

REPORT / RECOMMENDATION



To: MAYOR & COUNCIL

Agenda Item #: IX. A.

From: Debra Mangen
City Clerk

Date: August 20, 2013

Subject: Correspondence Received After Packet

Action
Discussion
Information

Action Requested:

No action is necessary.

Attachment:

Attached is correspondence received since the Council's packet was distributed Friday.

5700 Abbott Ave. S

EDINA, Mn 55410

Aug. 15, 2013

^{JCW}
Mrs. Connie Bennett
Edina Councilwoman

(SORRY)

Dear Mrs. Bennett:

I meant to write you immediately but after all the carax accidetnts rear ended at a red light, etc. 3 times hit by drunk, once head on another rear ended and 3rd car (mine) parked, slid over to get something out of the glove compartment a dunk smashed into the DRIVERS door!!!!

But I KNOW constitutional law which is something most politicians do not know, or care. See enclosures of quote and response of the nut who ran for governor last time.

Not only does the constitution say ones home and property is "sacred" but that even includes mail -- posting, etc.

Even you -- and that is surprising as generally WOMEN know more anout the law than others -- even you says free speecg h, or political seepch is EXEMPT. IT IS NOT. Please don't yell fire in a crowded thearher and please don't try to enter a home saying it is your right x of free speech to do so to give opionins of politics, religion or whatever else. CONSTITUTION FORBIDS IF and this has been upheld by many, many, many Supreme court rulings.

Years ago whem the Democrats kept sending junk mail and would not stop, I called SEn. Wellstone -- he agreed it is unconstitutional when notified (as I had on phone and in writing many times). He got it stopped and only a few times since have the disregarded. On the other hand for 20 yeas CONSTANLTY the Republicans and Ehrhart, etc wou NOT STOP. Finally took te Rep. party to court. They lost \$X\$XXXXX \$ 5000 dp;;ars. Offer to settle for cost of going to court -- cab to and from St. Paul, etc. They said, in effect we'll show you. They oricedeed ti get a transfer to district court aned kept making motions th; by law I had to have a n attorney to answer -- kept it up til my costs were abouu \$ 15,000. Yest \$ 15,000 -- on a yearly income of \$ 14,000. And 20½ years ago took Edina Realty to district court withi copies of the constitution, many letters begging to stop, pictures of the junk on my door, copies of supereme U.S. court from the 40s and on and the judge (thnk god now dead) said as he handed the exhibits back, via the assistant these are NOT RELEVANT in the start oe fMinnesota.

And t! this day the crooked Edina Realty, in my opinion crooked) keeps the mailings up and in legalese threateneed to bankrupt me if I took them to court-! Tell me I should be calm.

Even EDINA is too scared to do anything to enforce the ordinance the passed -- used my tax money to do so -- and the nice Michele at the police dept sayin last year, no use to call us. We can't do a thing. Of course they cannot set the pice for the use oa a person home -- Only the owner can -- but the courts here will nto endforce that or if they do the companies will take a disabled person such as I to court with the explicit intent to BANKRUOT THEM.

Difficult as it is at my age and state of health to move, if you can tellwe a state in which the U.S. Constituionis relevant, I will try to move these HELP.

OVER

Please fr fprgive typing errors, do not mistake them for lack of clarity of thought. Just the result of Multiple Sclerosis since age 18 -- complicated by heart problem, melanoma in the 80s and spinal stenosis and multitudg car accidents.

AND by beloved IBM selectric in nearly 50 years old and needd needs a bit of help. Right now with Penn Ave. such a mess I haven't feen able to find anyone who can even take it there for me.

I do not mean to whine -- but it is not too mcuh to expect the local or state or federal goverment to follow the constitution -- especially parts are are EXTREMELY CLEAR and no obscure or debatable.

Everyone seems to believe and I with them that this country 00-- government fedler, sstate or local is run by whoemever has the most money to vuy variance (lot line to lot ine for housing) placards, written advertising.

What I can't figure out ifs why any gov't even China lends money to such a country, or what the heck they owould want with it when the simply take it over in bankruptcy!

But please know you nor anyone else has the free speech right to press political, religious, orpurchase info on any private phone, or private home.

And though there is no law against it, except perhaps moral, to spend education money for preschoolers to learn to puch buttons -- and never to learn history, or how to read -- or even how TO WRITE THEIR OWN NAMES is SAD at best.

If you need the full caopy of the 1969 Supreme court tuling let me know, I have copid it byt only included a few pages. YOU will have to get a copy of the constitution from a library befeore all the books are burned and only button pushing is available.

Take care of cyourself, as I would jusge you as a caring person.

A handwritten signature in blue ink that reads "Joan Lester". The signature is written in a cursive, flowing style with large loops and a long horizontal stroke at the end.

ANOTHER VIEW

David Lillehaug

Emmer styles himself a "constitutional conservative," but this proposal is neither constitutional nor conservative. In fact, it runs head-on into the Supremacy Clause of the U.S. Constitution, which provides that federal laws "shall be the supreme Law of the Land," notwithstanding anything in a state's constitution or laws to the contrary.

When Minnesota became a state in 1858, it signed on to this form of Union.

Green Horizons, Parkway Lawn, Pavers -
Pizza Places - etc - etc - etc - etc!

City of Edina

Trades and Occupations 1315.03

Section 1315 - Deposit of Advertising Material on Residential Property

1315.01 Deposit of Advertising Handbills, Advertising Circulars, Advertising Material Prohibited. Any resident of the City who wishes to exclude the deposit of advertising handbills, advertising circulars and other advertising material from the premises occupied by the resident may place upon or near the front entrance to the premises a printed placard or sign bearing the following notice: "Depositing of Handbills, Circulars, Advertising Material Prohibited." The placard or sign shall be of the same minimum size and bear the same minimum size printing as provided in Subsection 1310.02 of this Code.

1315.02 Shall Not Deface Placard. No person other than the person occupying the premises shall remove, injure or deface the placard or sign.

1315.03 Shall Not Enter. No person shall enter upon any premises where such a sign or placard is placed and deposit any advertising handbills, advertising circulars or other advertising material.

Ord 1304 adopted 7-22-71

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History: Ord 1304 adopted 7-22-71



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The appellants also contend that the requirement that the sender remove the addressee's name from all mailing lists in his possession violates the Fifth Amendment because it constitutes a taking without due process of law. The appellants are not prohibited from using, selling, or exchanging their mailing lists; they are simply required to delete the names of the complaining addressees from the lists and cease all mailings to those persons.

Appellants next contend that compliance with the statute is confiscatory because the costs attending removal of the names are prohibitive. We agree with the conclusion of the District Court that the "burden does not amount to a violation of due process guaranteed by the Fifth Amendment of the Constitution. Particularly when in the context presently before this Court it is being applied to commercial enterprises." 300 F. Supp., at 1041. See *California State Auto Ins. Bureau v. Maloney*, 341 U. S. 105 (1951).

There is no merit to the appellants' allegations that the statute is unconstitutionally vague. A statute is fatally vague only when it exposes a potential actor to some risk or detriment without giving him fair warning of the nature of the proscribed conduct. *United States v. Cardiff*, 344 U. S. 174, 176 (1952). Here the appellants know precisely what they must do on receipt of a prohibitory order. The complainants' names must be removed from the sender's mailing lists and he must refrain from future mailings to the named addressees. The sender is exposed to a contempt sanction only if he continues to mail to a particular addressee after administrative and judicial proceedings. Appellants run no substantial risk of miscalculation.

For the reasons stated, the judgment appealed from is affirmed.

It is so ordered.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE DOUGLAS joins, concurring.

I join the Court's opinion but add a few words. I agree that 39 U. S. C. § 4009 (1964 ed., Supp. IV) is constitutional insofar as it permits an addressee to require a mailer to remove his name from its mailing lists and to stop all future mailings to the addressee. As the Court notes, however, subsection (g) of § 4009 also allows an addressee to request the Postmaster General to include in any prohibitory order "the names of any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee." In light of the broad interpretation that the Court assigns to § 4009, and see *ante*, at 738, the possibility exists that parents could prevent their children, even if they are 18 years old, from receiving political, religious, or other materials that the parents find offensive. In my view, a statute so construed and applied is not without constitutional difficulties. Cf. *Tinker v. Des Moines School Dist.*, 393 U. S. 503 (1969); *Ginsberg v. New York*, 390 U. S. 629 (1968). In this case, however, there is no particularized attack upon the constitutionality of subsection (g), nor, indeed, is there any indication on this record that under § 4009 (g) children in their late teens have been unwillingly deprived of the opportunity to receive materials. In these circumstances, I understand the Court to leave open the question of the right of older children to receive materials through the mail without governmental interference and also the more specific question whether § 4009 (g) may constitutionally be applied with respect to all materials and to all children under 19.

1969

Without doubt the public postal system is an indispensable adjunct of every civilized society and communication is imperative to a healthy social order. But the right of every person "to be let alone" must be placed in the scales with the right of others to communicate.

In today's complex society we are inescapably captive audiences for many purposes, but a sufficient measure of individual autonomy must survive to permit every householder to exercise control over unwanted mail. To make the householder the exclusive and final judge of what will cross his threshold undoubtedly has the effect of impeding the flow of ideas, information, and arguments that, ideally, he should receive and consider. Today's merchandising methods, the plethora of mass mailings subsidized by low postal rates, and the growth of the sale of large mailing lists as an industry in itself have changed the mailman from a carrier of primarily private communications, as he was in a more leisurely day, and have made him an adjunct of the mass mailer who sends unsolicited and often unwanted mail into every home. It places no strain on the doctrine of judicial notice to observe that whether measured by pieces or pounds, Everyman's mail today is made up overwhelmingly of material he did not seek from persons he does not know. And all too often it is matter he finds offensive.

In *Martin v. Struthers*, 319 U. S. 141 (1943), MR. JUSTICE BLACK, for the Court, while supporting the "[f]reedom to distribute information to every citizen," *id.*, at 146, acknowledged a limitation in terms of leaving "with the homeowner himself" the power to decide "whether distributors of literature may lawfully call at a home." *Id.*, at 148. Weighing the highly important right to communicate, but without trying to determine where it fits into constitutional imperatives, against the very basic right to be free from sights, sounds, and tangible matter we do not want, it seems to us that a mailer's

right to communicate must stop at the mailbox of an unreceptive addressee.

The Court has traditionally respected the right of a householder to bar, by order or notice, solicitors, hawkers, and peddlers from his property. See *Martin v. Struthers*, *supra*; *cf. Hall v. Commonwealth*, 188 Va. 72, 49 S. E. 2d 369, appeal dismissed, 335 U. S. 875 (1948). In this case the mailer's right to communicate is circumscribed only by an affirmative act of the addressee giving notice that he wishes no further mailings from that mailer.

To hold less would tend to license a form of trespass and would make hardly more sense than to say that a radio or television viewer may not twist the dial to cut off an offensive or boring communication and thus bar its entering his home. Nothing in the Constitution compels us to listen to or view any unwanted communication, whatever its merit; we see no basis for according the printed word or pictures a different or more preferred status because they are sent by mail. The ancient concept that "a man's home is his castle" into which "not even the king may enter" has lost none of its vitality, and none of the recognized exceptions includes any right to communicate offensively with another. See *Camara v. Municipal Court*, 387 U. S. 523 (1967).

Both the absoluteness of the citizen's right under § 4009 and its finality are essential; what may not be provocative to one person may well be to another. In operative effect the power of the householder under the statute is unlimited; he may prohibit the mailing of a dry goods catalog because he objects to the contents—or indeed the text of the language touting the merchandise. Congress provided this sweeping power not only to protect privacy but to avoid possible constitutional questions that might arise from vesting the power to make any discretionary evaluation of the material in a governmental official.

Jean Lettner
5700 Abbott Avenue South
Edina, MN 55410

RE: Your recent solicitations

To Whom It May Concern:

The purpose of this letter is to advise you to cease sending mail solicitations to my home at 5700 Abbott Avenue South, Edina, MN 55410 and to instruct you to remove my name from your mailing list. I consider each piece of mail solicitation I receive from you to be a violation of my constitutional rights, a disregard of U.S. Supreme Court rulings, and a trespass. The use of my property to receive your mailings will incur a \$500.00 fee for each use of my property. You do not need to contact me. Your continuing to send unwanted mail will signify your acceptance of my terms and rates.

If you continue to send me unwanted mail, I will charge you \$500.00 per piece of mail each time. I will invoice you each time that I receive a piece of mail, such invoice to be net thirty (30) days. In the event that I have to commence collection efforts, please be advised that I will seek attorney's fees and related costs of collection.

If you have any questions or concerns, please feel free to contact me. Thank you.

Very truly yours,

Jean Lettner

P.S. Concerning phone violations, please know that there is a federal law which states if you call AGAIN after being warned or told not to do so, there is a \$500.00 charge for the first call and \$1500.00 for each call thereafter.

NOTE: Repeat violations by mail will be charged the same as the federal law for phone trespass violations - \$500.00 the first violation after being warned and \$1500.00 for every violation after that.

ABOUT THE AUTHOR

(by H.M.W)

Jean Lettner received her Bachelor of Arts Degree from the College of St. Teresa, and later did graduate work at the University of Minnesota,

Her first MS attack (although not recognized for what it was) took place when she was only an 18-year old *college* senior, but because she had, since the age of 10, been known to have a heart murmur associated with rheumatic fever, it was rashly assumed that her symptoms resulted from overwork and other stresses.

During the ensuing years she built a successful career in the travel industry despite constantly recurring problems with her balance, reduction of feeling in her right side, and other equally debilitating symptoms; which again were attributed to overwork. Undaunted, in 1969 she opened her own travel agency.

In 1975 she chanced on a newspaper article about MS, which described exactly the symptoms which had been plaguing her over the years! Now fortified with the certain knowledge that she was indeed an MS victim, she wrote her doctor asking that during her upcoming annual examination he take special care to consider the likely presence of MS. To her astonishment, she was rebuffed and told that her problem was "adrenal exhaustion". Shortly after this, she lost both her sight and the ability to stand unassisted. After hospitalization and numerous tests, the diagnosis was made official: MULTIPLE SCLEROSIS.

Although carefully following the advice of her neurologists and taking the prescribed medications religiously, she became convinced that her condition was actually worsening, because of the side effects of the FDA-approved drugs. During this period she somehow found (with a cane's assistance and sight recovery) the determination to honor her commitments to escort groups to Russia, Europe, the Orient, etc. In the face of further degeneration, she reluctantly declined official speaking invitations from the governments of Australia and China, handed her hard-won group business to competitors, and sold her travel agency.

Now freed from concern for her clients she was, with the knowledge gained from the study and experience of her own case, able to divert all of her energies to finding a *natural* way to fight MS. In the years while doing so, she succeeded in restoring her health and vitality to the extent that after many years, she can now walk one and a half miles in 30 minutes, unaided and threw away her canes long ago!

This booklet is a summary of the knowledge she has painstakingly acquired, and which has been instrumental in returning herself and others to a normal life.

8/13/2000

PREFACE

© 2000 Jean Lettner

Multiple Sclerosis is an asymptomatic disease. *This means that the disease and its damaging effects may be present even though its symptoms are not.* Thus, it is almost certain that during periods of apparent dormancy or remission, the insidious and relentless assaults persist, and the disease should therefore continue to be confronted using every non-toxic means available.

Remission, with its usual absence of symptoms, is not necessarily a signal that all is well, and should not be the time to relax our efforts. Rather remission should be seized upon as a heaven-sent opportunity to protect undamaged myelin sheath. A combination of prudent lifestyle, diet changes and correct, consistent, appropriate supplementation may ensure that other necessary repair and rebuilding be accomplished.

Other, more familiar asymptomatic diseases (often referred to as *silent killers*) are high blood pressure, many forms of heart disease, osteoporosis and cancer. Often when discovered, they are so entrenched that recovery is unlikely. However, those among us battling MS are often luckier, because we may become aware of MS and its attendant problems in sufficient time to take judicious corrective measures.

It is not an overstatement to say reducing or ceasing the battle with MS during remission, is the equivalent of surrendering your weapons and turning your back on a well armed intruder. **STAY ON THE OFFENSIVE.** Never give up.

Jean Lettner
Author

Deb Mangan

From: Lynn Laaksonen <goldielax@comcast.net>
Sent: Sunday, August 18, 2013 1:38 PM
To: Edina Mail; jonibennet12@comcast.net; Mary Brindle (Comcast); joshsprague@edinarealty.com; swensonann1@gmail.com
Subject: oppose subdivision of 6609 Blackfoot Pass

Edina City Council members,

As residents of Indian Hills for the last 36 years my husband and I strongly oppose the subdivision of 6609 Blackfoot Pass. Through the years we have come to appreciate the size of our property (over 1 acre) even more than we did when we first moved here to start our family. We have seen most of the neighboring houses torn down and replaced by bigger homes but because of the size of our property and the wild area between the homes, we aren't in the same situation as the Country Club area. I wish we all had 2 acre lots.

About 20 years ago there was a proposal to subdivide 6520 Indian Hills Road which we opposed and the subdivision was denied. The threat at the time was a warning about the massive size of the house that would be built. Well, a massive house was built – it has subsequently been torn down and another big house replaced it – but it was ok because the property was big enough to support it and still allow wild area and not be intrusive on the neighborhood.

Please deny this current subdivision request and allow Indian Hills to remain the neighborhood that families want to move to because it is in Edina and it allows them the size home they want and property that gives them the space and privacy to enjoy Edina at its best.

Thank you,
Kay and Lynn Laaksonen
6404 Indian Hills Road

Deb Mangen

From: Jeanette Colby <jmcolby@earthlink.net>
Sent: Sunday, August 18, 2013 9:43 PM
To: Edina Mail
Subject: KIAA Position Statement on SWLRT, July 1, 2013
Attachments: LRT KIAA Position Against Co-location.docx

Please direct this email to Mayor James Hovland

Dear Mayor Hovland,

The Kenwood Isles Area Association (KIAA) understands the difficulty the Corridor Management Committee faces as you consider the long-standing problem of re-routing the freight rail to make room for the SWLRT. We appreciate that the Project Office has been very creative in its effort to find a solution.

KIAA, however, continues to oppose at-grade "co-location." We ask that you please take the time to read our attached position statement. Even though many KIAA residents think this LPA route is not ideal, **we have worked cooperatively and in the spirit of compromise to make the SWLRT the best it can be**. If the Met Council now proposes to co-locate freight and LRT, after years of policy and promises that freight would be relocated, Kenwood Isles residents would find this a **significant breach of the public trust**.

Thank you for your efforts and consideration.

Best regards,

Jeanette Colby
on behalf of the Kenwood Isles Area Association

Kenwood Isles Area Association

Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long

used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that, if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for “co-location” despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position is reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January, 2010) stated:

"Be It Further Resolved that the current environmental quality, natural conditions, wildlife,

urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.”

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December, 2012)

6) The southwesttransitway.org has stated since its inception that:

Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of space for light rail and the existing trails**. Currently, rails and trails safely coexist in more than 60 areas of the United States.

Kenwood Isles Area Association
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Adopted July 1, 2013

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Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

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Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

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5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December, 2012)

6) The **southwesttransitway.org** has stated since its inception that:

Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of space for light rail and the existing trails**. Currently, rails and trails safely coexist in more than 60 areas of the United States.

Deb Mangen

From: ggday@aol.com
Sent: Sunday, August 18, 2013 9:47 PM
To: Edina Mail
Subject: SWLRT

Dear Mayor Hovland:

I have become aware that as part of the agenda at the August 28th meeting of the Corridor Management Committee you want to discuss the possibility of a shallow tunnel or other at-grade locating in the Kenilworth Greenway. I am writing to ask that you support the City of Minneapolis in its efforts to NOT co-locate (including the shallow tunnel option or even a short shallow tunnel eliminating the Northern segment) freight rail and LRT on the Kenilworth Greenway. The Kenilworth Greenway is a regional asset used by Edina residents as well as many others to commute to work, attend events in Minneapolis and to enjoy as part of the Twin Cities' regional trail system.

I respect the Edina Parks & Recreation Department's mission "to do our part in further developing, preserving, and maintaining the City of Edina's parks, recreation programs and resources as a premier and comprehensive parks and recreation department in the Twin Cities area". Please respect Mayor Rybak and the Minneapolis City Council to determine what is best for Minneapolis, the Kenilworth Greenway and the nearly one million Kenilworth Greenway users.

Georgianna Day Ludcke

Deb Mangen

From: Patty Schmitz <pschmitz2806@gmail.com>
Sent: Monday, August 19, 2013 6:22 AM
To: Edina Mail; Patty Schmitz
Subject: Co-location in Minneapolis

Dear Mayor Jim Hovland:

A couple of weeks ago I saw an article in the Star Tribune that noted that you were in favor of co-location of freight and LRT as part of the SWLRT green line extension. I'm going on memory now but I think you commented that they should simply relocate the bike path so that the problem of having room for both LRT and freight would be resolved.

I'm hoping that you have ridden the portion of the Kenilworth Greenway that is giving the planners the most difficulty as it is the narrowest part of that corridor. I'm not sure if you have also ridden the suggested "re-route" of the bike path, which I think you are advocating as one simple and inexpensive option. If you have not, I would encourage you to do so, so that you can see how the current safe and direct biking path would become a much more confusing route, including street crossings at the heavily travelled Dean Parkway. I would be happy to ride along with you if you would like.

I used to live closer to Edina in SW Mpls, and drove frequently through your city. I know that Edina has worked very hard to create safe biking paths through your city, and I think that you have experienced how challenging it is to do so when there are no natural corridors to create those paths. I had occasion to drive on Wooddale Avenue a couple of times when the biking lanes were striped – it actually made me so frightened as a driver that I resolved to never drive on Wooddale for fear that I would hit a car or a cyclist!

As you are aware, the City of Minneapolis welcomed the LRT through the Kenilworth Greenway with the stipulation that there be no co-location of freight (which is there temporarily) and LRT. If your city had made such a stipulation, I am sure that you would be fighting to make sure that that stipulation held firm, and would look to other elected officials to support you in that. I ask that you respect our city in its efforts against co-location of any kind.

Sincerely,

Patty Schmitz

2806 Dean Parkway

pschmitz2806@gmail.com

Deb Mangen

From: Dan Arom <arom.dan@gmail.com>
Sent: Monday, August 19, 2013 9:40 AM
To: Edina Mail
Subject: Edina Dome Support

Mayor Hovland,

I would like to express my support towards the construction of a domed facility in Edina! Growing up in Edina and living here for the better part of 25 years, having three school aged children, and having parent who still lives here, one of the truly great components of living in Edina are the facilities and activities that form this community and the bonds between residents. Also watching my mother retire and still want to live in this community and seeing the potential benefits from an indoor facility in such close proximity will be of great benefit to her mental and physical well being.

Facilities such as the proposed dome will serve so many individuals from multiple age groups, that I believe there is a wonderful opportunity to act on the proposal to build the facility.

Thank you for considering the project.

Sincerely,
Dan Arom

Deb Mangen

From: courtney Kiernat <courtneyck@comcast.net>
Sent: Monday, August 19, 2013 9:59 AM
To: Edina Mail
Subject: Mayor Hovland- LRT Done Right for all Twin City residents
Attachments: PastedGraphic-5.pdf

Dear Mayor Jim Hovland:

As a member of LRT Done Right, a grassroots citizens group strongly against co-location of freight and LRT on the Kenilworth Greenway, I am writing to ask that you reconsider your push for co-location. As a Minneapolis resident who frequents Edina businesses daily, I hope that you will respect Mayor Rybak and the City of Minneapolis' position to save the Kenilworth Greenway. The Kenilworth Greenway is a regional asset used by Edina and Twin City residents to commute to work, attend regional events and enjoy the regional trail system.

LRT is supposed to enhance quality of life for residents, your support of co-location goes against enhancement and encourages the destruction of limited urban green space. Please reconsider your position on SWLRT in the Kenilworth Greenway.

Sincerely,

Courtney Cushing Kiernat

Courtney Cushing Kiernat
courtneyck@comcast.net
612-865-5048

SAVE THE STRAITS

NO FREIGHT RAIL

Do LRT Right!



www.LRTdoneright.org

Deb Mangen

From: julie sabo <julieannsabo@yahoo.com>
Sent: Monday, August 19, 2013 1:29 PM
To: Edina Mail; jhovland@krausehovland.com
Subject: LRT - Do not colocate/no shallow tunnel

Dear Mayor Jim Hovland:

I am writing to ask that you support the City of Minneapolis in its efforts to **not co-locate (including shallow tunnel) freight rail and LRT on the Kenilworth Greenway**. The Kenilworth Greenway is a regional asset used by Edina residents to commute to work, attend Minneapolis events and everyday enjoyment of the Twin Cities' regional trail system.

We purchased our home on the Kenilworth Trail to use the commuter bike path. My husband commutes to the Federal Reserve Bank every day, year round. When snow is thick on the unplowed streets of Minneapolis the commuter bike paths, plowed by morning, have allowed him to get to work on time. Our family also use the trails to access grocery shopping, restaurants, Twins games, school and friends in other neighborhoods. Kenilworth trail provides a safe biking option for our two young sons. The Kenilworth trail is an integral part of our lives and our quality of life will be greatly impacted by your decision.

Putting LRT through the Kenilworth Greenway has always been of questionable public policy to our family, but we are well aware of the complex interests and pressures that are part of developing public infrastructure. At a policy level it was a decision that left us shaking our heads, but at a personal level I was excited to have the LRT. I thought the bike trail infrastructure would support the LRT in a much more environmentally clean transit system, they would compliment each other. That is NOT what is happening. We bought our home knowing that the freight would be relocated to make way for LRT. We have not opposed LRT, but we do adamantly oppose the colocation of freight and LRT.

I respect the Edina Parks & Recreation Department's mission "to do our part in further developing, preserving, and maintaining the City of Edina's parks, recreation programs and resources as a premier and comprehensive parks and recreation department in the Twin Cities area." Please respect Mayor Rybak and the Minneapolis City Council to determine what is best for Minneapolis, the Kenilworth Greenway and the nearly one million Kenilworth Greenway users. Consider a new alignment that makes more sense for the city and our region.

Sincerely,

Julie Sabo

Name: Julie Sabo
Address: 2560 Upton Ave South, Minneapolis
E-mail: julieannsabo@yahoo.com

Deb Mangen

From: Larson, Sandi <slarson@subrad.com>
Sent: Monday, August 19, 2013 3:22 PM
To: Edina Mail
Subject: No co-location of freight and LRT in the Kenilworth Greenway

August 19, 2013

Dear Mayor Hovland:

I am writing to ask that you support the City of Minneapolis in its efforts to not co-locate freight rail and LRT (including shallow tunnel) on the Kenilworth Greenway. The Kenilworth Greenway is a regional trail used by nearly one million users for both commuting and recreation, including Edina commuters and families. As you proceed with your decision-making, please listen to and consider other options including a deep tunnel or more specifically, a re-examination of the alignment that that allows residents the opportunities of LRT but not the destruction of regional resources. This is a resource that if once lost will never be the same for generations to follow.

I respect the Edina Parks & Recreation Department's mission to preserve and protect your parks and recreation opportunities and ask that you also stand behind Mayor Rybak and the Mpls City Council as they determine what is best for for Minneapolis.

Thank you for your consideration.

Sincerely,

Sandra Larson

2800 Dean Parkway

Mpls, MN

slarson@subrad.com

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Deb Mangen

From: Angie & Sandeep <angie_sandeep@yahoo.com>
Sent: Monday, August 19, 2013 3:47 PM
To: Edina Mail
Subject: Kenilworth Trail

Dear Mayor Jim Hovland:

I am writing to ask that you support the City of Minneapolis in its efforts to not co-locate (including shallow tunnel) freight rail and LRT on the Kenilworth Greenway. The Kenilworth Greenway is a regional asset used by Edina residents to commute to work, attend Minneapolis events and everyday enjoyment of the Twin Cities' regional trail system.

I respect the Edina Parks & Recreation Department's mission "to do our part in further developing, preserving, and maintaining the City of Edina's parks, recreation programs and resources as a premier and comprehensive parks and recreation department in the Twin Cities area." Please respect Mayor Rybak and the Minneapolis City Council to determine what is best for Minneapolis, the Kenilworth Greenway and the nearly one million Kenilworth Greenway users.

As a pediatrician working for a federally qualified health center, I see that people of all income levels in Minneapolis have access to playgrounds and bike trails. The effort our city makes towards protecting its parks earns Minneapolis a well deserved reputation for being forward thinking. This has lead to better health for low income people. For this and many other reasons, I say we can not endanger the chain of lakes. Thanks!

Sincerely

Angela Erdrich, MD
2218 Oliver Ave S
Minneapolis, MN 55405
Angie_Sandeep@yahoo.com
612 516 6866 cell
612 377 5632 home

Deb Mangen

From: World Wildlife Fund <ecomments@wwfus.org> on behalf of Janice Opfinger <jlopfinger@mindspring.com>
Sent: Monday, August 19, 2013 6:42 PM
To: Edina Mail
Subject: Enroll our Community in the 2013 Earth Hour City Challenge - From jlopfinger@mindspring.com

Aug 19, 2013

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

Dear Mayor Hovland,

This message was sent from jlopfinger@mindspring.com

Thank you for your efforts to improve our community. As a resident, I am writing to express my deep concern about the threat that the impacts of climate change pose to our community.

That is why I urge you to enroll our community in World Wildlife Fund's Earth Hour City Challenge (<http://worldwildlife.org/citychallenge>), which offers a platform to recognize and reward cities for the work they do. The City Challenge builds on the annual Earth Hour event where millions around the globe turn out their lights for one hour in a call for action to protect the planet.

All cities that share their sustainability efforts through the Earth Hour City Challenge will be publicly recognized and have a chance to compete for one of three \$30,000 grants and be crowned an Earth Hour Capital!

Learn more and enroll our city at
<http://worldwildlife.org/citychallenge>

Participating in this initiative can help raise the profile of our existing sustainability efforts and encourage us to do even more to advance renewable energy and prepare for climate change. I sincerely hope you will visit the website and take advantage of this great opportunity.

Sincerely,

Mrs. Janice Opfinger
317 Adams Ave
Hopkins, MN 55343-8434

From: Crabtreejr@aol.com
Sent: Tuesday, August 20, 2013 11:08 AM
To: Edina Mail
Cc: Wayne Houle
Subject: Minnehaha Woods Street Reconstruction - warranty work
Attachments: Minnehaha_Woods_5408_Oaklawn_Avenue_hole.jpg

Dear Mayor Hovlund

I am following up on our recent conversation regarding the Minnehaha Woods street reconstruction took place in 2011. We are now approaching the end of the warranty period.

1. Street at 5408 Oaklawn Avenue

At my house, 5408 Oaklawn Avenue, there was settlement of the curb by about 1.5" on the west side of the street. At another point it had dropped. On the opposite side of the street there was settlement of one section of curb, and stress cracks in another. There is a dip in the roadway across the whole street. In addition there is what I believe to be a settlement crack some 18' long to the south of the settled curbs.

I am disappointed that this has taken place. I attach a photograph taken from the front yard of 5409 Oaklawn, looking towards 5408 Oaklawn, of the hole which was dug by the City's contractor when making the new sewer connections, and installing the new water service lines to the shut-off valves. It was a substantial hole. You will also see that the soil is clay. Since the project I have learned much about building roads on clay. My understanding is that civil engineers would far rather build roads on sand which has good drainage. I was told by one engineer that you could remove the clay and replace it with a different material, but then that can cause other drainage problems.

The key point about clay is that it must be compacted very carefully in layers of no more than 18", and preferably 12" at a time. This is time consuming. This compaction did not take place, certainly towards the bottom of this hole. A substantial quantity of clay was put in and then heavy earth moving equipment rolled over it. The settlement crack occurred in the area of the edge of the hole (left hand side of the photograph).

All of this does beg the question as to what exactly is expected of the the City and its engineers, SEH. One of the two SEH site engineers is shown in the photograph (standing, looking to the left). We pay people to do a job.....

Before I move on, and in the interests of full disclosure, I had my sewer replaced with 4" PVC line from the house to the center of the street. My contractor dug a short way into the street before slip-lining the 4" PVC pipe through the original 6" clay tile pipe. The curb dropped where he had not dug, etc etc.

2. Warranty Work

Some warranty work is already underway. Yesterday, the settled curbs outside my house were removed. I understand that they are about to be replaced. The contractor also saw cut the street prior to replacing some of the black top. Ideally the hole would be dug out, the clay properly compacted, the required road bed put in, and then resurfaced. What I suspect will happen is that a section of blacktop will merely be replaced.

Does the contractor gain by this, ie by gambling that the rectification work costs less than doing the job correctly?

I asked the contractor about a settlement crack further down the block. It is some 22' long, and is outside 5432 Oaklawn Avenue. They knew nothing about it.

Last night, at the meeting to discuss the 54th Street reconstruction, I asked Wayne Houle, the City Engineer, whether this remedial work was being done under the supervision of the City or SEH. I was told that it was. I then said that there were settlement cracks, and settled curbs which had not been marked for remedial work. I was asked if I had a list. As of now I do not, but will compile one and send it to Wayne. I need to walk through the rest of the neighbourhood, and drive round at night to look for dips in the roadway first.

This does beg the question as to who is doing what inspection? The residents were assessed significant engineering fees for this project.

Finally, I am encouraged that remedial work is under way. I hope that most of the roadway settlement has already taken place. From here on, it becomes the City's problem, and the future repair costs fall back on the residents. I hope that we can learn from this for future projects.

If you have questions, please ask. I have many more photographs, both of the hole, and the finished work, and am prepared to share all of them.

Sincerely

John Crabtree
5408 Oaklawn Avenue
tel 952-928-8434

cc. Wayne Houle, City Engineer



August 15, 2013

Dear Governor Dayton,

I have lived in my present home in Edina for 21 years and have enjoyed it very much until now. Since Delta Airlines moved in, I have almost constant noise on a daily basis. The noise from one plane does not fade away before the roar of another begins. There is a marked increase since Delta's presence here.

Plane noise after 11 PM and early in the morning (2 AM – 5 AM) makes it difficult to sleep. I am self-employed and work in an office in my home. I frequently need to put managers and clients on hold while planes pass over, because the roar is so loud that we cannot hear each other speak.

So you may get an idea of the frequency, here is a random sampling from Aug. 14, 2013 for one half hour (asterisks* indicate planes going directly above my home):

11:32 AM	11:45
11:32	11:46*
11:34	11:48
11:36*	11:50
11:37	11:52
11:38	11:53
11:40*	11:53
11:41	11:54
11:42*	11:55*
11:44	11:58
11:45	12:00 Noon

Twenty two planes in 30 minutes, no higher than the distance of 3 city blocks from my house!

I sincerely hope you marshal your resources to mitigate this situation.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy A. Quinn".

Nancy A. Quinn
5713 York Ave. S.
Edina, MN 55410
acres85848@mypacks.net

Cc. Mayor Hovland

XFINITY Connect



55carlton@comcast.net

± Font Size -

6609 Blackfoot Pass Property Subdivision

From : 55carlton@comcast.net

Sat, Aug 17, 2013 12:07 PM

Subject : 6609 Blackfoot Pass Property Subdivision

Bcc : cteague@EdinaMN.gov, KAaker@EdinaMN.gov,
jhoogenakker@edinamn.gov, mail@EdinaMn.gov,
joshsprague@edinarealty.com, swensonann1@gmail.com,
mbrindle@comcast.net, LSLEDDER@Aol.com

Since I will be out of town at the time of the Aug. 28 Planning Committee meeting, I would like to express my feelings and concerns now.

Four of us neighbors attended the Aug. 8 meeting held by Scott Busyn of Great Neighborhood Homes at the Blackfoot Pass property. I was already in possession of a copy of the Preliminary Plat that GNH had registered with City Hall. This explicitly states a proposal to divide the parcel into two lots: Lot 1 @1.32 acres and Lot 2 @.46 acre. Mr. Busyn promptly informed us that his surveyor made a mistake and the two lots would be 1.08 and .7 acres respectively and that the mean or average lot size for the neighborhood was .72 acres. We were surprised to hear him say that his surveyor often makes mistakes and I question how he arrived at his figures!

It seems to me that the only fair way to arrive at a mean or average lot size would be to compare other homes in the Indian Hills neighborhood within a certain proximity to the Blackfoot Pass property; such as Blackfoot Pass, Cheyenne Tr. and Cheyenne Circle, Indian Hills Road, etc. To take homes outside of Indian Hills would be like comparing apples and oranges.

Neighbors have been discussing conservation easements and I will be interested in knowing more about this. Since my property is directly adjacent to the proposed subdivision property, I will be the one most significantly impacted by any decisions made. I cannot imagine more than one home on that piece of land and still be in keeping with the character of the neighborhood.

Indian Hills is a beautiful and unique area. This is a well established neighborhood with dense vegetation, mature trees that have taken decades to grow and in many cases separate one home from another.

While having a country feel, it is in close proximity to schools, churches, and shops. We treasure the size of our lots and sub-dividing them is inconsistent with the character of the neighborhood,

Your interest and attention to this entire matter are deeply appreciated. I may be reached by phone after Aug. 29. Thank you very much.

Pat Kreuziger
6705 Cheyenne Trail
Edina, MN 55439
952 944-2828

Thank you!

Pat