

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: IX. B.

From: Debra Mangen
City Clerk

Date: March 5, 2013

Subject: CORRESPONDENCE

Action
Discussion
Information

Action Requested:

Attached is correspondence received since the last Council Meeting.

No action is requested.

Subject: MN State Passenger Rail Transit/Street Cars/Light Rail

To Whom it may concern:

Please support (Politically & Financially) the effort for affordable fast State of Minnesota Rail Transit.

Welcome to the Vented Frustrations of a DAILY COMMUTER and LONG TERM MINNESOTA RESIDENT, PLEASE SUPPORT THE FOLLOWING PROJECTS!!!!

-NLX to Duluth (So we can help the Duluth economy, UMD and attend the Duluth Maritime Festival) We can call it the Herb Brooks Train, since real people, really do DIE on our crap MN roads.

-Zip Rail to Rochester, so my friends and I who end up taking our parents to Mayo don't have to take that death trap known as HWY 52

-Fast Train to Fargo, So Minnesotans can better benefit from the Oil Boom in North Dakota and not worry about being snowed in a ditch off of HWY 94

-Northstar Rail to St. Cloud (So my friend's kids can go to St.Cloud State w/o having to pay for room and board & I won't have to sit on 494N for two hours trying to reach my cabin) And then maybe you'll be able to get the freaking NorthStar Passengers stats up!!

-SW Light Rail, Dan Patch Corridor and a light rail line that runs west on 394 or Hwy 55.
Every Morning and every Evening I can litterally hold a picnic on the hood of my vehicle as I wait in traffic.
The Byerly's fried chicken smells really good as I sit there and wait on HWY 100 !!!

-Dan Patch would also get to Northfield which would allow Minneapolis students to attend Carleton College & St.Olaf without have to pay a King's fortune in Room & Board. By the way another one of my friend's sisters DIED on the freeway trying to get back to St.Olaf

- A street car from the central corridor to the State Fair Grounds (Seasonal) and Hamline, Mac, UST and the other St.Paul colleges. ITS ONLY THE GREAT MN GET TOGETHER, I THINK IT WILL GET USED!!!!!!

-Street Cars in all of South Minneapolis and the first ring suburbs such as St.Louis Park, Richfield,Edina, Unless of course the game plan is to take out thousands of homes worth Multiple Millions of dollars in order lay more concrete that MN DOT won't plow in the winter. That first snow fall this season was the worst performance I've seen in my 20 plus years of driving

Well there you have it, said my peace, as a taxpayer I'm fine with increasing the sales tax, the gas tax, the income tax, & the internet sales tax, just give me something tangible that I can see, and that gives long term benefit to us all.

I'm tired of waiting and watching my life go past my eyes on MN Highways at 5 miles per hour and in other cases seeing my friends die from crap infrastructure.

PS: 5 minutes slower and I would have been dead at the bottom of the 35W bridge collapse, just trying to get from work at Honeywell to home that day.

Sincerely,
Andy Brown
5512 Park Place
Edina MN 55424
612-220-3045

Subject: Bike Lanes on Wooddale Ave. No driver's lanes?

Three times while driving down Wooddale Ave. at night I narrowly missed running into a car. The first, I reported to an Edina Police Officer. He said they had nothing to do with the parking lane, and the bike lanes painted on Wooddale. He said he had heard of several people concerned about this. He said the "project" was passed by the Edina City Council. My question is: what happened to a YELLOW line being painted down the middle of Wooddale?

I have never seen a bike rider on Wooddale the last 30 times I drove down Wooddale. (I've seen one on 70th.) I would think the LEAST the Council could do was to have included a YELLOW line down the middle. My wife and I have lived in Edina for 47 years. Our son and his wife have lived in Edina for 25 years, their children, 14 to 22 years) We have all been bike riders at one time or another. (My wife, Pat, used to ride from Bruce Avenue over to Lake Harriet, around part of Lake Calhoun, around Lake of the Isles, and back home. Don't recall many bike lanes along the way.) Now when I drive down Wooddale at night I drive about 5 miles an hour when another car is approaching me while I try to figure how much space I have. Someone told me that I could drive in the Bike Lane if no bike riders are present. Or in the parking lane.

HELLO! You couldn't afford a YELLOW line?

Jack, Sr. & Pat Mertes
6730 Vernon Ave.
pmert4620@yahoo.com

Subject: Very frustrated with your plans

Sara & Jen,

Karen and I feel completely misled by you. We now have copies of your plans and the survey, and the new building is SUBSTANTIALLY bigger than your current house. It's obvious Sicora did everything they could to max-out what they could build on your lot.

- It's MUCH closer to our home
- It appears to go back 10 FEET (OR MORE) FARTHER than your current family room (you told us it wouldn't go back any farther than the current room, and it appears to go back an additional 10-15 feet)
- And I will never understand what logical reason there is to have a roof peak so high. What possible, practical purpose is there to having a house go so much higher than your living space on the second floor.

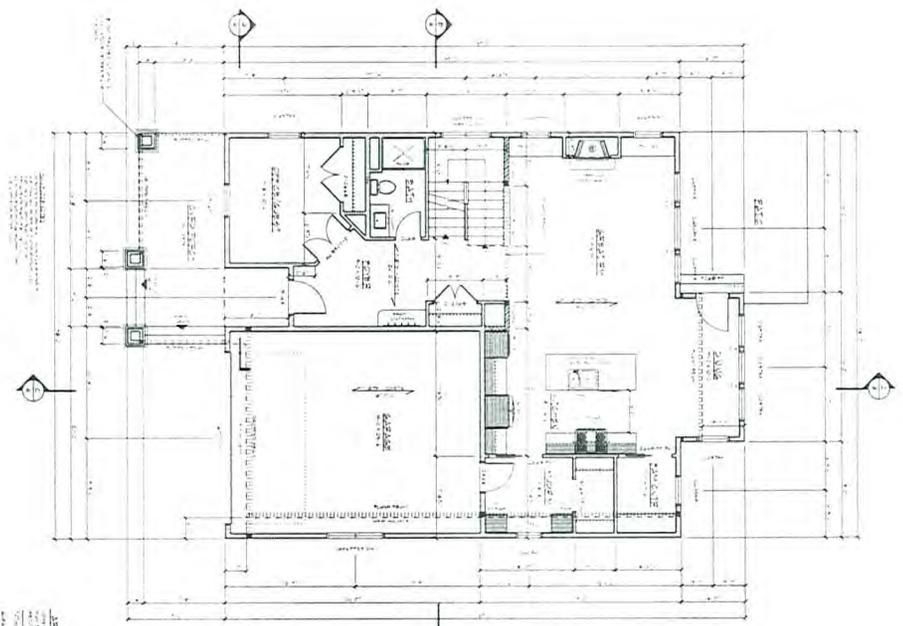
Sicora and you sure went through the motions of being sensitive to the neighborhood, but in the end all you cared about were your own selfish and superficial desires. When we met with you we requested you take the code changes being considered into account, and you gave us the impression you would. It's now obvious you not only didn't do this – you made sure you took advantage of every possible inch available under the existing code. We expected this from Dave Allen when he tore down the house on the other side of us last month because he's a contractor, but we had higher hopes for somebody that the neighborhood happily welcomed when you moved in last year and who appeared to want to be part of that neighborhood.

This email is copied to the entire city council, the planning commission, and people that have been advising the task force in hopes we can find any problem, mistake, or loophole in your plans that we can use to our advantage.

Paul Nicholas
4016 Lynn Ave
(612) 269-7300

① MAIN FLOOR PLAN

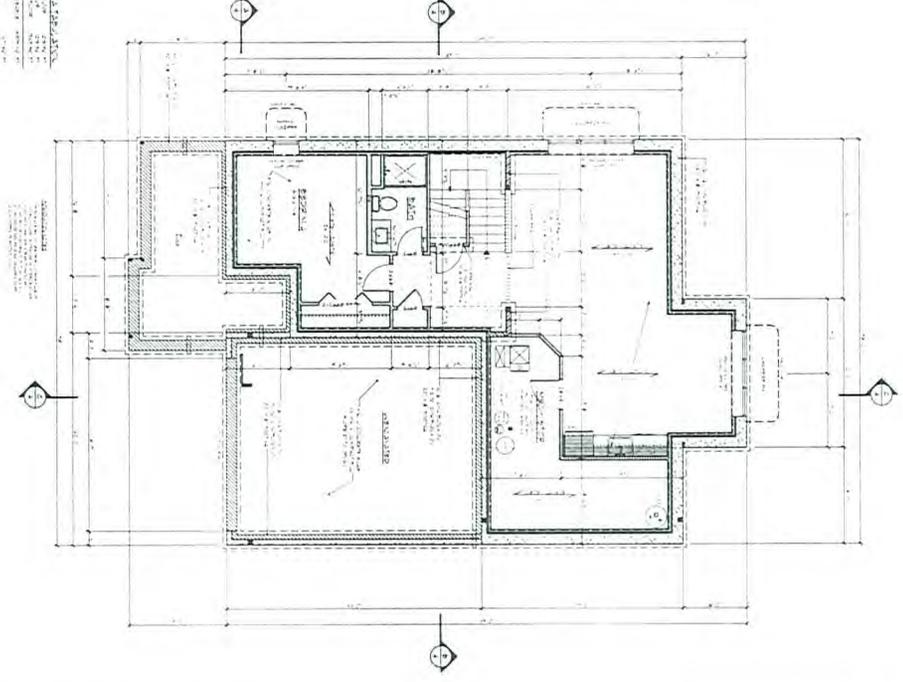
25'0" x 31'0" x 11'0"



②

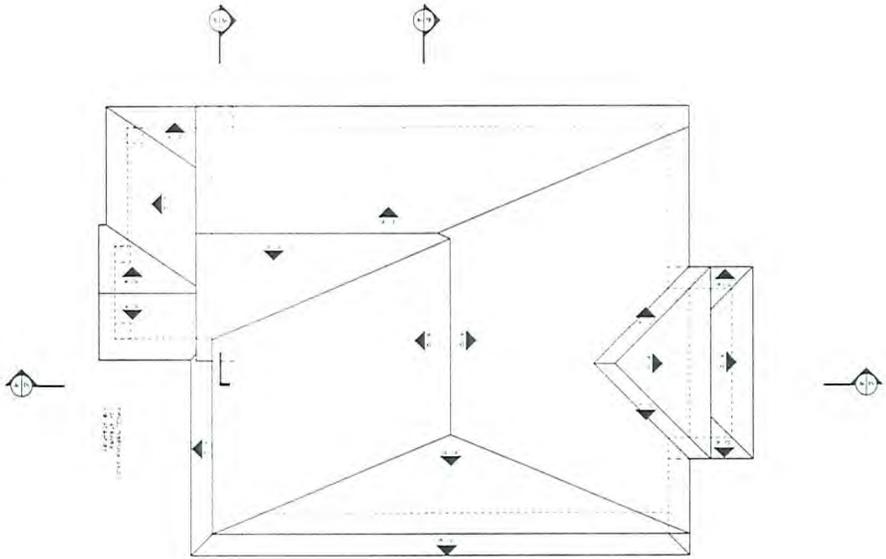
① BASEMENT FLOOR PLAN

25'0" x 31'0" x 11'0"

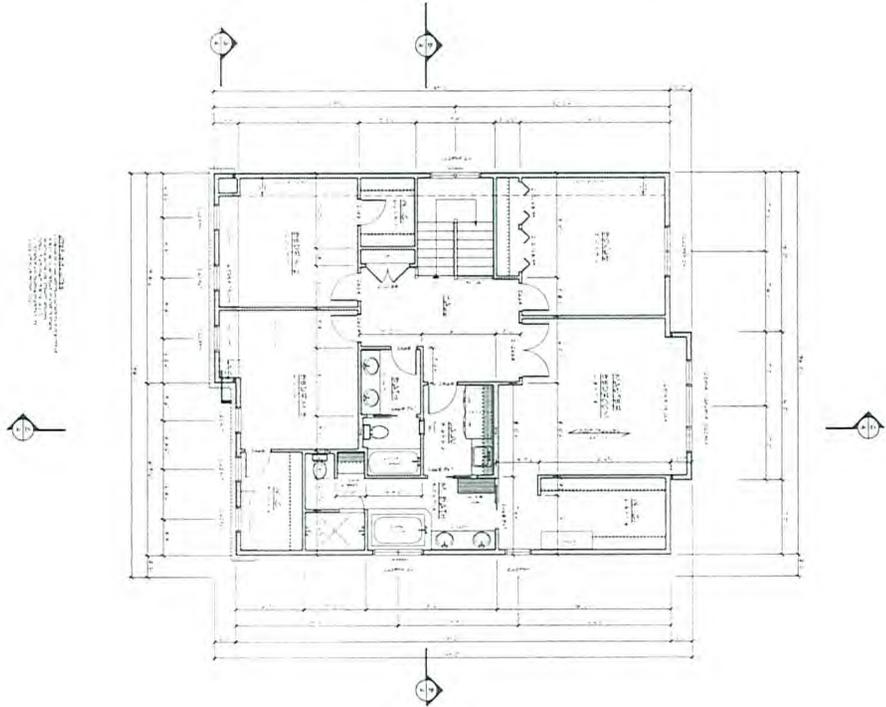


<p>1</p>	<p>DATE: 11/11/11 DRAWN BY: [Name] CHECKED BY: [Name]</p>	<p>ESSER-DANIELSON RESIDENCE</p> <p>25'0" x 31'0" x 11'0"</p>	<p>REGISTERED ARCHITECT</p>	<p>RDR ALL 2011</p> <p>RESIDENTIAL DESIGN & CONSTRUCTION</p>
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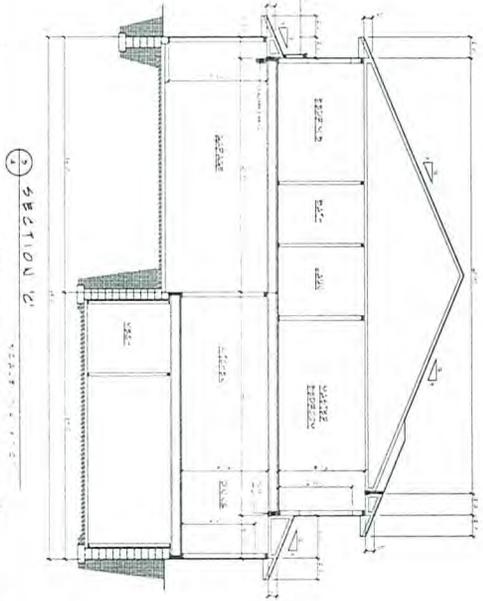
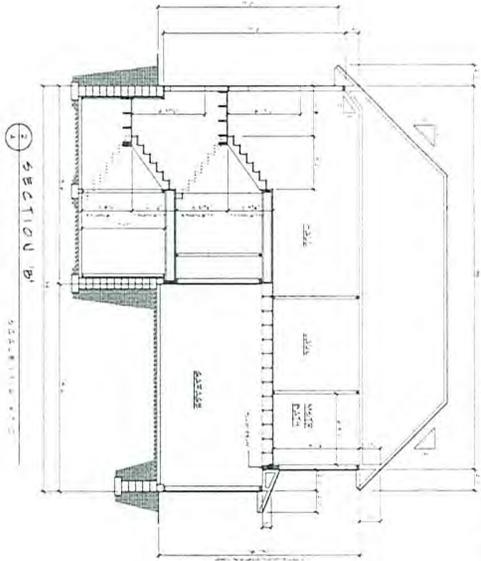
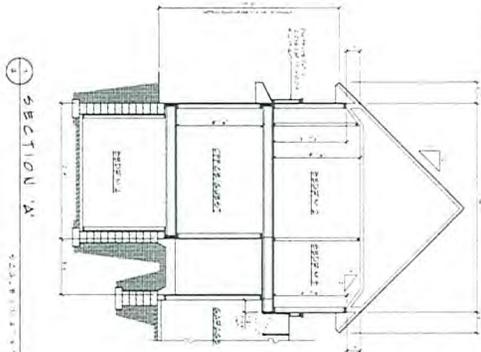
① ROOF PLAN
 05/28/11 11:21 AM



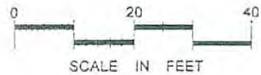
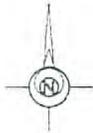
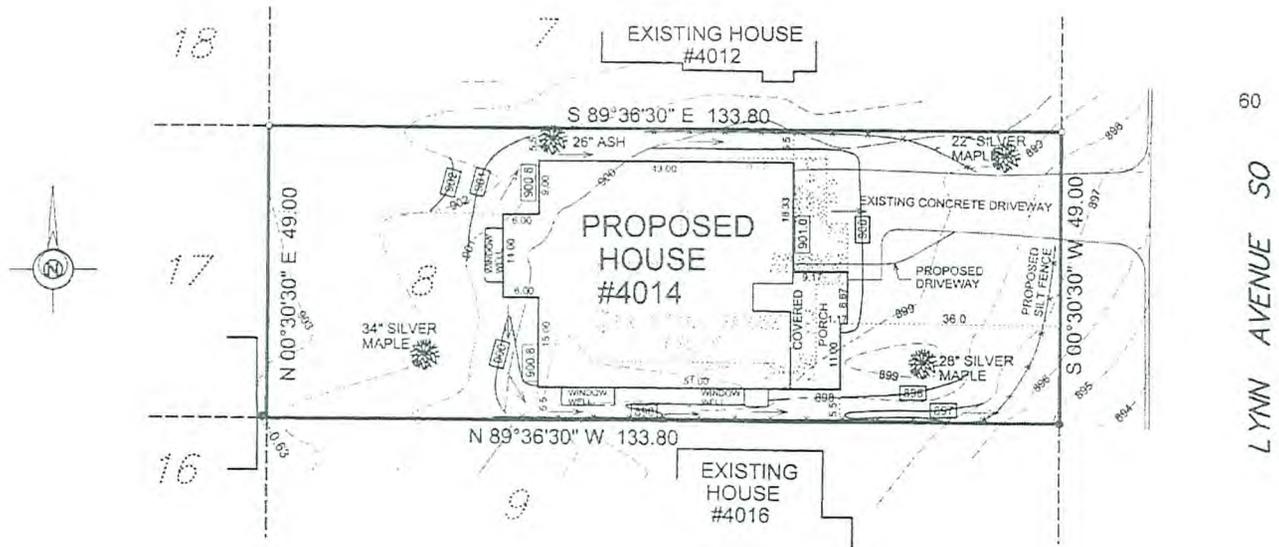
② SECOND FLOOR PLAN
 05/28/11 11:21 AM



2 05/28/11 11:21 AM	PROJECT NO. 11-00000000-0000 SHEET NO. 2 OF 2	ESSER-DANIELSON RESIDENCE 11-00000000-0000 11-00000000-0000	SICORA ARCHITECTS 11-00000000-0000	RDR REGISTERED DESIGNER 11-00000000-0000	ALL BID
	11-00000000-0000 11-00000000-0000 11-00000000-0000				



CERTIFICATE OF SURVEY FOR SICORA, INC. OF LOT 8, BLOCK 3, MINIKAHDA VISTA THIRD ADDITION HENNEPIN COUNTY, MINNESOTA



PROPOSED ELEVATIONS (VERIFY)

- 1) GARAGE = 901.0
- 2) TOP OF FOUNDATION = 901.3
- 3) BASEMENT = 893.1

LEGAL DESCRIPTION OF PREMISES:

Lot 8, Block 3, MINIKAHDA VISTA THIRD ADDITION, MORNINGSIDE, MINNESOTA

This survey shows the boundaries of the above described property, the topography of the property, and the location of an existing house, driveway and major trees thereon, and the proposed location of a proposed house and driveway. It does not purport to show any other improvements or encroachments.

- : Iron marker found
 - : Iron marker set
 - : Existing contour line
 - - - : Proposed contour line
- Bearings shown are based upon an assumed datum

GRONBERG & ASSOCIATES, INC.
CONSULTING ENGINEERS, LAND SURVEYORS.
SITE PLANNERS
445 N. WILLOW DRIVE
LONG LAKE, MN. 55356
952-473-4141

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Mark S. Gronberg
Mark S. Gronberg Minnesota License Number 12755

SCALE 1"=20'
DATE 9-17-12 1-9-13 PROP. HOUSE
JOB NO 13-008

City of Edina
4801 W. 50th Street
Edina, MN 55424

February 25, 2013

Dear Edina City Council Members,

On February 20, 2013, I sent an email to the City of Edina asking three questions in reference to Edina City Council member Josh Sprague's affirmative vote on the 5801 Crescent Terrace variance request. To date, I have no official response to these simple, yet important, questions.

Restated, I ask if council member Sprague,

- 1) works for the realty company involved with the sale of said property,
- 2) works in the same office of realtor directly involved in sale of said property and
- 3) whether council member Sprague publicly disclosed these facts prior to the variance vote.

I have since reviewed the tape of the Edina City Council meeting of February 19, 2013, and confirmed that member Sprague did not make any public disclosure of any information raised in my first two questions.

The League of Minnesota Cities publishes an information memo titled "Official Conflict of Interest". Under section IV. Section B page 16, it states, "Any city official who has a personal financial interest in an official non-contractual action is generally disqualified from participating in that action".

The memo further states, "some would argue that the member participation makes the decision voidable, even if his or her vote was not necessary. The bias of one council member could make a city decision arbitrary."

I would hope the Council would take this situation seriously and take appropriate action. I request response to my three questions. At this point I am requesting this issue be placed on the agenda for the next city council meeting. Please let me know if you plan to honor this request as I will need adequate time to make travel plans back to Edina for the meeting. In the meantime, I am officially requesting, according to data practices statute, that the city email me any documents of the City of Edina that speaks to Code of Ethics or other Governance documents that reference a council members' disclosure or recuse expectations given a potential conflict of interest.

If there is something that I am confused concerning this matter, please contact me. Thank you for your consideration of my concerns.

Suzanne Knelman
859-707-5639

Susan Howl

From: Lynette Biunno on behalf of Edina Mail
Sent: Tuesday, February 26, 2013 8:24 AM
Cc: Susan Howl
Subject: FW: Edina council



Lynette Biunno, Receptionist

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

lbiunno@EdinaMN.gov | www.EdinaMN.gov

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

From: Dxbell@aol.com [<mailto:Dxbell@aol.com>]

Sent: Monday, February 25, 2013 6:03 PM

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

Subject: Edina council

Yesterday when I opened my gas bill I was informed that once again Edina is imposing a new tax on its citizens with a "franchise fee" This latest fee has finally made me so fed up with all the latest proposals that I must write to the council and express how unhappy I am with what all the new changes that recently have been created by this council.

It started with the ruining of 70th Street. The stop light on West Shore Dr stops traffic every 1 minute whether there is cross traffic or not. It is completely energy inefficient. Slowing the speed limit to 25mph is forcing cars to use side streets because the traffic backs up on 70th St in part because of the needless stop lights and roundabouts. There are other streets with bike paths but they are not at 25 MPH. Maybe the speed limit is set at 25 mph because one of you lives on that street.

Wooddale is a complete disaster and it should be changed back to the way it was before there are more accidents. Streets have been ground out to change the lane markings and just left that way. It is not a quality look for Edina.

Recycling has now been reduced to twice per month. Yet the citizens are still charged the same weekly fee. This is just another example of cutting services and not passing the savings on to the citizens. Now my cell phone has a city tax. There is also a bike path maintenance tax,

This council should be looking at ways to reduce spending not looking to create new taxes. We have enough of that problem with the Federal Govt, Why can't Edina lead by example and try to reduce expenses rather than create new taxes?

Dede Darling Ries



Metropolitan Council

FEB 25 2013

Received Chair's Office

February 19, 2013

Honorable Governor Mark Dayton
Office of the Governor
130 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

RE: Your proposal to increase the regional sales tax for transit

Dear Governor Dayton:

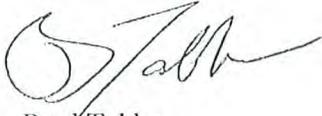
I write to express the support of the Shakopee City Council for your proposal to increase the sales tax for transit purposes by $\frac{1}{4}$ cent in the seven-county Metropolitan Area. On Tuesday, February 19th, the City Council voted to support this proposal.

We share your belief that the development of a complete and competitive transit system in the Region is key to its long-term economic competitiveness and vitality. The development of a complete and multi-modal transit system in the Twin Cities Region will also be of great benefit to the Region's workers and residents. The \$200 million per year your proposal is expected to generate is essential to completing important rail, LRT and BRT projects in the Region, as well as assuring that areas like Scott County can continue to expand local and express bus service that will help to best utilize the investments in regional roadways.

In Shakopee, we have been committed to the beneficial expansion of transit options that serve our residents and businesses. Most recently, this has been expressed in the partnership between the Cities of Shakopee and Prior Lake, and Scott County. This partnership led to the creation of the BlueXpress in July of 2007, a commuter service which has continued to experience among the greatest rates of growth of any regional bus service provider (9% increase in 2012).

We look forward to working with you, your office and the Legislature on the implementation of this important proposal.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Tabke', written in a cursive style.

Brad Tabke
Mayor, City of Shakopee

cc: Representative Frank Hornstein
Senator Steve Murphy
Representative Mike Beard
Senator Eric Pratt
Representative Tony Albright
✓ Metropolitan Council Chair Susan Haigh
Senator Scott Dibble
Senator Kevin Dahle
Scott County Chair Tom Wolf
Scott County Commissioner Dave Menden
Scott County Commissioner Joe Wagner
Scott County Commissioner Barbara Marschall

From: Kitty O'Dea [<mailto:kodea.mn@gmail.com>]
Sent: Tuesday, February 19, 2013 9:57 PM
To: Edina Mail
Subject: Fwd: 4524 Bruce

Please forward to City Council: Re Construction Management Concerns

I watched the Council meeting tonight. I am happy to hear Council discussing the construction management issues in Edina. I know it is a thorny issue and appreciate that you are trying to find some solutions. Expectations need to be set and residents educated about what their role is and what the rules are. It is frustrating to call the police over and over and not have any tickets issued. Also, not all builders require close supervision, but some do.....

Kitty O'Dea

Begin forwarded message:

From: Kitty O'Dea <kodea.mn@gmail.com>
Subject: 4524 Bruce
Date: February 12, 2013 8:49:12 PM CST
To: SKirchman@EdinaMN.gov, jlong@edinamn.gov
Cc: sneal@EdinaMN.gov

Steve & Jeff,

I am hoping that you can clarify some things regarding construction management. I assume that the builder at 4524 signed a construction management agreement (see attached below).

My questions are:

Steve:

- What are the consequences of not following the agreement?
- Whose responsibility is it to monitor construction sites for compliance to the agreement?

Jeff:

- I've called the police several times regarding the blocked sidewalk. I was told to do this by the police department when there was construction next to my house. On the most recent call, I asked the officer why he didn't issue a ticket. He said that there had been no other reports of the blocked sidewalk since construction had started and it was the officers discretion whether or not to issue a citation. If they move the vehicle, the police don't ticket. What is being missed is that the offenders keep on offending when the officers aren't there. I was surprised that he said there were no other complaints when I had called at least 4 times over the past few months. My questions are:

1. Why aren't calls to a construction site captured in the system by that address?
2. How can the officer know if this is a one time event or habitual practice if the data isn't kept?
2. At what point will a ticket be issued?

Its clear that the builders and their contractors know that there are no consequences for violating the agreement/City ordinances. As a result, they habitually break the rules.

The City has put the residents in the position of monitoring and reporting violations. That's fine, I understand that the City staff can't be there 24/7, but it is very frustrating to make the effort to report an issue and see that nothing of consequence happens, no records are kept and the behavior continues unchecked. If the police/City would start issuing a few citations, I'll wager that the issues would be resolved.

Here are the issues that I've seen at 4524 Bruce. I did ask them to move vehicles and equipment a few times, but got tired after having the same thing happen over and over, I finally called the police.

Its hard to figure out what the City Ordinances cover these issues, but I took a shot at it. Even if they don't bio;ate code, they do violate the construction management agreement.

1. There is construction equipment on the boulevard in front of 4526 Bruce (neighbors home)
Not sure, but I think this violates Section 1035.03 subs 4 http://legacy.ci.edina.mn.us/CityCode/L5-01_CityCodeSect1035.htm
and Violates section 421 of Edina City Code (eight of way management http://legacy.ci.edina.mn.us/CityCode/L5-01_CityCodeSect0421.htm)
2. Repeated instances of vehicles blocking the sidewalk - these are parked vehicles, not unloading or loading.
Violates Section 425 Edina City Code http://legacy.ci.edina.mn.us/CityCode/L5-01_CityCodeSect0425.htm
3. Trucks are parked on the curb//boulevard
Violates Section 1400.10 Subd. 1 Edina City Code http://legacy.ci.edina.mn.us/CityCode/L5-01_CityCodeSect1400.htm
4. Trucks are parking within 5 feet of the driveways
Violates Section 1400.10 Subd. 1 Edina City Code http://legacy.ci.edina.mn.us/CityCode/L5-01_CityCodeSect1400.htm
5. There has been debris, including nails on the sidewalk.
Violates Section 425 Edina City Code http://legacy.ci.edina.mn.us/CityCode/L5-01_CityCodeSect0425.htm

I would like to see the following:

1. City start tracking complaints by construction site address and builder
2. Start issuing tickets/take action for repeated violations. I understand giving them 1 chance, but if its a repeat offense at the same address a ticket should be issued.
3. Issue a copy of the construction rules and code that applies to construction to neighbors on the street where construction is taking place and let them know what to do if there are any problems.

I spoke to some of the neighbors adjacent to 4524. They said they didn't know that these issues were violations of the code/CM agreement and didn't know what to do if they happen.

Rules without enforcement/consequences aren't rules. The builder at 4524 is the same one that built next to me and I had the same issues, and more, several years ago.

I appreciate your response.

Thanks

Kitty

Attachement:

1. Construction Management

http://edinamn.gov/corecode/uploads/document/uploaded_pdfs/corecode_edina/ConstructionManagementPlan2012_18.pdf

100.09 Penalties.

Subd. 1 **Petty Misdemeanors.** Whenever an act or omission is declared in this Code to be a petty misdemeanor, any person violating the provision will, upon conviction, be subject to a fine of not more than \$200. The cost of prosecution may be added to the penalty imposed on every person convicted of violating any provision of this Code.

Subd. 2 **Misdemeanors.** In any case other than those in which a violation is expressly stated to be a petty misdemeanor in this Code, any person violating any provision of this Code, or any rule or regulation adopted under this Code will, upon conviction, be guilty of a misdemeanor, and be subject to a fine of not more than \$700 or imprisonment for a term not to exceed 90 days or both, plus, in either case, the cost of prosecution. The cost of prosecution may be added to the penalty imposed on every person convicted of violating any provision of this Code.

Subd. 3 **Separate Violations.** Unless otherwise provided, each act of violation and every day on which a violation occurs or continues, constitutes a separate offense.

Subd. 4 **Application to City Personnel.** The failure of any officer or employee of the City to perform any official duty imposed by this Code will not subject the officer or employee to the penalty imposed for violation unless a penalty is specifically provided for such failure.

Subd. 5 **Other Remedies.** In addition to the remedies set out above in this Subsection, the City may exercise, with or separately, from such remedies and at the same or separate times, all and any legal and equitable remedies then available to the City by this Code or State Law to enforce this Code, or to recover any fees, charges or expenses owed to City pursuant to this Code, including, without limitation, injunction and the penalties and remedies in any provision incorporated into this Code by reference as provided by Subd. 8 of this Subsection.

Subd. 6 **Costs of Enforcement.** The person or persons violating this Code shall be jointly and severally liable for all fees or costs incurred by the City in enforcing this Code, or in collecting any fees, charges or expenses, including interest, owed to the City, including attorney's fees. Interest on such fees and costs, from the dates incurred until paid, shall be charged at a rate equal to the lesser of (i) the highest interest rate allowed by law, or (ii) two percentage points in excess of the reference rate. Such person or persons shall also be jointly and severally liable for all costs of collecting such fees, costs and interest, with interest from the dates incurred until paid, at the same rate as is payable on such fees or costs. Reference rate shall mean the rate publicly announced from time to time by First Edina National Bank or any successor thereto. If such bank, or its successor, ceases announcing its rate publicly, reference rate shall mean the interest rate charged from time to time by such bank, or its successor, on 90-day unsecured business loans to its most credit-worthy customers.

Subd. 7 **Permits, Licenses and Registrations.** In addition to other remedies available to the City, the City may revoke or suspend, pursuant to the provisions of Section 160 of the Code, any permit, license or registration when the holder has violated or failed to comply with any provision of this Code which applies to the permit, license or registration which is the subject of the suspension or revocation.

Subd. 8 **Incorporated Law.** Any code, statute, or other provision, incorporated into and made a part of this code by reference, shall also include and incorporate any penalties and remedies for violations which are a part of such incorporated provision, and the City may enforce such penalties and pursue such remedies in addition to the other penalties and remedies set out or referenced in this Code.

Subd. 9 **Interest.** All fees, charges and other monies owed to the City pursuant to any provision of this Code, at the option of the City, shall bear interest from the date payable to the City until paid, at the lesser of the two rates set out in Subd. 6 of this Subsection.

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

From: Suzanne Knelman [<mailto:sueknelman@aol.com>]

Sent: Wednesday, February 20, 2013 8:13 AM

To: Edina Mail

Subject: Fwd:

>

> Dear Mayor,

>

> Early today a neighbor contacted me expressing surprise with the vote. The surprise was that council member Josh Sprague had not recused himself. Could you confirm whether or not council member Sprague is with the realty firm that served as the buyers broker, that he is in the same office as buyers broker and if so did he publicly disclose this potential conflict of interest.

>

> Thank you in your assistance to this issue.

>

> Sent from my Suzanne's iPad

Feb 21, 2013

Mayor James Hovland
4801 West 50th Street
Edina, MN 55424-1330

Dear Mayor Hovland,

On Saturday, March 23, at 8:30 p.m., thousands of cities around the world will go dark for one hour during Earth Hour, WWF's annual campaign to raise awareness of the environmental challenges we all face, such as climate change.

As a resident of Minneapolis, I am turning out my lights and I urge our community to take part in Earth Hour. Here's how:

1. Turn off all non-essential lights in and around our government buildings 2. Promote the event and encourage landmarks and businesses in our community to join in.

Participating for one hour during Earth Hour is only the first step. In addition to that symbolic event, our city can gain recognition for its efforts on climate change through the Earth Hour City Challenge.

Our towns and cities are already facing the staggering costs of weather driven to extremes by climate change, and the resulting power outages, flooded roadways, shuttered businesses, and damaged homes are becoming more and more frequent. Many cities across America understand these risks and are taking practical measures to prepare. Our city must do the same.

With this letter I challenge our city to first take part in Earth Hour and then to participate in WWF's Earth Hour City Challenge! I hope you help protect my family and fellow residents by preparing for the increasingly extreme weather our community faces. Learn more at <http://worldwildlife.org/earthhour>.

Sincerely,

Mr. Doug Westendorp
4915 France Ave S
Minneapolis, MN 55410-1759



League of Women Voters of Edina

The Public is invited to League of Women Voters Edina March meetings
on Health Insurance Exchanges in Minnesota:

**Saturday, March 9th
10 -11:30am at Edina City Hall, Community Room**

**“Health Insurance Exchange Overview”
Speaker: April Todd-Malmlov, Exchange Director**



April Todd-Malmlov has 15 years of experience in the public and private health care sectors. Prior to this position, Ms. Todd-Malmlov also served as the Vice President of Strategic Analysis and Communications for Government Affairs at UnitedHealth Group during the debate and passage of the Affordable Care Act.

**Thursday, March 14th
10-11:30am at the Southdale Library**

**“Health Reform & the Transformation of Minnesota Health Care”
Speaker: Stefan Gildemeister, Minnesota Department of Health**

As the State Health Economist and Director of the Health Economics Program, Mr. Gildemeister provides policy advice and analytic guidance to Minnesota’s implementation of the federal Affordable Care Act.

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