirt, which I am told has a lot of sand in it, a cause of the dead sod?

6. Poor workmanship and supervision

At 5408 Oaklawn Avenue, my driveway was installed by Hage in the late 1970's (The City's contractor removed the Hage logo and date). The Contractor removed one slab. In the course of further work the Contractor chipped the next slab. That slab was then cut by the Contractor, in the process of which they chipped it again.. I was faced with a choice as to whether to get the Contractor to cut the slab again. My decision was to not to, as I wanted the contractor away from property. Of course, if the slab had been inspected by SEH, it should have been cut again. The chip in the slab remains as a testament to the poor workmanship of the Contractor, and the poor supervision by SEH.

At 5412 Oaklawn Avenue, there was a dog fence installed. It went under the drive way. Mr. Schulze from SEH told me that a conduit would be installed before the new driveway was installed. I never saw it.

At 5513 Park Place the Contractor failed to completely cut through the concrete slab.prior to removing the part of it. I looked at it with the home owner at it was apparent that the rebar had not been fully cut. I am told that the Contractor lifted the whole slab in trying to remove part of it. That part of the old slab now slopes back towards the garage is easily confirmed with a level

7. Poor communications from SEH

On 23 August 2012 I arrived back at the 5400 block of Oaklawn Avenue to find one half of the block completely inaccessible. There big holes down one side of the street, and piles of dirt on the other. This is the first that I knew that this would be happening

Q.7a Why were the home owners not told?

Q.7b Was the Fire Department told of the restricted access and any other occasions when it may have occurred? My understanding from a conversation with the Fire Chief on October 2, 2011, was that they should be told but this does not always happen.

8. Water ingress into a house

The home owner at 5501 Oaklawn Avenue recently told me that she and her husband had lived in the house for 30 years. During that time the basement had been completely dry. However after the project there was a flood in the basement. A drain tile system was installed, and this cost the home owner many thousands of dollars. I find it very difficult to believe that this was not the result of the project. The level of the road was lowered outside the house. Possibly the foundation wall cracked the construction work. I certainly felt my whole house shake during the construction process.

Q.8a How does the home owner recover the costs incurred?

9. Water services

The house at 5437 Woodcrest Drive was torn down and the rebuild was approaching completion in the March 2011. The City Building Department had required the developer to dig into the street and install a new 1.5" water service from the main to the shut-off valve. This is infrastructure for which the City is responsible. As part of the reconstruction project we were told that the existing water services from the main to the shut-off valves would be replaced with 1" services.

In a letter to Mr. Grotz of 5513 Park Place dated June 17, 2011, Mr. Struve, then the City Utility Engineer, stated, among other things:

- i) "The Building Department will be using the International Plumbing Code for future watermain sizing in the future. The current MN Plumbing Code does not take into account low flow fixtures and appliances, which are currently required to be installed in new buildings."
- ii) " 1" water service has the capacity to service most single family homes."

As of today, October 16, 2012, the City has not adopted a new plumbing code. Having looked at the existing Plumbing Code, and, noting that I am not a professional in this area, I struggle to see why more than a 1" service from the main to the shut-off valve might be necessary given the water pressures and lot sizes in the neighbourhood. The conclusion is

that either City Building Dept. is requiring water services larger than necessary, or the Engineering Dept is making up the rules as it goes along.

Q.9a Which is it, and why?

10. Lack of timely updates to City drawings

It was indicated in section 2.4 above, that the City and its engineers were aware that its utility drawings were incorrect, and that these drawings are used for the marking the sewer and water lines when requested via Gopher One.

Knowing that the drawings were incorrect, they should have been updated immediately. They were not. On or around April 13, 2011, the City marked for the sewer location for 5509 Dever Drive using the incorrect drawing. The correct location was some 20' away. I was standing next to the site superintendent from Centerpoint Energy while digging down to the sewer was being done. He was not impressed.

Q.10a Why did the City and SEH not ensure that the drawings not updated immediately?

11. Engineering Costs

It appears that many of the City projects in 2011 were done using the in-house engineering team. This possibly explains why there was a very poor level of response from Mr. Struve, the City Utility Engineer who was assigned to the Minnehaha Woods project. It appears that he was quite happy for SEH to pick up the work, and on one occasion I was requested by Mr. Muse from SEH to direct all my enquiries directly to him. Clearly this was not in the interests of the home owners, particularly, as we now know, as the City only charges direct costs to projects.

There are many costs which should not be charged to the home owners

- i) costs relating to kerb and gutter
- ii) costs relating to the bridge work
- iii) any cost arising because the City drawings were not accurate at the start of the project
- iv) any cost relating from the failure of the private relining contractor and imperfect inspection process, as detailed in section 2.7.

Q.11a Have any of these costs been charged to the project?

Q.11b Is an audit done, and if so by whom?

It would seem that there should be an audit, and that representatives of the home owners should be engaged in it.

There is also the important issue of as-built drawings. It is my understanding that as-built drawings for projects using City engineers are done when convenient, and not necessarily immediately after construction is complete. Those costs may not be directly charged to the project. In Minnehaha Woods the drawings have been done using a more expensive outside resource. The Minnehaha Woods neighbourhood is paying for its own work and possibly subsidising other projects.

Q.11c Have all of the as-built drawings for all of the projects whose assessments were approved on October 2, 2012 been completed, and charged to those projects?

The warranty period for the Minnehaha Woods project runs into September 2013.

Q.11d Who carries any SEH costs incurred during that period?

Q.11e Has an estimate of those costs been accrued to the project?

Q.11f Or does the City bear those costs?

12. Relationship with SEH

It became clear to me at the last city Council meeting that the involvement of SEH on just one street reconstruction project lasts about three years.

Q.12a What is the nature of the ongoing relationship with SEH?

Q.12b Did SEH bid specifically for the Minnehaha Woods work?

Q.12c If nit, when did SEH bid on street reconstruction projects in Edina?

If you have any questions I will happily attempt to answer them by email, in person or telephone at 952-928-8434

This document may be forwarded to third parties, but only in its complete form.

Sincerely

John Crabtree

CC. S. Neal, Edina City Manager

W. Houle, Edine City Engineer

Appendix: Email frm Mr. Muse

Subj: **20110329 TM SEH Minnehaha Woods - Sanitary Sewer Service Pipe Reconstruction Questions Part 3**

Date: 3/29/2011 11:23:38 AM Central Daylight Time

From: tmuse@sehinc.com

To: Crabtreejr@aol.com

CC: jrg@visi.com, whoule@ci.edina.mn.us, jstruve@ci.edina.mn.us, ppasko@sehinc.com

Mr. Crabtree,

Please find the answers to your questions from your email to me dated 3/25/11 at 10:12 am in blue and italics below.

For future reference, City maps provided to you and Jim Grotz have not been verified and are GIS level quality based on as-built plans from 1940's-1960's. I have answered questions 1-3 regarding locations of sanitary sewer service connections below. From this point forward, we respectfully request that each property owner have their private contractors perform a CCTV inspection of their sanitary sewer service pipe connection and provide paint marks on the street if you need ties to the sanitary sewer service locations. Since this CCTV inspection needs to be performed by private contractors in order to provide a property owner with a quotation, providing paint marks should not be difficult to do.

Again, please see my response in blue italics below.

Feel free to contact me if you need additional information.

Thank you.

Toby Muse, PE

Project Engineer

SEH

10901 Red Circle Drive, Suite 300

Minnetonka, MN 55343-9301

P: 952.912.2616

F: 651.490.2150

tmuse@sehinc.com

www.sehinc.com

> snip >

Subject: bike lanes on Wooddale

Dear Mr. Houle,

I am writing this letter with the sincere hopes that you will make a decision to make Wooddale safe again. When we became aware of the project we voiced our opinions and concerns. They landed on deaf ears. We hoped we were wrong with our concerns and hoped for the best. It has now proved to me that this street is not only dangerous to ride bikes on but it is dangerous to park on, walk on the sidewalk on and dangerous to drive on! Cars are turning on to Wooddale from side streets and pulling right into oncoming traffic because they feel they have to go around the bike lane. I drive down Wooddale and just hope the cars coming at me will move over a little. Its a little like playing Chicken. We have cars driving in the parking lane, which by the way is so narrow you can barely park there anymore in fact bigger trucks are over the line. We have joggers jogging in the bike lane on the west side of the street going North-dangerous and we have to move around them too. I would NEVER let my kids ride their bikes in either bike lane I feel they are way too close to the cars. So, my kids are forced to ride on the sidewalk which i understand is illegal. I also have an issue with the green lanes on Valley view. It doesn't leave cars enough room to actually fit in the car lane.

Please, make Wooddale safe again. Since when did "connecting our city by bike" become more important than the residents living here?

Kari Hauser
5417 Wooddale Ave.
Edina, Mn. 55424

Susan Howl

From: Lynette Biunno on behalf of Edina Mail
Sent: Tuesday, October 30, 2012 1:18 PM
Cc: Susan Howl
Subject: FW: Wooddale Bike Lane concern



Lynette Biunno, Receptionist

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lbiunno@EdinaMN.gov | www.EdinaMN.gov

...For Living, Learning, Raising Families & Doing Business

From: Jeff Northrup [mailto:jeff.northrup@concordusa.com]
Sent: Tuesday, October 30, 2012 12:01 PM
To: Chad Millner; Aaron Kuznia
Cc: Edina Mail
Subject: Re: Wooddale Bike Lane concern

Well, I was getting ready to renew my concerns in this email when I noticed something you stated in your last response to me. You said, "the advisory bike lanes are new and will take some time for drivers to learn the proper way to *travel in them*." (I added the italics)

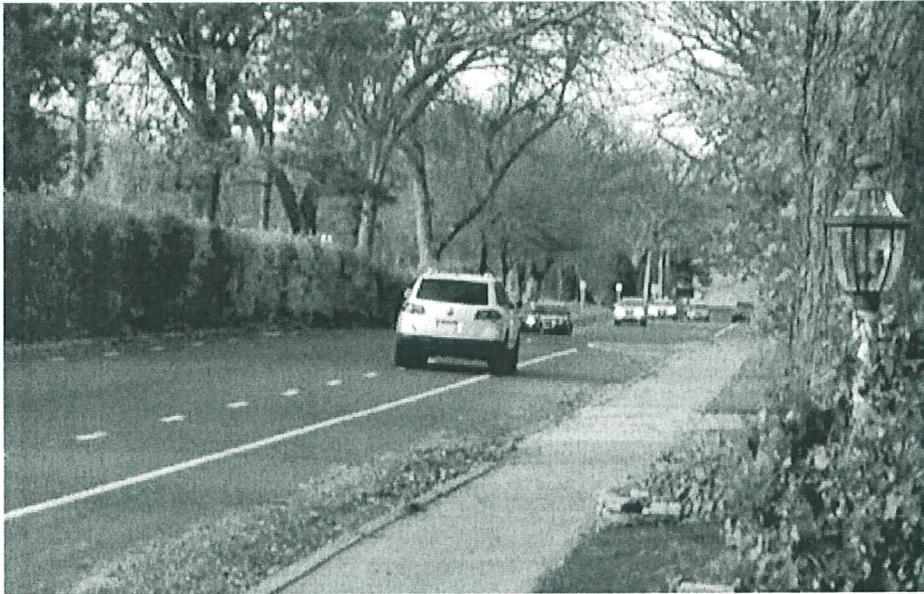
That is *exactly* what is happening on Wooddale in front of my house. Drivers are driving considerably closer to the sidewalk now, often times with their wheels straddling the parking stripe and the dashed bike stripe. Obviously, the way things are set up, drivers are placed in a situation where this is what they think they are supposed to be doing. I would guess that when north-bound drivers are coming out of the intersection at 54th they intuitively see the big white arrow (in the bike lane) and subconsciously (or consciously) make every attempt to fit their car in what is supposed to be a bike/car lane. I can only surmise that without a center stripe, drivers intuition pushes them to fit their car in that bike lane. And since it obviously doesn't fit, they end up driving partially in the parking lane.

Meanwhile the southbound traffic is staying almost entirely out of their bike lane. Not sure why. But the net result is that ALL traffic has shifted to the East. Closer to the sidewalk and houses. Here is a picture proving my point. (notice where the new "implied center" is and how northbound traffic is hugging closer to the sidewalk now).



This is a huge concern for me. Not only do I walk on the sidewalk with my kids every day, but I also have guests over to my house who park on Wooddale. I fear for their safety.

Here are some more photos that get to the heart of my concern:





Can you please work on solutions for this? Maybe consider some transition striping at 54th so that drivers are intuitively pushed more to the west coming out of that stop. Or maybe a center lane? Something to make this bike initiative safer. Please.

Jeff Northrup
ph: 952-241-1002

cell: 612-910-0833
jeff@concordusa.com



From: Chad Millner <cmillner@EdinaMN.gov>
Date: Fri, 28 Sep 2012 07:41:28 -0500
To: Jeff Northrup <jeff.northrup@concordusa.com>, Aaron Kuznia <akuznia@EdinaMN.gov>
Subject: RE: Wooddale Bike Lane concern

Jeff,

Thanks for your comments and concerns. The advisory bike lanes are new and will take some time for drivers to learn the proper way to travel in them. Please find below information on the prior way to travel with those lanes. As it states, cars are supposed to use the advisory bike lanes for travel until they encounter a cyclist.

Your comment about adding bump outs is noted. We bid a project in August to do just that but the cost to do that was greater than the funding we had available so the project was not approved. We are adding bump out paint striping as part of the project. This striping should be completed next week.

We are monitoring how vehicles are traveling these lanes and as of now there are no plans for adjustment. If you'd like to submit a comment to the City Council that can be done from the City of Edina website.

Thanks again for your comments,
Chad



Chad Millner, Assistant City Engineer
952-826-0318 | Fax 952-826-0392
cmillner@EdinaMN.gov | www.EdinaMN.gov
...For Living, Learning, Raising Families & Doing Business

Advisory Bike Lanes

Advisory bike lanes are used on streets that are too narrow for dedicated bike lanes. Advisory bike lanes look like dedicated bike lanes, except a dashed line is used in place of a solid bike lane stripe. A dashed line signals to drivers that they may drive in the bike lane space when a bicyclist is not present.

Advisory bike lanes do not narrow the travel lanes or reduce the amount of roadway space that can be used by motor vehicles.

Advisory lanes bring greater awareness to the roadway as shared space and can help to reduce vehicle speeds and improve roadway safety.

Advisory bike lanes can be found on Wooddale Avenue, between W. 50th Street and Valley View Road, and on W. 54th Street, between France Avenue and Minnehaha Boulevard.

When you drive:

- Drive as you would on any road without a center stripe, staying to the right of oncoming traffic.
- It is OK to drive in the advisory lane when a bicycle is not present.
- If a bicycle is in the advisory lane, move to the left, fully into the center area, to pass.
- If there is oncoming traffic in the center area, hang back behind the bicyclist until it is safe to pass.
- When passing, state law requires motorists to leave at least three feet of distance between their vehicle and the bicyclist.

When you bike:

- Watch for motorists driving in or merging into the advisory lane.
- Always use caution and assume that turning or merging motor vehicles may not see you.
- When leaving the bike lane (such as to make a left turn) look behind you and signal your intentions.

From: Jeff Northrup [<mailto:jeff.northrup@concordusa.com>]
Sent: Thursday, September 27, 2012 3:45 PM
To: Aaron Kuznia
Cc: Chad Millner
Subject: Re: Wooddale Bike Lane concern

Thank you.

Chad, any thoughts?

Jeff Northrup
ph: 952-241-1002
cell: 612-910-0833
jeff@concordusa.com
 **CONCORD**
WWW.CONCORDUSA.COM

From: Aaron Kuznia <akuznia@EdinaMN.gov>
Date: Thu, 27 Sep 2012 15:40:45 -0500
To: Jeff Northrup <jeff.northrup@concordusa.com>
Cc: Chad Millner <cmillner@EdinaMN.gov>
Subject: RE: Wooddale Bike Lane concern

Jeff,

I am forwarding your email to my supervisor, Chad Millner – Assistant City Engineer. Chad will be able to better answer your comments and concerns

Thank you,

Aaron Kuznia



Aaron Kuznia, Construction Project Manager

952-826-0444 | Fax 952-826-0392
akuznia@EdinaMN.gov | www.EdinaMN.gov

...For Living, Learning, Raising Families & Doing Business

From: Jeff Northrup [<mailto:jeff.northrup@concordusa.com>]

Sent: Thursday, September 27, 2012 2:25 PM

To: Aaron Kuznia

Subject: Wooddale Bike Lane concern

Aaron,

I am not sure if you are the correct person to contact regarding my concerns, so please feel free to forward this email to someone or call me.

I live at 5221 Wooddale Ave and, while the new striping is new, it is already proving to pose a safety problem for pedestrians. Just to be clear, I was not (am not) opposed to the bike lanes concept. I have felt all along that it might help slow down traffic. Past studies have shown that the average speeds on Wooddale are up well over 35mph. However, the implementation of the current lanes is not working well. We have too many cars driving IN the parking lane now. And even more cars that are driving IN the east bike lane and, often times, straddling the parking lane stripe. Overall, cars are now posing a major threat to people on the sidewalk.

Some ideas.

The ideal solution is Bump-Outs. As in curbs that extend into the street to physically delineate the parking lane (much like was done near South View Middle School). Also, it would be nice to see a more natural transition from the yellow double line areas at the stops to the bike lanes. Anything to get the cars into the actual driving lane as opposed to what is happening now – which is guiding them directly into the bike lane, or, worse yet, into the open Parking Lane.

Please work quick to correct these issues so that we can keep the sidewalk safe.

Thanks,

Jeff Northrup

ph: 952-241-1002

cell: 612-910-0833

jeff@concordusa.com



From: Kristopher Wilson [<mailto:kristopher@edinagarbageman.com>]
Sent: Monday, October 29, 2012 4:35 PM
To: Edina Mail
Subject: advisory bike lanes - thoughts and reflections for what it's worth

Dear City Council Members and Mayor, and concerned city staff,

As one of the people who stood up in support of the proposed advisory bike lanes on Wooddale and 54th, I want to again affirm my support for the project in principle and my appreciation to you all who supported and voted in favor of creating the advisory bike lanes.

As well as being a motorist and casual cyclist who lives in the area, I also own and operate Edina GarbageMan and thus am responsible for the safe operation of commercial vehicles on our city roadways as well. As an aside regarding our commercial operations, I will say that Wayne did reach out through Solvei to make sure that we and the other garbage haulers had information to pass on to our drivers, so thanks to the city to staff for making the effort to do proactive education outreach in the interest of public safety. I had spoken with each of my drivers when I saw that the lanes were being painted that weekend to make sure that they were aware of the changes and understood how to interpret them – none of my drivers have expressed any concern or confusion as to how they to operate their vehicles on the roads with the advisory markings.

So, again, first I want to thank you all for supporting safe, multi-modal transportation options on our existing city road infrastructure.

Second, I would like to offer some comments regarding both the idea and the execution of the Wooddale lane markings since I had time to reflect on their design and use in the real world. I would not go so far as to call the lane markings a mistake, as some have publicly, however I will myself acknowledge that I have personally found that even though I had much advance conceptual knowledge of how the lanes should work, the first few days driving on the re-marked road did cause me to have to actively think about how I should drive. In analyzing my own reactions to the markings as well as the reactions I have observed and continue to observe in other motorists, I believe that the issues and confusion that some people have expressed might be remedied with a design change and that some of the confusion may have less to do with the original design than with execution.

Regarding design: It is clear that people expect and perhaps really need a center stripe on any road-way where side-lane or any lane markings exist. However, as I understand the nature of the experimental status of the lane markings, I am not sure if it is possible to apply for a variance which would include the addition of a center dashed yellow line. If the federal status and grant issues can be worked out, I think this might be the simplest solution to the current complaints you all have received.

Regarding the execution: It appears to me that the striping was done unevenly on the roadway and this seems to be leading people to drive differently on the west, south-bound side of Wooddale than they do on the east, north-bound side. Understanding that the road alternately narrows, widens, then narrows, it still appears that the degree to which the advisory lane encroaches into the normal lane of travel seems to make a difference as to how people behave when driving in one direction or another.

In the north-bound lane, because of the parking allowances, the advisory lane was measured from the parking lane's solid line and takes up nearly half of the driving lane. This becomes obvious at the points near the intersection where the double yellow line marks the center of the road, the advisory lane is a dotted line that a motor vehicle nearly straddles at that point. Thus, I see almost no confusion as to where a driver's vehicle needs to be on the road when heading north – in the absence of a cyclist, nearly everyone straddles the advisory lane regardless of the relative width of the road.

However, on the south-bound side, the advisory lane appears to be significantly narrower. My thinking is that this is due to the lane having been measured as starting from the curb and including the gutter instead of starting from the gutter or even six inches further away where a solid white line might be painted to show the road shoulder if no curb were present. This leads to a visually narrower side lane marking which FEELS like a line that shouldn't be crossed, especially in the absence of a solid white line to mark the actual side of the roadway as is present on the north-bound side due to the parking area allowance. Again, this can be seen at the intersections where the advisory lane leaves plenty of room for a vehicle to situate itself between the double yellow line and the advisory lane. For that reason, I believe that people being psychologically conditioned to not place their wheels on the line, the south-bound advisory lane is treated more like a shoulder marking as nearly no one situates their vehicle with wheels inside the advisory lane when headed south. At the narrow points of the road, this leads to traffic crowding over uncomfortably into the north-bound lane.

So I think this is a case where having measured the lane differently and effectively making it wider so that it visually and obviously encroaches into the south-bound lane of traffic would have helped as then it would have become a line that the vehicle was clearly intended to straddle instead of avoid entirely.

For what it is worth, those are my observations as someone who lives in the neighborhood and uses Wooddale regularly.

In summary, again thank you for supporting multi-modal transportation in Edina by looking at ways to make the best use of what we have to work with. As a supporter of the experimental road markings, I don't feel it was a mistake, but certainly an experiment whose resulting effects surprised me in reality. I would suggest that adding a dashed yellow center stripe is probably the easiest solution to reduce confusion and correct behavior from a practical standpoint – whether that is feasible or possible from a legal or federal grant permission standpoint is another matter. I think that the execution of the south-bound lane may not have been planned or measured correctly, and that re-doing that side of the road may also yield the desired effect by creating a lane clearly intended to be straddled. I have noticed that the traffic and speed measuring devices have been set out on Wooddale, so I will be interested to learn if there has in fact been a traffic calming effect as was speculated.

I appreciate that you were all willing to take a reasonable and considered risk in supporting and voting to pass this project in an effort to safely accommodate the needs of all roadway users with the resources available to you and within the constraints you have to deal with. It's sometimes easier and safer to avoid problems, but it is only in overcoming them that we make real progress.

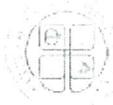
Thank you again,

Kristopher Wilson
Edina GarbageMan
Don't just go "green," Go Green and White!
Proud supporter of Edina HS Activities and Athletics

5801 St. Johns Ave, 612.804.7646

Susan Howl

From: Lynette Biunno on behalf of Edina Mail
Sent: Monday, October 29, 2012 10:13 AM
Cc: Susan Howl
Subject: FW: Wooddale bike lanes



Lynette Biunno, Receptionist

952-927-8861 | Fax 952-826-0389

lbiunno@EdinaMN.gov | www.EdinaMN.gov

...For Living, Learning, Raising Families & Doing Business

From: Donald Eyberg [<mailto:deyberg@qwestoffice.net>]
Sent: Monday, October 29, 2012 8:25 AM
To: Edina Mail
Subject: Wooddale bike lanes

Edina Council

I support your interest and decision to strip Wooddale Avenue with the indications for the bike lanes. Change is often a challenge and this seems to be the case with Wooddale in the eyes of drivers. Drivers should re-read their Minnesota Drivers Manual and get familiar again with what the street markings/painting strips mean. I realize that with our older streets new, innovative, and creative ways to indicate bike ways are going to be different than what we have been typically use too. It will take some adjustments in observation and paying attention to driving (which is a good thing). If Europeans can figure out signage and striping visually I think Minnesotans are also smart enough to figure out what the striping means and drive accordingly. As I understand it Wooddale Avenue striping is an experiment and therefore we should at least try it for a while and learn from it. It seems that most of the comments I have read in the various newspapers lack driving knowledge and are written out of frustration. I have driven Wooddale the weekend of the Parade of Homes - Renovation Houses and so have experienced this road before the comments. It took a little getting used to (10 seconds) but it was fairly obvious to me that you needed to drive across the dashed lines in the area identified for bicycles in order to have traffic in both directions.

Additionally, drivers should realize that the roads belong to everyone and they are paid for in a variety of ways not 100% by drivers and their automobile taxes, gas taxes, etc. Others pay for the streets in street assessments, utility bill fees, other taxes, etc. Another thing is that most bicyclists also have cars and they do pay their fair share for the roads.

I think you have made a good decision and would suggest that you stay with the experiment in roadway markings. We can all learn from this and maybe the all that is needed for the next streets to be marked in a new or unfamiliar way will just need some early notifications or alerts. Hopefully, in a few years, changing roadway markings and bike routes will be an expectation rather than an exception.

Donald Eyberg
6600 Dakota Trail
Edina, MN 55439

Susan Howl

From: Lynette Biunno on behalf of Edina Mail
Sent: Monday, October 29, 2012 9:53 AM
Cc: Susan Howl
Subject: FW: Support Bike Lanes



Lynette Biunno, Receptionist

952-927-8861 | Fax 952-826-0389

lbiunno@EdinaMN.gov | www.EdinaMN.gov

...For Living, Learning, Raising Families & Doing Business

From: Bob Fried [<mailto:bobfried@centurylink.net>]
Sent: Saturday, October 27, 2012 9:36 AM
To: Edina Mail
Subject: Support Bike Lanes

City Council members,

I am an Edina resident who is an avid bike rider. I wish to express my support for adding and maintaining as many bike lanes as possible in Edina, including the currently striped "optional" lanes on Wooddale Ave.

--

Bob Fried
4914 Bruce Ave
Edina, MN 55424
952-960-9093
fax:206-350-0166
cell: 612-382-6600
bobfried@centurylink.net

Susan Howl

From: Lynette Biunno on behalf of Edina Mail
Sent: Monday, October 29, 2012 9:55 AM
Cc: Susan Howl
Subject: FW: Article in StarTrib on Woodale bike lanes

Lynette Biunno, Receptionist

952-927-8861 | Fax 952-826-0389

lbiunno@EdinaMN.gov | www.EdinaMN.gov

...For Living, Learning, Raising Families & Doing Business -----Original Message-----

From: Paul Reppenhagen [<mailto:preppenhagen@comcast.net>]

Sent: Saturday, October 27, 2012 10:00 AM

To: Edina Mail

Subject: Article in StarTrib on Woodale bike lanes

Mr. Hockey's,

I hope you are monitoring and reviewing the comments made in response to this article in the Star Trib. Very telling about the residents sentiment regarding this change. This is a big miss for you and the council.

Sent from my iPad

Susan Howl

From: Lynette Biunno on behalf of Edina Mail
Sent: Friday, October 26, 2012 8:59 AM
Cc: Susan Howl
Subject: FW: Contact Us form submission



Lynette Biunno, Receptionist

952-927-8861 | Fax 952-826-0389

lbiunno@EdinaMN.gov | www.EdinaMN.gov

...For Living, Learning, Raising Families & Doing Business

From: mail@EdinaMN.gov [<mailto:mail@EdinaMN.gov>]
Sent: Thursday, October 25, 2012 6:02 PM
To: Edina Mail
Subject: Contact Us form submission

Name: Ted Adams

Organization:

Website: 4618 Edgebrook Place

Address_1:

Address_2:

City: Edina

State: MN

Zip_Code: 55424

Email: tadams6@comcast.net

Phone: 952 926-0546

Referrer: email_or_other_correspondence_from_city

Message: Forward this note to the city council. It is the height of arrogance for you to have taken a vote on the voter ID amendment and then publicizing it in hopes of influencing my vote. You are supposed to be a neutral governing body for the city and should keep your personal opinions out of state politics. As a result I will vote against every sitting council member as well as the mayor. What you've done reflects a level of stupidity not in keeping with your positions.

▪
▪

Susan Howl

From: Lynette Biunno on behalf of Edina Mail
Sent: Friday, October 26, 2012 9:04 AM
To: Scott Neal
Cc: Susan Howl
Subject: FW: Garbage Collection

Good morning,

This message has been forwarded to the Mayor and Council members and Scott Neal.

Lynette Biunno, Receptionist

952-927-8861 | Fax 952-826-0389

lbiunno@EdinaMN.gov | www.EdinaMN.gov

...For Living, Learning, Raising Families & Doing Business -----Original Message-----

From: Hugh Thompson [<mailto:hughb.thompson@gmail.com>]

Sent: Thursday, October 25, 2012 6:34 PM

To: Edina Mail

Subject: Garbage Collection

Mr. Mayor,

Not knowing who to address this to, I am starting at the top!

I live on Arctic Way in Viking Hills.

Presently we have approximately 5 Garbage Collection companies picking up our Garbage and Yard Waste. Additionally, there is the City contracted carrier for recycling which picks up every two weeks. So each Thursday there are TEN truck passes with an ELEVENTH every other Thursday.

Two issues have been raised by certain of our residents:

1. This is a lot of Traffic and Noise each collection day.
2. Our neighborhood has brand new streets as of this August: this a lot of tonnage in addition to other truck traffic on our roads. We will be assessed approximately \$7,000 next year for our new streets.

If the City is not willing to follow the City of Minneapolis' method what is to prevent Viking Hills or just our street from contracting one company on a competitive basis.

We would appreciate the City's position and comments in this regard.

Thank you very much,

Hugh Thompson
6126 Arctic Way

Susan Howl

From: Lynette Biunno
Sent: Thursday, October 25, 2012 9:43 AM
To: Jeff Long
Cc: Susan Howl
Subject: FW: Safety Concerns for Southview Lane

Good morning,

This message has been forwarded to the Mayor and Council members and Jeff Long.



Lynette Biunno, Receptionist

952-927-8861 | Fax 952-826-0389

lbiunno@EdinaMN.gov | www.EdinaMN.gov

...For Living, Learning, Raising Families & Doing Business

From: Sara Elliott [<mailto:saraelliott@gmail.com>]

Sent: Thursday, October 25, 2012 9:37 AM

To: Wayne Houle; Brian Olson; madams@ci.edina.mn.us; Lynette Biunno; Sharon Allison; Byron Theis; Sharon Allison

Cc: Carrie Knowles; Kris Green; Russell, Beth; superintendent@edina.k12.mn.us; Margaret Kershner; Margarita Dimas; Jaime Norling; Holly Lindholm; Beth Fraley

Subject: Safety Concerns for Southview Lane

City of Edina Staff Members,

I am writing you after reading the string of emails exchanged between you and my neighbor, Carrie Knowles. My name is Sara Elliott and I live with my husband and five children at 5616 Dalrymple Rd (corner of Dalrymple & Southview Lane). Three of our children attend SVMS and two are at Concord. On any given day, my family alone crosses Southview Lane a minimum of 20 times to get to and from school and extra curricular activities. As you are aware, the demographics of our neighborhood are changing. Many young families have moved in and are attending Concord Elementary, Normandale Elementary, SVMS and the ECC. Thus, now seems to be the time to address how extremely difficult and unsafe it is to cross Southview Lane before and after school.

I understand from a previous conversation with Dr. Russell (SVMS Principal), that the City has considered installing flashing crosswalk lights. I am asking you to reconsider this option, not only as a concerned parent, but as a civil engineer. Since cars are allowed to park on Southview Lane, it is impossible for young children to be seen by drivers (around the parked cars) while trying to cross Southview Lane going north. Also, since SVMS starts at 7:45 a.m. it is dark much of the school year when the students are arriving. Drivers simply do not see the students trying to cross at the crosswalks. Plus, the majority of drivers are not obeying the "15 mph speed limit when children are present" signage. In my professional opinion, flashing crosswalk lights are the best option to ensure the safety of our children and residents trying to cross Southview Lane.

I would be happy to meet with you before and/or after school to observe traffic and review the issues I have discussed above. Thank you for your attention to this important matter!

Regards,
Sara Elliott
(612) 807-5277

Susan Howl

From: Lynette Biunno on behalf of Edina Mail
Sent: Wednesday, October 24, 2012 8:51 AM
Cc: Susan Howl
Subject: FW: To the Mayor and City Council: "Politics in the Age of the Social Media"



Lynette Biunno, Receptionist

952-927-8861 | Fax 952-826-0389

lbiunno@EdinaMN.gov | www.EdinaMN.gov

...For Living, Learning, Raising Families & Doing Business

From: Suzanne Kerwin [<mailto:skerwin@comcast.net>]
Sent: Wednesday, October 24, 2012 8:46 AM
To: Edina Mail
Subject: To the Mayor and City Council: "Politics in the Age of the Social Media"

"Politics in the Age of the Social Media"

Professor David Schultz

Saturday, November 10, 9:45 - 11:30 AM,

Edina Community Library,

5280 Grandview Square



David Schultz is a Hamline University professor in the School of Business where he teaches classes in government ethics, public policy, and public administration. He is also a professor at the University of Minnesota Law School and teaches election law and a frequent guest on local news shows as an expert on political ethics, money and politics.

Sponsored by the League of Women Voters Edina. For more information, see LWVEdina.org or contact LWVEdina@gmail.com.

The League of Women Voters of Edina is a non-partisan political organization that encourages the informed and active participation in government, and influences public policy through education and advocacy.

From: mail@EdinaMN.gov [mailto:mail@EdinaMN.gov]
Sent: Tuesday, October 23, 2012 8:37 PM
To: Edina Mail
Subject: Contact Us form submission

Name: Rachel LaTour

Organization:

Website:

Address_1: 5600 Wooddale Avenue

Address_2:

City: Edina

State: MN

Zip_Code: 55424

Email: rachellatour@hotmail.com

Phone: 612-868-3718

Referrer: google

Message: My neighbors and I have been talking a lot about the bike lanes on Wooddale and I have been reading the City Council Minutes to try to find answers. I am having trouble figuring out from the minutes who proposed the idea, who voted to approve it etc... We understand that the idea was to make Edina more bike friendly, but I notice from other minutes it specifically says that certain areas of town need more than just paint to make it a safe bike lane so I am curious how Wooddale passed the test of \"safe\" and we are also wanting to know prior to the election who supported this dangerous change on Wooddale. I can appreciate the idea, but my real fault lies in the lack of vision so I want to understand who proposed it and if the council members were given enough information to understand what they were actually choosing to do. I have to assume a professional said that there was enough room to make this happen and the council believed that professional, but I guess I don't have enough info to decide if it was a reckless decision, or a misinformed decision. Thanks, Rachel LaTour Mother of 3 who will not let my kids ever ride their bikes on Wooddale

-
-

Susan Howl

From: Lynette Biunno on behalf of Edina Mail
Sent: Wednesday, October 24, 2012 1:34 PM
To: Scott Neal; Wayne Houle
Cc: Susan Howl
Subject: FW: bike lanes

Good afternoon,

This message has been forwarded to the Mayor and Council members, Scott Neal and Wayne Houle.



Lynette Biunno, Receptionist

952-927-8861 | Fax 952-826-0389
lbiunno@EdinaMN.gov | www.EdinaMN.gov

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From: Mitchell, Jean [<mailto:Jean.Mitchell@CO.DAKOTA.MN.US>]
Sent: Wednesday, October 24, 2012 1:09 PM
To: Edina Mail
Subject: bike lanes

As a citizens of Edina, I am extremely disgusted by the changes to Wooddale and Valley View for bike lanes. Why are we favoring bikers at the cost of car drivers who compromise 99.9% of the road traffic? It is dangerous and confusing and Edina is opening itself to legal liability if nothing else. Please pass this on to the Mayor. Jean M Mitchell

Jean Mitchell
Assistant County Attorney
651-438-4438

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Susan Howl

From: Lynette Biunno on behalf of Edina Mail
Sent: Tuesday, October 23, 2012 8:39 AM
To: Scott Neal; Wayne Houle
Cc: Susan Howl
Subject: FW: Bike Path and Bike Signs

Good morning,

This message has been forwarded to Mayor Hovland, Scott Neal and Wayne Houle.

Lynette Biunno, Receptionist
952-927-8861 | Fax 952-826-0389
lbiunno@EdinaMN.gov | www.EdinaMN.gov

...For Living, Learning, Raising Families & Doing Business -----Original Message-----

From: Birney's [<mailto:sbirney1@comcast.net>]

Sent: Monday, October 22, 2012 7:38 PM

To: swensonann1@gmail.com; jonibennett12@comcast.net; joshsprague@edinarealty.com; Edina Mail; Mary Brindle

Cc: Edina Mail

Subject: Bike Path and Bike Signs

My name is Betsy Birney and my husband Scott and I and our two children live at 5329 Wooddale Ave. We have lived here for 19 years and have been good citizens who follow the rules; keep up our yard and home and support the city of Edina. I have never written or complained. Not when you allowed a house behind us to be torn down, all tree removed and two homes were built with a shared driveway. Not when many beautiful old homes are taken down and huge houses built on tiny lots. And not even when the bike lanes were added and I have been in fear for my life and that of my 16 year old son who just got his license when people are confused and drive down the middle of the road. I can imagine you know why I am writing. The signs have absolutely put us over the deep end. What in the world prompted the need for bike route signs, directional signs and bike route ending signs? It is clear that there is a bike path with the dotted lines and the even uglier green lines on Valley View. I am a bike rider and have been able to ride in these neighborhoods for year without the paths, signs or directions.

In addition to not seeing the need for the signs, there was no communication to the residents and they just appeared on our property. How is that right? Isn't it private property? I am a senior executive at a major company in town and have learned over the years that people whether they are our team members or customers, deserve to be listened to; communicated with and respected. There has been absolutely no respect for the citizens in our neighborhood. Not just the ones on Wooddale but those who live in the neighborhood and need to drive on Wooddale; 54th and Valley View.

I am requesting that the bike signs be taken down. We are banding together to try and ensure that not one of you gets a vote unless the signs are removed in the next two weeks. I know that Mr. Sprague and Ms. Bennett are not running so this means nothing to you but there is always the next election. I am so very disappointed that none of you seem to care about your constituents and have supported the entire bike route insanity.

We are open to talking to you.

Betsy and Scott Birney

Dear Mayor Hovland,

I sent this e-mail to all the members of the city council this evening. After some (I don't think they're finished yet) signs were posted in our neighborhoods and on our lawns today, many neighbors gathered and all were outraged! There has to be a change regarding these ridiculous bike lanes and all the signage. Just look at our homes and yards; they are filled with junk! I have signs posted in my yard telling people where Rosland Park is and how many miles. What?? We work so hard to keep our home and property well kept, not just for ourselves, but out of respect for our neighbors. Please respect us!! I look forward to hearing from you.

Sincerely,
Teri Whaley
(612) 819-3451

Teri Whaley
teri@whaleymn.com
teriwhaley@me.com

Begin forwarded message:

From: Teri Whaley <teriwhaley@me.com>

Subject: Bike Lanes and signage

Date: October 22, 2012 7:20:09 PM CDT

To: mbrindle@EdinaMN.gov, jonibennett12@comcast.net, joshsprague@edinarealty.com,
swensonann1@gmail.com

Hello.

Our names are Teri and Tom Whaley and we live at 5337 Wooddale Ave. We have listened to all the arguments, gone to the city council meetings and tried to "obey" the new driving rules. Aside from the fact that you've stripped us of parking, devalued our property, and defaced our neighborhood and yards with signs and paint, today my husband and I came home to another large sign in our yard. We're expecting a jiffy lube to pop up on the corner at any moment or have directions to the nearest McDonalds. Does anyone on the Edina city council have any regard or interest in what your constituents want? This whole "bike lane" idea is the result of federal money, the council's personal interests and the desire to look cool. (because you guys are "SO GREEN" and make lists for "bike" cities) You are NOT thinking of the taxpayers and the people who actually LIVE along this route. We have listened to all of you and feel how disingenuous this council has been. As small business owners, parents of 4 children in Edina Public Schools and as a teacher here in Edina, we're shocked at how our neighborhood has been ignored. We are long term residents of this city and agree that changes should be made to our busy streets. School buses drop off kids every day during the school year and no one has ever thought a sidewalk and actually shrinking the road size would slow down traffic? I see 2 bikers a day....tops. I vote to put people into office that think of the elderly, the families and people of our community that have made Edina what it is today. Thank you for your time and the people of South Harriet Park look forward to hearing from their ELECTED officials and being included in the solutions.

Sincerely,
Teri and Tom Whaley
Teri Whaley

Susan Howl

From: Emilie Kastner on behalf of Edina Mail
Sent: Monday, October 22, 2012 2:33 PM
Subject: FW: Biking Lanes

This message has been forwarded to all members of the City Council.

Emilie Kastner, Communications Assistant
952-826-0342 | Fax 952-826-0389
ekastner@EdinaMN.gov | www.EdinaMN.gov
...For Living, Learning, Raising Families & Doing Business

-----Original Message-----

From: s.akins@mchsi.com [<mailto:s.akins@mchsi.com>]
Sent: Monday, October 22, 2012 8:14 AM
To: Edina Mail
Subject: Biking Lanes

I do not live in Edina but go to work there daily from Shorewood. We have been baffled by the "bike lanes". Just read the article in the paper over the weekend stating the dashed lines. I have no clue if the lines on West 70th are "dashed" or not? Will look today when I head to work. How would anyone know the rules of these "biking" lanes whether you live in Edina or not?? We have yet to see a person biking in these lanes? I face the street daily and have not seen one biker? Going West on 70th the driving lane zig zags the whole way? Winter will be terrible when you can't always see the lines trying to figure out where to drive?? The lines also don't follow the natural line down the middle of the street; that is there so cars constantly driving over the "new" lines??

Just because you get grant money doesn't mean you need to put it to use to something so ridiculous but of course that is Edina's mentality.

The big voice of a small majority gets heard. I call them the "biker nazi's when they still bike two-three bikers wide even with the bike lanes and go by their own rules and make cars try to figure out how to pass them and that they rule the road.

Just a frustrated driver...

Susan Howl

From: Emilie Kastner on behalf of Edina Mail
Sent: Monday, October 22, 2012 11:20 AM
Subject: FW: Contact Us form submission

This message has been forwarded to all members of the City Council.



Emilie Kastner, Communications Assistant

952-826-0342 | Fax 952-826-0389

ekastner@EdinaMN.gov | www.EdinaMN.gov

...For Living, Learning, Raising Families & Doing Business

From: mail@EdinaMN.gov [<mailto:mail@EdinaMN.gov>]
Sent: Saturday, October 20, 2012 8:21 AM
To: Edina Mail
Subject: Contact Us form submission

Name: Bret Yonke

Organization:

Website:

Address_1: 5105 Wooddale ave

Address_2:

City: Edina

State: MN

Zip_Code: 55424

Email: Bretyonke@yahoo.com

Phone: 952-681-7114

Referrer: google

Message: Council members, As a home owner living on Wooddale Ave I would like to say how pleased I am with the new bike lanes. It is absolutely necessary to give bikers a safe lane to ride in, plus we appreciate that it may slow traffic on the road. Many drive noticeably over the posted speed limit, and the road is not patrolled as heavily as 50th street, so I\m sure many motorists have enjoyed a free pass over the years to go as fast as they please. Thanks again, and please don\t let a few complaints discourage your good work! Bret Yonke

Susan Howl

From: Emilie Kastner on behalf of Edina Mail
Sent: Monday, October 22, 2012 11:46 AM
Subject: FW: Contact Us form submission

This message has been forwarded to all members of the City Council.



Emilie Kastner, Communications Assistant

952-826-0342 | Fax 952-826-0389

ekastner@EdinaMN.gov | www.EdinaMN.gov

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From: mail@EdinaMN.gov [<mailto:mail@EdinaMN.gov>]
Sent: Sunday, October 21, 2012 1:11 PM
To: Edina Mail
Subject: Contact Us form submission

Name: K Carter

Organization:

Website:

Address_1:

Address_2:

City: Edina

State:

Zip_Code:

Email: kcduluth@gmail.com

Phone: 952

Referrer:

Message: Stop taking away driving lanes to create bike lanes. Motor vehicles are a superior form of transportation over bicycles. You need to think in terms of moving motor vehicles efficiently not how to get people to stop driving. I found the quotes from city officials in the Saturday Star Tribune article about bike lanes to be insulting toward the citizens of Edina. It's not a matter that we can't understand something new. We understand what you are doing, and we reject it. What you did to 70th Street is nonsense. Lowering the speed limit to 25 and putting in a bunch of nuisance traffic lights and a roundabout is not helpful. To move traffic efficiently, you need to create driving lanes, not reduce them; get rid of the roundabouts; raise speed limits to at least 30 and be careful about setting up too many traffic lights and stop signs.

Subject: Wooddale Avenue

Dear Mayor Hovland:

As homeowners on Wooddale Avenue who live across the street from the Edina Country Club, we were pleased to see your recent comments about the failure of the Share the Road experiment on Wooddale. City Engineer Wayne Houle says he drove on Wooddale one day and thought things were going well. We drive on Wooddale every day, multiple times, and we can assure you that they're not.

Since the roads were repainted, we have seen nothing but confusion. People drive cars between the parking stripe and the curb or drive down the middle of the road even when there are no bikers. To have disturbed the entire neighborhood for such scant use of the bike lane is appalling. We pay a lot to live in Edina and it is not fair to have the city implement an experiment in front of our home.

Maybe the idea for Share the Road is fine, but Wooddale Avenue was not an appropriate selection. We were at the City Council meeting when this issue was discussed and made the point there that Wooddale is not wide enough and has too much traffic from people outside the neighborhood. Everything we read from proponents says that people need time to adjust. But these folks are not accounting for the constant traffic from people who do not live here, who go to the Country Club and churches for weddings, special events and other activities. Wooddale is also a thoroughfare for construction workers, landscapers and others working in the neighborhood temporarily. None of these people will "learn" how to use the road.

To add to the argument, many of the bikers are not even using the lanes. Most young bikers continue to ride on the sidewalks (I'm sure they and their parents are terrified of this new arrangement) or in the parking lane. And, as has been mentioned numerous times in articles we have read, no one in the City is willing to enforce the laws the bikers should follow, so they continue to cruise through stop signs and lights and cross streets wherever they desire. City Council Member Josh Sprague was quoted as saying he talked to one biker, who likes the new arrangement. We're sure that one biker does. He or she gets priority on the road and doesn't have to follow any rules. If two types of vehicles are truly to share the road, they need to share the rules.

We believe the streets should be repainted to their prior condition; if the City needs to return money, it should. This project was implemented without enough research on the ramifications of the design or enough input from its residents. The City should admit the mistake and reverse the situation before something bad happens. It's just a matter of time.

Please let us know your response. Thank you.

Sally Schmidt and Bob Kovich
5107 Wooddale Avenue
Edina, MN 55424

Susan Howl

From: Emilie Kastner on behalf of Edina Mail
Sent: Monday, October 22, 2012 9:42 AM
Subject: FW: bike lanes

This message has been forwarded to the Traffic Safety Coordinator, as well as all members of the City Council.



Emilie Kastner, Communications Assistant

952-826-0342 | Fax 952-826-0389

ekastner@EdinaMN.gov | www.EdinaMN.gov

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From: Ryan Muldowney [<mailto:ryan.muldowney@gmail.com>]
Sent: Saturday, October 20, 2012 2:08 PM
To: Edina Mail
Subject: bike lanes

I was nearly hit head-on by another motorist while driving down Wooddale this morning. How can anyone think that street is safer for bikes or cars now? Please fix the street markings. It's ridiculous.

Susan Howl

From: Emilie Kastner on behalf of Edina Mail
Sent: Monday, October 22, 2012 9:46 AM
Subject: FW: LOVE THE BIKE LANES!!

This message has been forwarded to all members of the City Council.

Emilie Kastner, Communications Assistant
952-826-0342 | Fax 952-826-0389
ekastner@EdinaMN.gov | www.EdinaMN.gov
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-----Original Message-----

From: Boo Smith [<mailto:boosmith@mindspring.com>]
Sent: Saturday, October 20, 2012 10:35 AM
To: Edina Mail
Subject: LOVE THE BIKE LANES!!

Dear City of Edina,

We love the new bike lanes! They are not confusing - if one takes a minute to think about them, they make perfect sense!

We are proud to live in a city that is promoting a healthy lifestyle!

Elizabeth and Steve Smith
7141 Gleason Road
Edina 55439

Susan Howl

From: Emilie Kastner on behalf of Edina Mail
Sent: Monday, October 22, 2012 9:51 AM
Subject: FW:

This message has been forwarded to the Traffic Safety Coordinator, as well as all members of the City Council.



Emilie Kastner, Communications Assistant

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ekastner@EdinaMN.gov | www.EdinaMN.gov

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From: Collette Officer-Hunt [<mailto:collettehunt@yahoo.com>]
Sent: Saturday, October 20, 2012 10:24 AM
To: Edina Mail
Subject:

Wow. Whoever designed the bike lanes got it wrong. I guess we are to assume that drivers have zero common sense and will run over bikers in their way.

There must be a better way. Please give drivers more credit and more right of way and rework the design.

Collette Hunt

Susan Howl

From: Emilie Kastner on behalf of Edina Mail
Sent: Monday, October 22, 2012 9:55 AM
Subject: FW: Bike Lanes

This message has been forwarded to the Traffic Safety Coordinator, as well as all members of the City Council.



Emilie Kastner, Communications Assistant

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ekastner@EdinaMN.gov | www.EdinaMN.gov

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From: Michael Hunt [<mailto:mikehgrefox@yahoo.com>]

Sent: Saturday, October 20, 2012 10:17 AM

To: Edina Mail

Subject: Bike Lanes

We are Morningside residents and just wanted to say that the new Bike lanes on Wooddale are very confusing, seem dangerous to both vehicle and bike traffic, and really should have been limited to one bike lane on one side of the street.

How much bike traffic will there be in the 4 months of Winter?

Michael

Susan Howl

From: Lynette Biunno on behalf of Edina Mail
Sent: Friday, October 19, 2012 8:52 AM
To: Karen M. Kurt; Ariel Klugman
Cc: Susan Howl
Subject: FW: Babette Gillet Bean commented on City of Edina, MN (Local Government)'s link



Lynette Biunno, Receptionist

952-927-8861 | Fax 952-826-0389

lbiunno@EdinaMN.gov | www.EdinaMN.gov

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From: Facebook [<mailto:update+yy2694o9@facebookmail.com>]
Sent: Thursday, October 18, 2012 9:34 PM
To: Edina Mail
Subject: Babette Gillet Bean commented on City of Edina, MN (Local Government)'s link

facebook

Hi,

Babette Gillet Bean commented on City of Edina, MN (Local Government)'s link.

[See Comment](#)

Babette wrote: "I live in Edina, period. Please do not divide the community and spend time on such a divisive and senseless issue. There are many more important issues."

[Go to comments](#)

Reply to this email to comment on this link.

This message was sent to edinamail@ci.edina.mn.us. If you don't want to receive these emails from Facebook in the future, please [unsubscribe](#).

Facebook, Inc., Attention: Department 415, PO Box 10005, Palo Alto, CA 94303



Deb Mangen

From: Mike Wilkinson <mikewilkinson43@gmail.com>
Sent: Wednesday, October 17, 2012 3:19 PM
To: jhovland@krausehovland.com
Cc: Scott Neal; Deb Mangen; Jane Timm
Subject: in praise of Jane Timm

In an age when it is often in vogue to create a lot of negative impressions of government and public employees, I thought I would take a few minutes to do just the opposite.

My wife and I are Edina residents and thought we had some issues with her doing an absentee ballot for this November's election as well as whether both of us were properly registered after having moved into our current residence in the fall of 2011. We called Jane Timm as well as met with her at City Hall this past Monday.

She took time to look into our records and to clarify both matters for us to our complete satisfaction. She was pleasant and personable and very professional in carrying out these tasks and certainly put our minds at ease regarding our personal voting procedures.

I think when someone does a good job, especially those who serve the public, they should be acknowledged and she certainly should.
the city is fortunate to have her on their staff.

--

Mike Wilkinson
office: 952-935-8135
cell: 952-649-0694
email: mikewilkinson43@gmail.com

Susan Howl

From: Lynette Biunno on behalf of Edina Mail
Sent: Wednesday, October 17, 2012 1:18 PM
To: Solvei Wilmot
Cc: Susan Howl
Subject: FW: For city council members and Solvei Wilmot

Good afternoon,

This message has been forwarded to the Mayor and Council members and Solvei Wilmot.



Lynette Biunno, Receptionist

952-927-8861 | Fax 952-826-0389

lbiunno@EdinaMN.gov | www.EdinaMN.gov

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From: bascacat@aol.com [<mailto:bascacat@aol.com>]
Sent: Wednesday, October 17, 2012 9:33 AM
To: Edina Mail
Subject: For city council members and Solvei Wilmot

Dear Members of the Council and Ms. Wilmot,

This morning was the quietest Wednesday we've had in a long time! No recycling trucks rumbling through at 7 am. Thank you!

I don't know if the single-sort system produces as many useful recycables but reducing the number of trucks coming through the neighborhood is a real plus. (Not to mention less wear and tear on the roads, and fewer dangers for small children; could we do something about the number of trash haulers next?)

So, thank you for this policy change.

Sincerely,
Mary Yee

Subject: Minnehaha Woods Street ReConstruction Public Hearing

Council persons,

I am sitting in the hearing on Minnehaha Woods assessment hearing and I fear I won't be allowed to speak so I would like to raise a couple of points.

It appears to me that we are being asked to indirectly subsidize the engineering costs for other projects. By virtue of the fact that our purportedly more complex project paid the outside consultant at a much higher rate, we freed up staff time to work for other projects at a reduced rate.

My questions:

- Why was an outside consultant used on our project and not others?

The only answer I have heard was due to the need for additional time needed and staff couldn't devote that time plus take care of other projects.

If it was a matter of urgency, why was it not presented to us as such? Why was the year 2011 required? Why could we not wait until later and have the staff do our work and save the \$300,000 in outside consultant costs?

- Who dictates that more projects be done in a single year than can be handled by the less expensive staff?

No one ever told us that going in 2011 would cost \$300k more--only that voting 'no' would mean waiting 20 years for our next opportunity.

Why couldn't we wait 1 year and save \$1500 per house like everyone else in the other projects?

In summary, it appears that we subsidized other projects because they could have their projects done by staff ... staff that was available because we paid excessively for SEH.

Thank you for your consideration.

Larry Lomax
5516 Park Place

Susan Howl

From: James Hovland
Sent: Wednesday, October 17, 2012 1:45 PM
Cc: Susan Howl
Subject: FW: Southdale Transit Center



Lynette Biunno, Receptionist

952-927-8861 | Fax 952-826-0389

lbiunno@EdinaMN.gov | www.EdinaMN.gov

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From: Dillery, John [<mailto:John.Dillery@metrotransit.org>]
Sent: Wednesday, October 17, 2012 1:20 PM
To: James Hovland
Subject: Southdale Transit Center

Mayor Hovland,

I am the Senior Transit Planner, or the bus route designer, for the south side of Minneapolis and the cities of Edina, Bloomington, and Richfield.

I have long appreciated how well located the Southdale Transit Center is for the efficient operation of the seven bus lines that converge there, as well as the importance of Southdale as a destination for our transit customers. Beyond these benefits, the park & ride has served hundreds of commuters over the years, virtually all of them Edina residents.

I wish to thank you for your diligent support of our efforts to secure a long term easement for the transit center and park & ride lot at Southdale.

John Dillery
Senior Transit Planner
Service Development
Metro Transit
Direct: 612 349 7773
john.dillery@metc.state.mn.us

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Susan Howl

From: Lynette Biunno on behalf of Edina Mail
Sent: Thursday, October 18, 2012 8:17 AM
Cc: Susan Howl
Subject: FW: Andrea Anderson



Lynette Biunno, Receptionist

952-927-8861 | Fax 952-826-0389
lbiunno@EdinaMN.gov | www.EdinaMN.gov

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From: akozlak@gmail.com [<mailto:akozlak@gmail.com>] **On Behalf Of** Andrea Anderson
Sent: Wednesday, October 17, 2012 11:31 PM
To: Edina Mail
Subject: Andrea Anderson

Mayor Hovland,

It was a pleasure meeting you again at the Bisson's house on Monday. I know everyone appreciated your time and enjoyed hearing your insight on all of the things going on in Edina. I wanted to drop you an e-mail and let you know that you have both my Husband and my support in the upcoming election (as well as a number of family and friends whom we have talked to), and we hope to see you continue as Mayor for the next term.

We hope with the upcoming term, we will continue to see your devotion to serving Edina, as well as see some of the issues we brought up Monday to a swift resolution.

First and foremost, we NEED to get this coyote problem taken care of. I have been to the City Council, I have met with Chief Long and Officer Hunter, I have written letters...and I am not satisfied with the outcomes. Every single person who I have talked to about the Coyote Issue is frankly fed up with the "defensive approach" in which the city has decided to take. As you stated Monday, Edina has always been on the forefront of innovation and ideas, and I believe it is the duty of this great community to be the leader in this issue and to show other cities that Edina will take all measures necessary to ensure the safety of our kids and animals.

Although this has been an issue for far too long, in my opinion, which should've been taken care of at the first sight of coyotes populating Edina a couple years ago...there needs to be an aggressive font towards getting rid of them (and keeping them away) now before anything else happens. It is deeply concerning that there have been so many sitings recently (in Hilldale, Rolling Green, at Highlands Elementary and many other places) all of which seem to involve very "comfortable" and even more concerning "aggressive" coyotes.

With the recent event in St. Louis park involving the child being bitten, I would think that would be enough for anyone to understand that this is not going away on its own. It deeply concerns me that yet another dog was killed (as well as another very close call) in Rolling Green just last week. What more has to happen? It was you who said you heard the saying, "the only good coyote is a dead coyote", and although I am a huge advocate for animals...there is not one good thing about having coyotes in a city community. There is just not enough room for everyone to co-exist and not have a serious threat to our safety.

You mentioned Monday that you were going to get this back on the agenda asap and that you would bring it up at City Council meeting Tuesday, but I noticed (in the video of meeting online) that it was not raised. I trust that you have a plan to resurface this in due time. Mayor, we need you to stand up and fight for us on this one. If

there is anything I can do to help get the support of the community...I will. I know people want them gone and don't want to spend another day thinking/worrying about this issue.

As far as other things raised: I also am in full support of adding a sidewalk to Interlachen Blvd. It would really help with the safety and enjoyment of the street and add significant accessibility for families who live off the Blvd.

I also look forward to hearing about the speed studies that will be done on Cooper Avenue in Hilldale (right in front of my house). It is essential that something helps with the traffic that zooms by everyday. A simple stop sign or speed bump would really help in the safety of all of the kids in the neighborhood...there have just been way too many close calls to keep it the way it is. Please let me know if there is anything I can do to help facilitate action on this issue as well.

I look forward to your re-election so we can see this city continue to move in the right direction, and I genuinely hope to continue our communication, develop even more of a relationship between you and our neighborhood, and join forces in the hopes of getting some of these issues taken care of as soon as possible.

Thank you Mayor for your time and service and I hope to hear from you soon.

Sincerely,
Andrea Anderson

October 19, 2012

Scott Neal, City Manager
City of Edina
4801 West 50th Street
Edina, MN 55424

Re: Tree Removal

Dear Mr. Neal:

Thank you for your letter of October 5, 2012, which we received on October 15, 2012. *(The letter was dated October 5 but the postmark was not until October 11, it was attempted to be delivered October 12 but nobody was home, and was received from the Post Office on October 15.)*

We were very surprised to receive this letter, since:

- A) The property settlement agreement stipulating the terms and conditions of an agreement between us and the City, which the City has agreed to working out, has not been completed yet.

The concept of the agreement was discussed briefly two months ago with two members of the city council, who did not object to it being pursued. It was also suggested by the Mayor as a *step that should be completed before any action is taken with respect to any trees*. We discussed what elements it should contain, and we delivered a draft to him on September 19.

The City, through its representatives, agreed to complete the property settlement agreement *before* any action is taken. We would appreciate the City honoring that commitment.

- B) The letter demands that the wrong trees be removed. While we have repeatedly pointed out the facts of the situation and repeatedly concluded that there is no basis to take any action against any of the trees (summarized below and in the attached letters and memos), we nonetheless have offered to remove trees #1 and #2 in order to bring this issue to a close. The letter refers to trees #2 and #3.

We still offer to remove trees #1 and #2, but not tree #3. Tree #3 is not in the sight line, nor the clear view zone, and is a critical part of the sight, sound, and safety barrier for our property.

Facts that we have previously and repeatedly pointed out, but which repeatedly seem to be ignored, include the following:

- There is no legal basis to demand this action. Please refer to the attached letter dated January 16, 2012. The letter indicates that there are four sections of our City Code that might possibly apply, but the property is in compliance with these sections.
- Taking action against these trees actually violates section 830 of the City Code.
- The trees were planted at the suggestion of the City of Edina itself. The previous homeowner delivered a letter to the City verifying this, and has records of who he talked to and when.
- The professional traffic engineering firm of RLK, Incorporated conducted a sight line study and concluded that no trees encroach in the sight line. The City is in receipt of this study.

- C) The City has received a letter (petition) signed by 60 area residents, requesting that the City cease and desist all actions against us and the trees. The neighborhood wants the City to stop harassing us with this. Nonetheless, we are still willing to remove trees #1 and #2.
- D) Your letter contains several inaccurate statements.

It indicates traffic safety is obviously of great concern. However, as the City knows, Edina Police Department records do not indicate any accidents at this intersection. The letter from the 60 residents says they do not feel there is a safety issue. The RLK study indicates there is not a safety issue. The City has attempted to inject traffic safety into the situation, whereas it is clearly not an issue.

It also states that "We have been in discussions with you for a year or more without success..." I have asked to meet with you, and also asked to meet with the council in its closed session, without success. The one communication with the City that I do recall, and that I have saved, is a voice mail from the City Engineer indicating that after we shaved back several of the trees we had satisfied the Council's wishes and the matter was over. It should have been over at that time.

- E) The City may not assess us for any action it takes on its own. As pointed out in the attached letter dated January 16, 2012, "...even if the City decides to take action which violates the Benner's rights as well as the City's own ordinances, it cannot assess the costs against the Benner's. Section 1200.06, subs. 3 and 4 clearly state that: such work shall be charged with such frequency as the Council by resolution shall determine, to each owner of each separate lot or parcel of land benefitted by such work, in proportion to the benefits conferred upon the lot or parcel."

The letter goes on to say that action taken against the trees will in no way benefit us, but in fact would have the opposite effect, and that only one group of people could be considered as benefitting from this, which is those that requested the City take such action in the first place.

The numerous homeowners that signed the 2011 petition (the one that was misrepresented to the signers...several of whom rescinded their signatures when they discovered that they were misled by the petitioners) should be the ones to pay for any action taken by the City.

- F) Any action the City might take on its own would violate its own code. As mentioned, section 830 of the City Code requires that no action of this type be taken. The property settlement agreement, in which both parties agree to what action will be taken, needs to be completed first.

Thank you again for your continued attention to this matter. It is our hope that an agreement acceptable to both parties can be amicably achieved. We look forward to finally bringing this matter to a close.

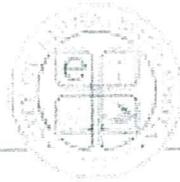
Respectfully,



Douglas and Jill Benner

Cc: Mayor and City Council Members
David K. Snyder

Attachments: Your letter dated October 5, 2012
Letter from Kalina, Wills dated January 16, 2012
Email to Mayor Hovland with settlement agreement draft, schematic showing trees, restorative landscaping plan and bid, and entire RLK study concluding no action is needed



October 5, 2012

Mr. Douglas Benner
Ms. Jill Benner
7025 Sally Lane
Edina, Minnesota 55439

RE: TREE REMOVAL

Dear Mr. and Ms. Benner:

We have been in discussions with you for a year or more without success about the need to improve sight lines on Valley View Road and Sally Lane. Traffic safety is obviously of great concern. Trees #2 and #3 must be removed. These are the trees that were tagged with pink ribbons in August; the ribbons have since been removed. An exhibit is attached identifying the trees.

If you have not removed the two trees by November 9, 2012, the City will remove them without further notice to you. If the City removes the trees, your property will be assessed for the cost of removal. The City will not do any post-removal landscaping or reimburse you for any such landscaping.

Very truly yours,

A handwritten signature in black ink, which appears to read "Scott Neal", is written over a faint, larger version of the same signature.

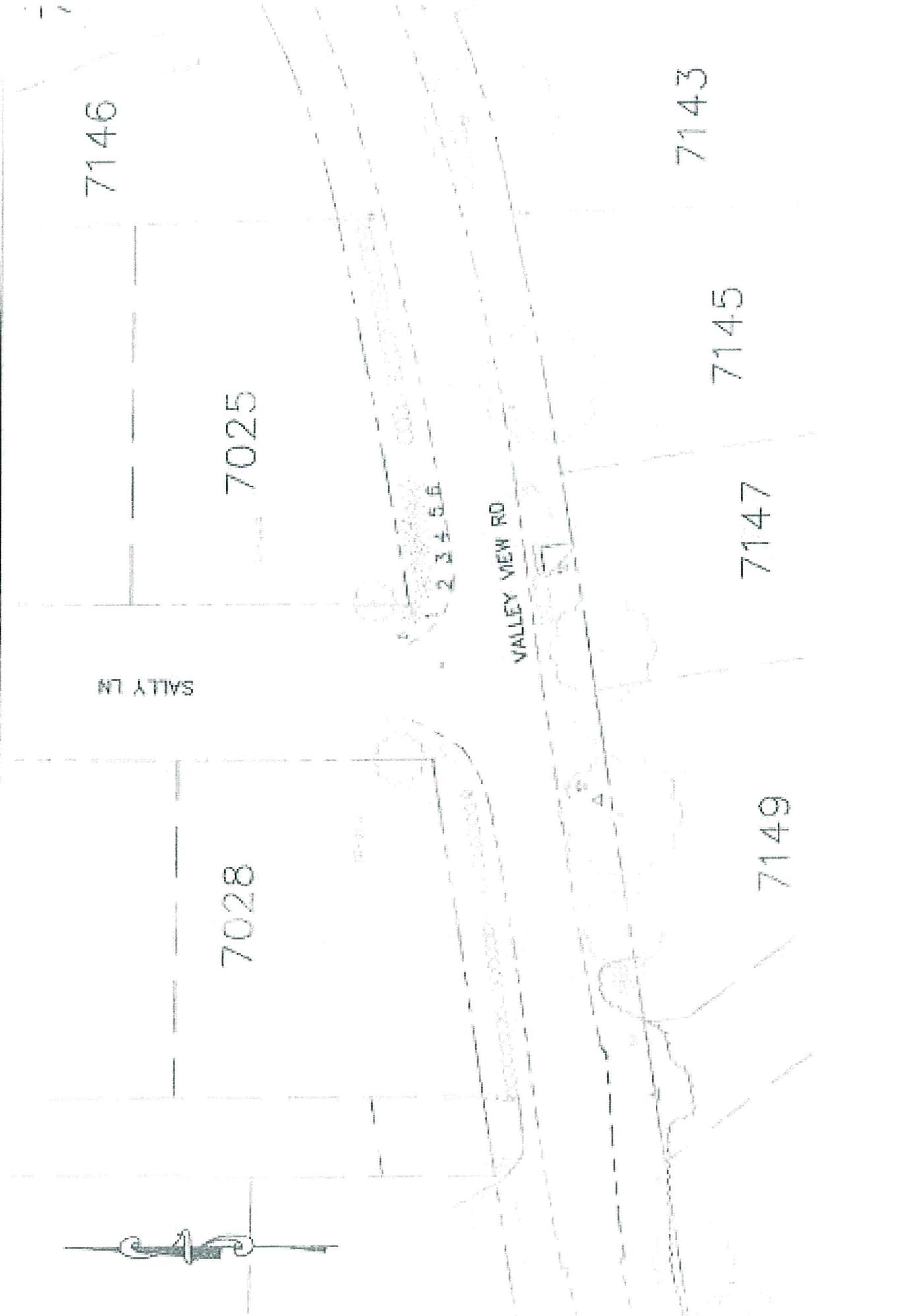
Scott Neal
City Manager

SN/sh

c. Mayor and City Council Members

CITY OF EDINA

4901 West 30th Street • Edina, Minnesota 55424
www.EdinaMN.gov • 952-827-8861 • Fax 952-826-0390



SALLY LN

7028

7025

7146

23456

VALLEY VIEW RD

7149

7147

7145

7143



Valley View Rd at Sally Lane
City of Edina, Minnesota



KALINA, WILLS, GISVOLD & CLARK, P.L.L.P.

ATTORNEYS AT LAW

JAMES H. WILLS* †
ROBERT D. GISVOLD
MICHAEL C. GLOVER
GORDON B. CONN, JR.
CAROLE CLARK ISAKSON
RONALD M. OTTEN
JILL A. JAMES
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RONALD S. KALINA (1944-1991)

OF COUNSEL
JAMES R. CRASSWELLER

*ADMITTED IN MINNESOTA AND WISCONSIN
†ADMITTED US PATENT OFFICE
**ADMITTED IN MINNESOTA AND NORTH DAKOTA

WEBSITE: WWW.KWGC-LAW.COM

MICHAEL C. GLOVER
DIRECT DIAL - (763) 259-3450
E-MAIL: GLOVER@KWGC-LAW.COM

January 16, 2012

Via Facsimile (651-452-5550) & E-mail (rknutson@ck-law.com)

Roger Knutson, Esq.
Edina City Attorney
Campbell Knutson, P.A.
1380 Corporate Center Curve
317 Eagandale Office Center
Eagan, MN 55121

Dear Mr. Knutson,

As you may be aware, our firm has been retained to represent Mr. Doug Benner and Ms. Jill Benner (the "Benners") in a matter involving the trimming of trees on property directly adjacent to the Benners' land. Recently, on January 11, 2012, the Benners received a letter from Mr. Wayne Houle of the City of Edina (the "City") demanding that the Benners de-limb spruce trees along Valley View Road by January 16, 2012. In addition the City demands the Benners bear all costs associated with such action. The City's actions with respect to the Benners violates the Benner's right to due process, is contrary to the City's own ordinances, and is simply beyond the City's authority.

First, in demanding that the Benners de-limb the trees within less than a week, the City has denied the Benners their fundamental right to due process. In fact, the City Code itself provides for specific procedures to be followed when taking action that affects landowners. Specifically, Section 1200.05, states that the City may only abate a nuisance after first giving seven (7) days written notice to the person responsible for the nuisance. Here, the Benners received notice to de-limb the spruce trees on January 11, 2012, and were instructed to complete the de-limb by January 16, 2012. Giving the Benners five (5) days written notice does not comply with due process or the City's Code.

In addition, the City continues to evade the question of where it obtains the authority to make such demands of the Benners. If the City is attempting to abate a nuisance under Section 1070, before the City can take action, it must first hold a public hearing. Instead, the City is doing everything it can to avoid a public hearing, listen to the Benner's concerns and the concerns of their neighbors. Indeed, this assault seems driven by one lonely disgruntled neighbor and no one else. The City continues to act without consideration for the rights of the Benners.

Roger Knutson, Esq.
January 16, 2012
Page 2

Second, the City has been vague about where it derives the underlying authority to demand the Benners de-limb the trees or pay the City to do so. After a careful evaluation of the relevant city ordinances, it is obvious that there is no legal grounds for such a demand.

The Benners have not violated Section 1050 of the City Code. The application of Section 1050 is questionable, as the entire ordinance regulates "Maintenance of Vegetation." While the City Code is quite clear, in some respects, about what it is regulating, this section contains references to "vegetation", "landscaping", and "garden treatments." No mention is made of trees or bushes. Since the Code does use the word "tree" in other sections, it is logical to conclude that if the drafters had meant to include trees under this section, they would have included an explicit reference, using the word "tree." No definition of the word "vegetation" is given in the Code, although the definition section of Section 1050 does make ample reference to various types of grasses and weeds. The setback provision in 1050.04(1) cannot apply, because 850.07(6)(L) clearly states that trees are not encroachments into required setbacks. As there are no other relevant sections in Section 1050, the trees and bushes cannot be considered a non-compliant nuisance under 1050.08.

The Benners have not violated Section 1200 of the City Code. That Section regulates the use of City owned property, which would likely apply to the land adjacent to the Benners' lot. While 1200.02(1)(B) prohibits fences or landscaping, 1200.02(1)(H) simply puts a set of restrictions on "Trees and other plantings which overhang the traveled portion streets or sidewalks" From this language, "trees" are once again distinguishable from "landscaping." The trees in question do not overhang any street and there is no sidewalk on Valley View Road.

The trees and bushes were planted by a previous owner with the permission of the City Planning Office. In 1992, when the trees and bushes were planted, Section 1200.02(1) did not include a reference to any kind of tree as a prohibited encumbrance. Section 1200.02(2)(F) does require written permission from the Park Director for the planting of any pine, spruce, fir, yew, or other conifers, however, this subdivision refers expressly to the *planting* of such trees. The trees adjacent to the Benners' property were planted in 1992, nearly twenty (20) years ago. The previous owner was told by the City's Planning Office at the time that while he was not permitted to build a fence on the adjacent piece of property, he could plant these trees. The Benners previously provided a statement made by the previous owner to this effect. Nothing more was said about the trees until this most recent action by the City Council.

The Benners have not violated Section 1405 of the City Code. Both the City's retained engineer and the engineer retained by the Benners agree that all the trees and bushes in question comply with the requirements of the City's clear view ordinance. Specifically, the City's own traffic engineering survey reveals that "this intersection has been reviewed against current City Codes and has deemed to be consistent with Section 1405." Over the lifetime of these trees, they have been maintained according to the clear view standards set out in the City Code. The basis for the traffic engineer's recommendation to raze these trees and charge the Benners apparently lies in an obscure and gravely open to wide interpretation provision in the MnDOT Road Design Manual.

Roger Knutson, Esq.
January 16, 2012
Page 3

The suggestions laid out in this manual are not codified in the City's ordinances or state law.

The Benners have not violated the City's zoning ordinance, Section 850. Section 850.07(6) lays out the exceptions to the City's setback requirements. The ordinance reads, "The following shall not be considered as encroachments into required setbacks: . . . L. Trees, shrubs, and other vegetation." Clearly, the City cannot claim that these trees and bushes qualify as an encroachment on the required setbacks, since the plain language of the zoning ordinance states otherwise.

The City has not presented the Benners with any satisfactory basis for the de-limbing of these trees, and cannot point to any ordinance they are violating. Removing these trees and bushes presents a tremendous financial burden on the Benners. Simply put, the Benners are in full compliance with the law.

Indeed, it is not the Benners who are violating the City's Code, but the City itself. Looking at the City Code in its entirety, the City is violating its own provisions, not only by failing to assure due process, but failing to abide by Section 830. That Section was enacted "to regulate land disturbing activities to prevent undue loss of the urban forest, reduce erosion and sedimentation and enhance the natural beauty of the City *in the interest of the health, safety and welfare* of the residents" (emphasis added). No safety issue exists at this intersection. According to the Edina Police Department, there have been no accidents on this corner for at least four years. In addition, assistant city engineer Jack Sullivan also stated at a July 5 public hearing that there have been no incidents at this intersection for at least ten (10) years. A visit to see these trees reveals that they are healthy, well cared for, and have been properly trimmed and maintained over the years. Moreover, as discussed above, the City acknowledged the Benners are not violating the City's clear view zone ordinance, again indicating that there is no safety concern at this intersection.

Section 830.06(2) further regulates the removal of trees. The ordinance states the only reason trees shall be removed is "poor health or dangerous condition of the tree" or "construction of improvements being made to the property." The trees at this intersection provide no health risk nor any dangerous condition. There is no ongoing construction of improvement to the property requiring their removal. By de-limbing the trees, the City is reducing the natural beauty of the City with no resulting benefit.

Third, even if the City decides to take action which violates the Benners rights as well as the City's own ordinances, it cannot assess the costs against the Benners. Section 1200.06, subs. 3 and 4 clearly state that:

such work shall be charged with such frequency as the Council by resolution shall determine, to each owner of each separate lot or parcel of land benefitted by such work, in proportion to the benefits conferred upon the lot or parcel.

(emphasis added). The Benners are in no way benefitted by the de-limbing of the trees. In fact, the de-limbing of the trees on the land adjacent to their property has the opposite effect. The Benners

KALINA, WILLS, GISVOLD & CLARK, P.L.L.P.

Roger Knutson, Esq.
January 16, 2012
Page 4

expect that if the trees are de-limbed the value of their property will decrease as a result. Only one group of people could be considered as having benefitted from the de-limbing of the trees, those that requested the City to take such action in the first place. There are numerous homeowners who petitioned the City for removal of the trees, they should be the ones to pay for de-limbing.

Any way you look at the situation, the City's actions make no sense. Rather than follow the procedures and ordinances in the City Code, the City has decided to demand the de-limbing of the trees, not because of a health or safety concern, but simply because neighbors circulated a petition. However, as I'm sure you are well aware, as is Mayor Hovland, there are strong indications that many signed the petition under false pretenses. Several individuals that signed the petition understood it to be for simply trimming the trees (which has been done by the Benners), and not severe de-limbing or removal.

The City continues to demand the de-limbing of the trees, and in doing so it is violating the rights of the Benners and acting with complete disregard for its own Code. There is no reason, nor does the City have the authority, to demand the trees be de-limbed in the manner described. The Benners are not violating any City Code provision, there is no health or safety concern warranting the de-limbing of the trees and the petition that brought this issue to the City's attention was brought under false pretenses. The de-limbing of the trees is completely unnecessary, therefore the Benners will not be de-limbing the trees as requested by the City. If the City chooses to proceed as stated in the January 9, 2012, letter I caution you to assure that it is following the City Code when undertaking the work.

Please contact me if you have any questions.

Yours very truly,

**KALINA, WILLS,
GISVOLD & CLARK, P.L.L.P.**



Michael C. Glover

MCG:jtb:jjc

cc: Doug and Jill Benner
Jim Hovland (via e-mail – jhovland@krausehovland.com)
Edina City Council (via e-mail – edinamail@ci-edina.mn.us)
Wayne Houle (via e-mail – whoule@ci.edina.mn.us)

Benner, Doug

From: Benner, Doug
Sent: Wednesday, September 19, 2012 1:22 PM
To: 'James Hovland'
Cc: Benner, Doug
Subject: Settlement Agreement, Restoration, Traffic Study
Attachments: 20120919125518871.pdf

Hello Jim!

As a follow up to the conversation that you, Scott Neil, and I had in the VFW parking lot after the Beyond the Yellow Ribbon kickoff last week, here are two items for your consideration:

1. A draft of a Settlement Agreement, with exhibits.

You mentioned that it might go smoother and quicker if we did this directly, rather than through the attorneys, and I agree. So I drafted one up.

As you suggested, it includes identification of the trees to be removed, and addresses both the City's agreement not to touch the remaining trees as well as our agreement to keep them trimmed to a standard (the RLK Sight Line Study).

I did also include what our contemplated restorative landscaping might look like so that we have City preapproval for it (we don't want to spend the money and then have the City indicate there is a problem with it), and asked the City to share in the expenses (we should not have to do any of this in my opinion, but we will in order to get it resolved, and since the City is driving this expense, we'd appreciate some financial help).

2. The entire RLK Sight Line Study, with three aerial photos.

Perhaps one of the photos was the one you looked at in closed session.

The first photo shows the clear view zone, with trees 1 and 2 just barely in it (we have since trimmed them back).

The second photo shows the sight line, and is perhaps where the council thought tree 3 needed to be removed. But you can see that tree 3 would be just barely touching the line and a little trimming would take care of it. This is why I think it does not need to be removed, and why in the written narrative of the study it says "While the 200' stopping sight line distance is met, it can be improved by the trimming back of the two large fir trees 50-75 feet east of Sally Lane" (these would be trees 5 and 6, not tree 3).

The third photo identifies trees 5 and 6 to be trimmed. We did trim these back to Wayne Houle's satisfaction (in fact, we trimmed them all back quite a bit...more than the study suggested, and more than Wayne required).

I appreciate your continued interest, and support, in this matter and appreciate any and all consideration in the proposed action.

Thank you sir!

Doug.

PROPERTY SETTLEMENT AGREEMENT

This agreement is entered into by and between:

CITY OF EDINA, represented through its Mayor and its City Engineer, having a mailing address of 4801 W. 50th Street, Edina, MN 55424 ("City"),

AND

DOUGLAS AND JILL BENNER, having a mailing address of 7025 Sally Lane, Edina, MN 55439 ("Benners"),

who have entered into this agreement ("Agreement") under the terms and conditions set forth herein.

1. The Benners agree to remove two Black Hills Spruce trees located in the triangle formed on two sides by the intersection of Valley View Road and Sally Lane, identified as trees 8 and 9 on the attached Exhibit A (property drawing drafted by Rainbow Tree Company).
2. The City agrees not to require, now or in the future, any de-limbing to any height, nor full removal, of any of the remaining four Colorado Blue Spruce trees (identified as trees 10 – 13 on the attached Exhibit A) nor any of the 24 Arborvitae trees (identified as tree hedge 14 on the attached Exhibit A).
3. The Benners agree to maintain trees 10 – 13 by shaving back their branches from time to time so as to maintain the same sight line along Valley View Road as presently exists.
4. The City agrees to restorative landscaping generally in accordance with the drawing attached as Exhibit B (restorative landscaping sketch drafted by Beds & Borders Landscape Design). This includes planting two Colorado Blue Spruce trees further in the yard to restore the sight and safety barrier that will be eliminated by the removal of trees 8 and 9 described above, and installing low growing ground cover and boulders in the corner of the yard (which landscaping will be maintained by the Benners to remain compliant with height restrictions as set forth in the Clear View Zone section of the Edina City Code, as it presently exists. This restorative landscaping may be conducted by any company at the Benners option.
5. The City agrees to the possible removal of the Green Ash tree identified as tree 2 on Exhibit A. This may be necessary to accomplish the contemplative restorative landscaping.

6. The removal of trees 8 and 9 (and possibly tree 2) will cost approximately \$750. The restorative landscaping will cost approximately \$4,000 (please see Beds & Borders work estimate attached as Exhibit C). The City agrees to pay half the cost of tree removal and restorative landscaping, which share borne by the City shall not exceed \$2,375. The Benners shall submit a copy of each invoice to the City, and the City shall pay to the contractor one half of the invoice within 60 days of receipt.

AGREED TO AND ACCEPTED at the places and dates set forth below by the duly authorized representative of each party.

CITY OF EDINA

WITNESSES:

By: _____
James Hovland, Mayor
Edina, MN
September ____, 2012

By: _____
Wayne Houle, City Engineer
Edina, MN
September ____, 2012

BENNERS

WITNESSES:

By: _____
Douglas Benner
Edina, MN
September ____, 2012

By: _____
Jill Benner
Edina, MN
September ____, 2012

EXHIBIT A

Rainbow Tree Company
 11571 K-Tel Drive
 Minnetonka, MN 55343
 952-922-3810

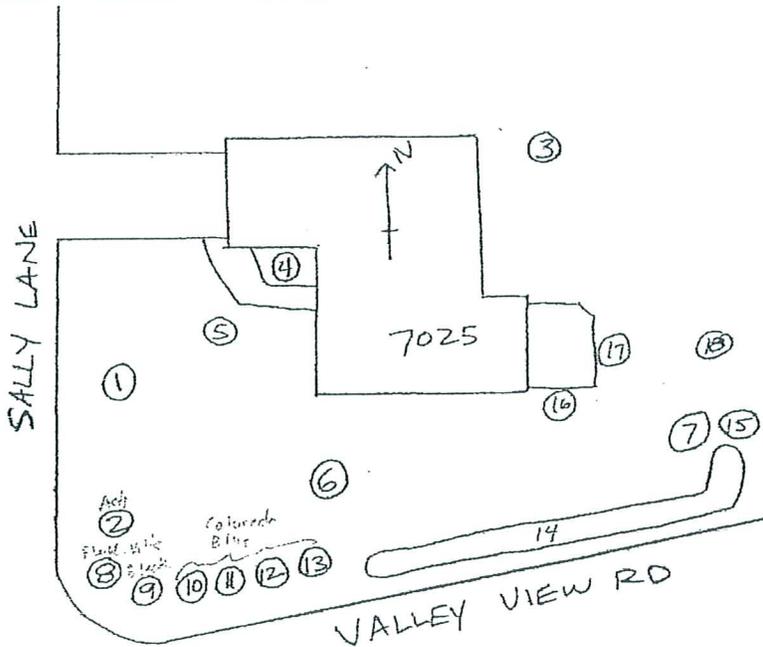
21-Mar-12

Jill Benner

Lot Size (acres)

Map Location
 119 C4

Address
 7025 Sally Ln
 Edina MN 55439



Tree#	Qty	Property
1	1	Bur Oak
2	1	Green Ash
3	1	Green Ash
4	1	Common Honeylocust
5	1	Japanese Tree Lilac
6	1	White (Concolor) Fir
7	1	Black Hills Spruce
8-13	6	Black Hills and Colorado Blue Spruce
8,9	2	Black Hills Spruce
10-13	4	Colorado Blue Spruce
14	24	Arborvitae
15	1	Boxelder
16,17	2	Staghorn Sumac
18	1	Common Chokecherry



EXHIBIT B

- REMOVE SPRUCE 1 & 2
- REMOVE ASI
- ADD MULCH (3YD)
- ADD 2 BULVERS (2 TON)
TOTAL
- ADD 3 piece 50lb
of BARK LINE
- PLANT 2 TYPE JUNIPER

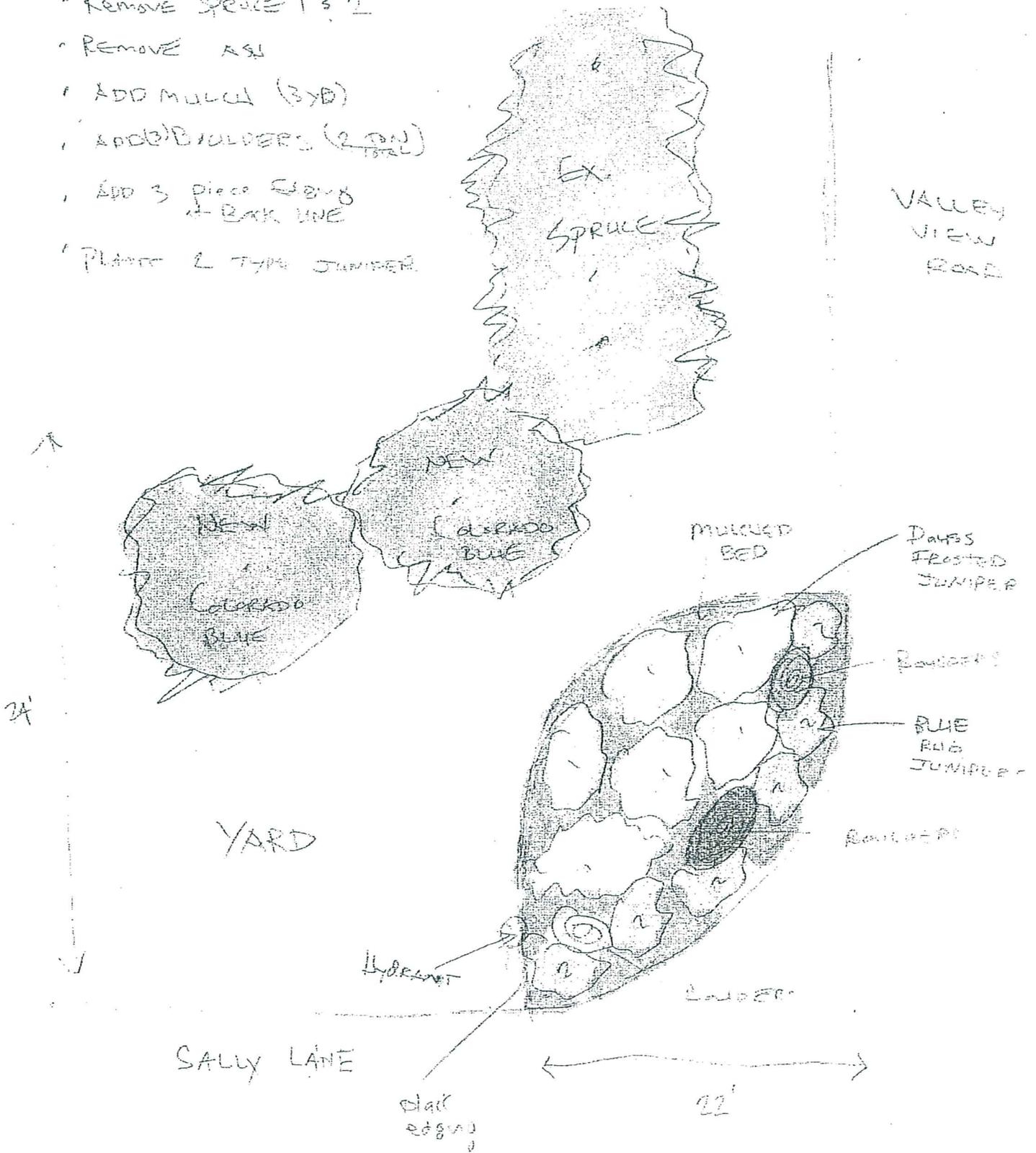


EXHIBIT C

Beds & Borders Landscape Design, Inc.
 19183 Kristie Lane * Eden Prairie, MN 55346 * 612.396.2014



Doug and Jill Benner
 7025 Sally Lane
 Edina, MN 55439
 USA

September 5, 2012

General Conditions

<u>Quantity</u>	<u>Description</u>	<u>Size</u>	<u>Cost</u>
1	General Labor	0 \$	180.00
1	Project Management	0 \$	130.00
1	Machinery - Skidloader - Per/Day	0 \$	75.00
1	Tools - Gas Powered Sod Cutter (Labor Included)	0 \$	355.00
1	Attachment - Stump Grinder (Labor Included)	0 \$	190.00
1	Attachment - B & B Tree Auger (Labor Included)	0 \$	130.00
1	Delivery - Mulch Store	0 \$	50.00
1	Shop - Trip to Nursery - includes hand selection and loading	0 \$	100.00
1	Waste - Trip to NRG - Roundtrip Waste Disposal	0 \$	150.00
1	Delivery - Boulders (Project Manager hand pick)	0 \$	100.00
Total General Conditions Installation = \$			1,460.00

Hardscapes

<u>Quantity</u>	<u>Description</u>	<u>Size</u>	<u>Cost</u>
2	Accent Stone - Glacial Boulders - 24-30"	ton \$	299.17
Total Hardscapes Installation = \$			299.17

Plants/Landscape Materials

<u>Quantity</u>	<u>Description</u>	<u>Size</u>	<u>Cost</u>
6	Juniperous - Daub's Frosted	#5 \$	403.50
6	Juniperous - Blue Carpet	#2 \$	292.50
2	Picea - Black Hills Spruce	6'BB \$	960.00
0.5	Ammendments - Preen	box \$	32.29
3	Wood Mulch - Cedar	yd \$	351.00
3	Edging - Valley View Vinyl Landscape Edging	20' piece \$	205.00
Total Plants/Landscape Materials Installation = \$			2,244.29

Total Design Fee = \$ -

Total Job Cost = \$ 4,003.46

Client Signature: _____

This is a preliminary estimate. A contract will be provided once the project details are finalized. Changes to the agreed upon contract figures will require a change order



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MEMORANDUM

TO: Mr. Doug Benner and Ms. Jill Benner *dbenner@tcfbank.com*

FROM: Steve Manhart, P.E., PTOE, PTP *smanhart@rlkinc.com*
Vernon Swing, P.E. *vswing@rlkinc.com*

DATE: October 28, 2011

RE: **Sight Line Study**
7025 Sally Lane, Edina, MN 55439
RLK Project No. 2011-19X-M

Per your request, RLK Incorporated has completed our review of a sight line report prepared for the City of Edina regarding the intersection of Valley View Road and Sally Lane. This review prepared by WSB & Associates, has identified potential sight line problems for traffic at the southbound approach to Valley View Road. As a result, the WSB report recommends the removal of several trees and vegetation along the Valley View Road frontage to this property. In response, you have requested RLK to verify these findings and recommendations, and if necessary, make alternate recommendations for sight line improvements.

At the onset of our review, we have looked at the existing Section 1405 of the City of Edina City Code that defines Clear View Zones. According to the Code, the Clear View Zone is defined as, "The triangular area formed by connecting the following three points: the point of intersection of the curb lines extended of intersecting streets, and a point on each curb line 30 feet from the aforementioned point of intersection. If there are no curbs, the edge of the traveled portion of the street shall be used instead of the curb line."¹

We have identified the Clear View Zones that exists at the intersection of Valley View Road and Sally Road (See Figure 1). Using these parameters, we conclude that the intersection Clear Zones are adequately clear of trees and vegetation in keeping with the letter of the ordinance. (Note that the WSB report has deemed that this intersection was consistent with Section 1405 as well.)

Nevertheless, the City has pursued a review of sight lines throughout Edina. In the WSB Memorandum dated 10/30/ 2011, "...there are safety concerns with sight line at this location that are outside of the

¹ Section 1405.01 Clear View Zone Defined, City Code, City of Edina, Ord 1402 codified 1970; amended by Ord 1995-6 8-17-95., http://www.ci.edina.mn.us/citycode/L5-01_CityCodeSect1405.htm

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City's Clear View Zone requirement." With that, WSB conducted an in-depth analysis of Decision Sight Distance, as defined by the Minnesota Road Design Manual. The WSB study quotes the Mn/DOT manual as defining a decision time of 10 seconds as adequate for most practical purposes. The Road Design Manual states that, "Use of values more than or less than 10 seconds may be judged appropriate as circumstances dictate."² The manual goes on to say, "In cases where providing 10-second decision sight distance is desired but not practical, special geometric, signing and/or delineation measures should be considered to aid drivers' perception and decision making."³ In fact, the 2000 Highway Capacity Manual defaults to 6-1/2 seconds for driver gap acceptance, significantly less than 10 seconds.

The WSB report concludes that a sight line of 293 feet is required for a 20 mph approach vehicle from the east. Thus, it was recommended that "all of the planting in the right-of-way from Sally Lane to the 7146 property be removed, including the trees along the 7025 property."

RLK Incorporated has been on-site and has reviewed the traffic and sight distance conditions at the intersection. Field observations indicated that gaps in excess of 6-1/2 seconds are common. We noted that the stop bar has been located far forward so as to allow maximum sight distance to the east (See Exhibit 1). We noted the line of trees and vegetation that exist along the property south frontage. We have also looked at the sight lines for traffic at Sally Lane attempting to see traffic approaching the intersection. We also have reviewed the additional information that you have provided, as well as traffic engineering standards and manuals to determine the adequate application of sight distance standards and guidelines in this situation.

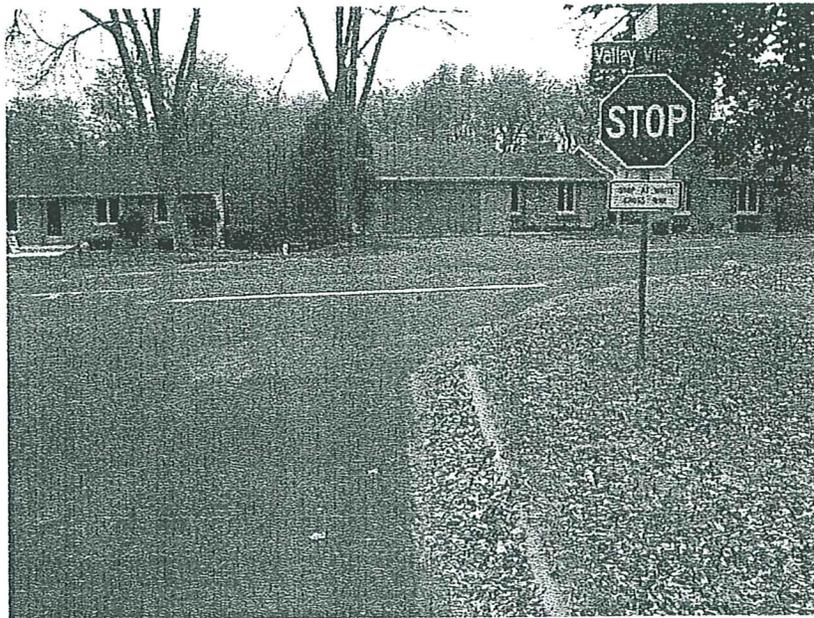


Exhibit 1. Southbound Approach to Valley View Road along Sally Lane

² Road Design Manual, Minnesota Department of Transportation, Saint Paul, MN, July 2007, page 2-5(17).

³ Ibid.

To that end, we would state that it is our professional engineering judgment that the ten-second decision time quoted by WSB in their report to the City of Edina is excessive in this situation. Furthermore, we believe that an unsubstantiated safety concern was used to recommend the removal of the planting/vegetation and trees along this frontage of Valley View Road.

Our review of the Mn/DOT Road Design Manual shows that, "Stopping sight distance represents a near worst-case situation."⁴ It is our opinion that the onus of safety is on the Valley View driver as well as the driver turning from Sally Lane. While we agree that the driver from Sally Lane is "deciding" whether to enter the gap in the traffic along Valley View Road, the driver approaching Sally Lane along Valley View must have a sight line sufficient to stop. The Mn/DOT Road Design Manual states that a roadway design speed of 30 mph yields a stopping sight distance of 200 feet (See Figure 2).

Therefore, the westbound driver along Valley View Road must have an awareness of the approaching intersection at Sally Lane. This is a situation where signing the presence of a T-intersection may provide drivers with adequate warning without the need to completely remove all plantings and trees along this frontage.

To that end, the Minnesota Manual on Uniform Traffic Control Devices (MnMUTCD) provides direction on when warning signs can and shall be used. Regarding the placement of warning signs the manual states these signs should be placed in relation to the "PIEV" time -- that is, the total time needed to perceive and complete a reaction to a sign is the sum of the times necessary for Perception, Identification (understanding), Emotion (decision making), and Volition (execution of decision).⁵ The MnMUTCD states that "the PIEV time can vary from several seconds for general warning signs to 6 seconds or more for warning signs requiring high road user judgment".⁶ This varies significantly from the 10 seconds quoted by the WSB engineer.

In this case, the MnMUTCD states that a Side Road 90 Degree sign (W2-2) "may be used in advance of an intersection to indicate the presence of an intersection and the possibility of turning or entering traffic".⁷ The installation of a W2-2 sign (see Exhibit 2) approximately 175 feet from the intersection (at the property line) for the westbound approach to this intersection is a more practical (and less evasive) solution to this situation than is the removal of several trees and vegetation in this area.



Exhibit 2. MnMUTCD W2-2 Sign – Side Street 90 Degrees

⁴ Road Design Manual, page 2-5(12).

⁵ Minnesota Manual on Uniform Traffic Control Devices, Minnesota Department of Transportation, Saint Paul, MN, May 2005, page 2C-3.

⁶ Ibid.

⁷ MnMUTCD, page, 2C-20.

Safety has been cited as a rationale used to support the decision sight distance concern. The Mn/DOT Road Design Manual states, "It is also beneficial to review the accident history and prepare a collision diagram while redesigning an intersection. Accident history is often the most accurate predictor of future accidents, and an analysis can offer valuable insights into any safety problems that may exist."⁸

Therefore, RLK Incorporated investigated intersection crash history. According to statements made by the Edina City Engineer at a public meeting, there have not been any crashes at the intersection of Valley View and Sally in at least ten years.⁹ If sight distance were truly a safety concern, there would be a high incidence of right-angle crashes at the intersection. It is our contention that, while the identification of potential safety problems is important, the relatively low speed (posted 30 mph) and the single lane approach of westbound traffic does not warrant additional sight line exposure approaching Sally Lane.

In conclusion, RLK Incorporated finds that the use of decision sight distance to determine adequate sight lines is excessive and not in keeping with other traffic engineering design principles. The rationale of safety as an aspect in determining adequate traffic control should be founded in crash data as well as sight distance calculations. While decision sight distance would affect the driver turning onto Valley View Road, the awareness of the approaching intersection is equally important for the westbound driver. Situational awareness can be improved for the westbound driver by the installation of a Side Street 90 Degree Sign (W2-2).

As a result, the stopping sight distance for the Valley View driver becomes as important, if not more important than the decision sight distance for the Sally Lane driver. While the 200' stopping sight distance is met, it can be improved by the trimming back of the two large fir trees 50-75 feet east of Sally Lane.

Our recommended actions appear on Figure 3. They remain significantly less severe to the trees and vegetation along Valley View Road, but will provide improved awareness of the Sally Lane intersection.

C:\Documents and Settings\Admin\Desktop\Valley View & Sally\MEMORANDUM.doc

⁸ Mn/DOT Road Design Manual, page 5-1(1).

⁹ As reported by Doug and Jill Benner, residents of 7025 Sally Lane, Edina, MN.

Section 1400 - Clear View Zone

1400.01 Clear View Zone Defined. The triangular area formed by connecting the following three points: the point of intersection of the curb lines extended or intersecting at the intersection, and a point on each curb line 50 feet from the above-mentioned point of intersection. If there are no curbs, the curb line shall be the traveled portion of the street and the curb line shall be the edge of the curb line.

1400.02 Construction of Clear View Zone. No owner of a corner lot shall install, set out, maintain, or permit the installation or maintenance of any sign, hedge, fence, tree, shrub, impervious surface, building, structure, or other obstruction or any part thereof within the clear view zone except as provided in Subsection 1400.03.

— City of Eden City Code

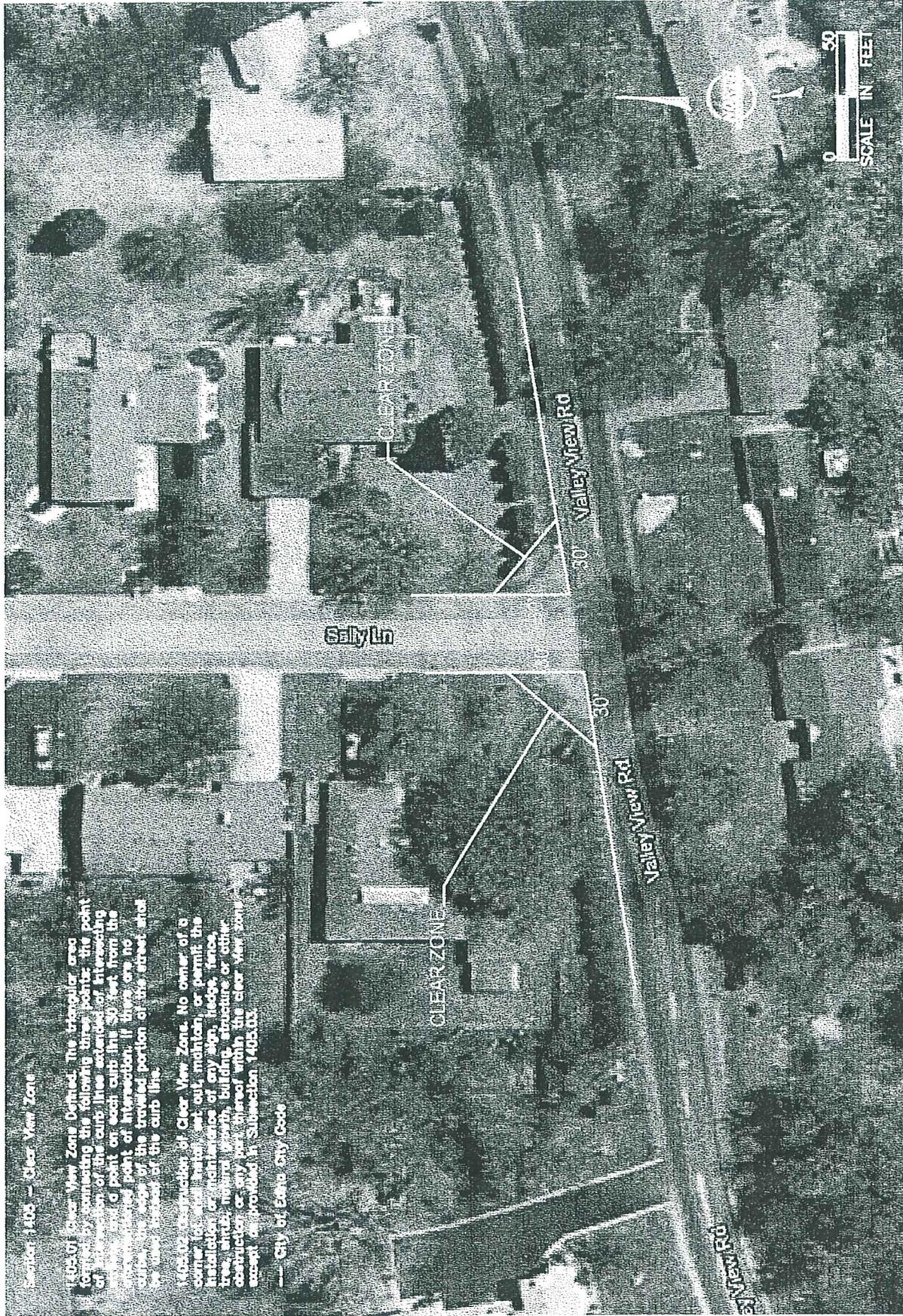


Figure 1

Valley View Road and Sally Lane

CLEAR ZONES DEFINED BY ORDINANCE

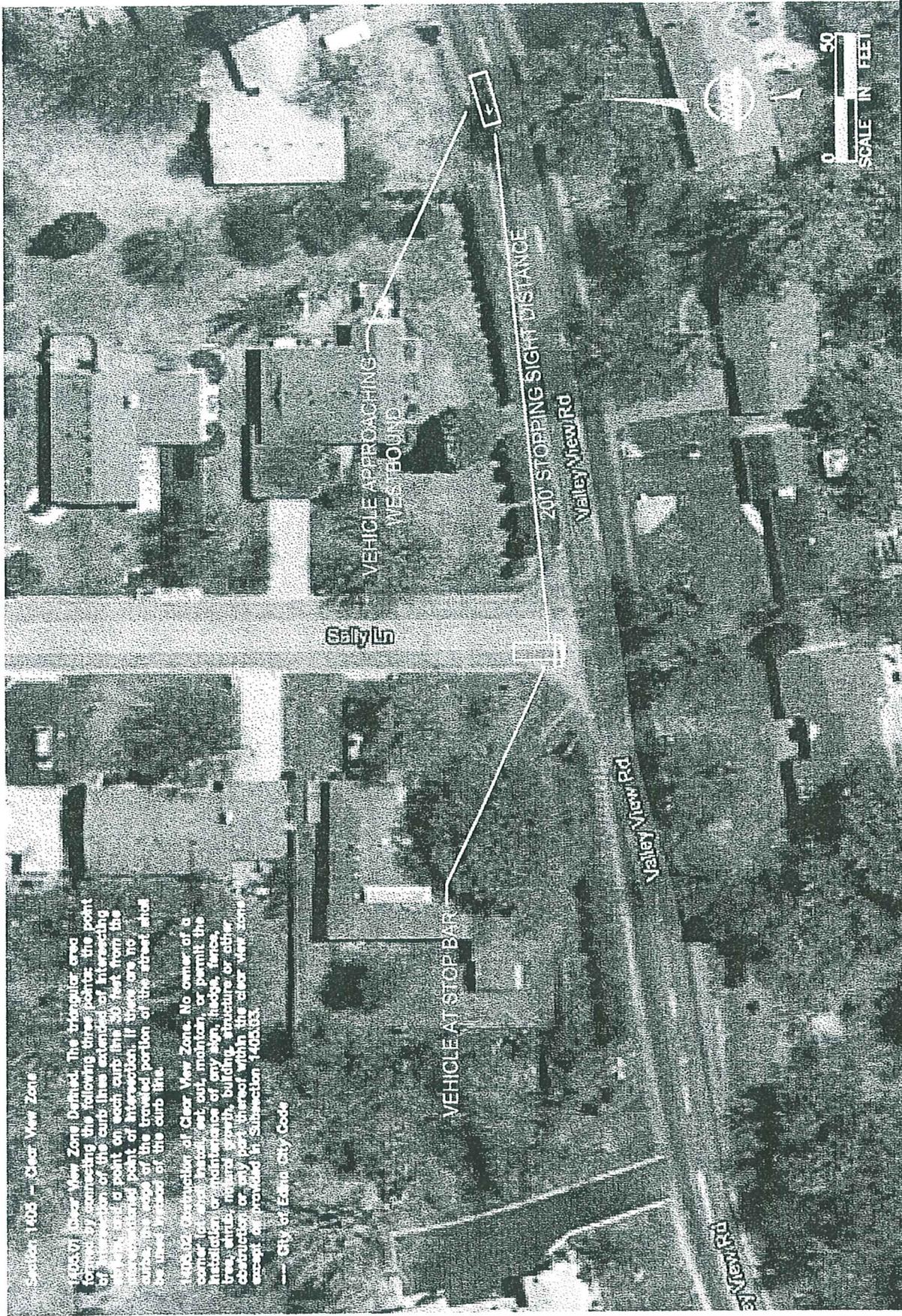
Date
10/27/11

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Fax: 952.933.1155
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Section 1405 - Clear View Zone

1405.07 Clear View Zone Defined. The triangular area formed by connecting the following three points: the point of intersection of the curb lines extended of intersecting streets; a point on each curb line 50 feet from the intersection point of intersection; if there are no curbs, the edge of the traveled portion of the street shall be used instead of the curb line.

1405.08 Obstruction of Clear View Zone. No owner of a vehicle, or person, shall set out, maintain, or permit the installation or persistence of any sign, hedge, fence, tree, shrub, natural growth, building, structure or other obstruction or any part thereof within the clear view zone except as provided in Subsection 1405.03.

--- City of Eden, City Code



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Valley View Road and Sally Lane
 STOPPING SIGHT DISTANCE

Figure 2

Date 10/27/11

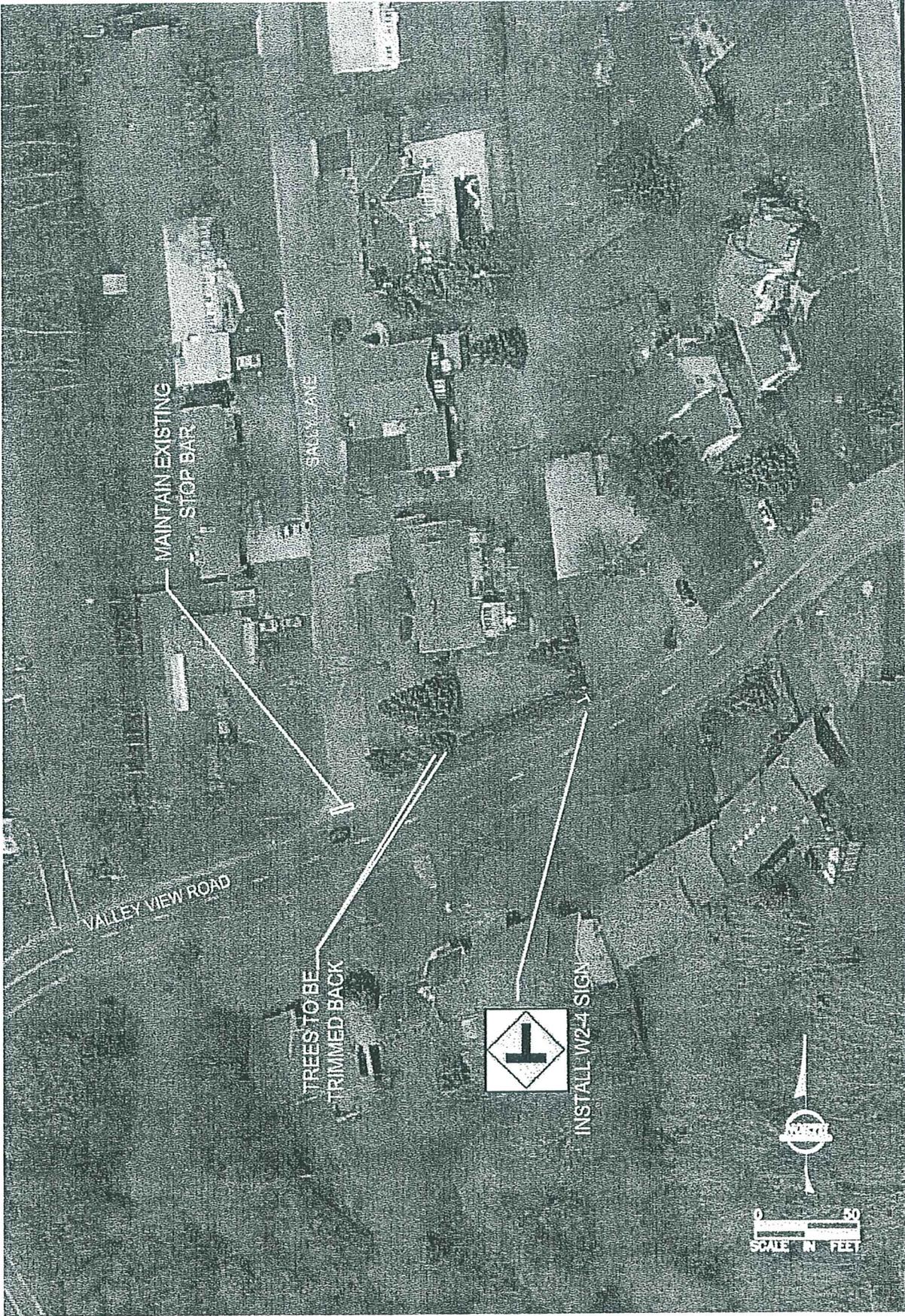


Figure
3
Date
10/27/11

Valley View Road and Sally Lane
PROPOSED MODIFICATIONS

Duluth, MN
Ham Lake, MN
Maple Grove, MN
Minnetonka, MN
Oxleydale, MN
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Fax: 952.933.1133
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