

**Minutes of the CIDNA Board of Directors Meeting  
Tuesday, April 5, 2005 @ 6:00 p.m.  
Jones-Harrison Residence  
3700 Cedar Lake Avenue**

Chad Larsen, President, called the meeting of the CIDNA board to order at 6:00 on Tuesday, April 05, 2005

The following directors were in attendance:

Chad Larsen, David Shirley, Ken Moritz, Charlie Elowson, Carla Sariin-Egerman, Tom Buck, Bob Corrick, Cherrie Zitzlsperger, Bengt Sohlen, Kathy Hendricks, Steve Gove

Guests: Doug Daggett, 2928 West Dean Parkway; Allan Bernard, 3304 Hennepin Ave.; Kathy Standing, 2817 Drew Ave. So.; Mark Teteris, 2633 Glenhurst Ave.; Cheryl Gibson, 2668 Glenhurst Ave., Rodge Adams, Lake Point; Nicole Hagen, 6818 Minnetonka Blvd.; Jane Dugan, 2928 Dean Parkway; Julie Allen, Hennepin County Attorney's office.

Chad Larsen requested a motion to approve the minutes from the March 1<sup>st</sup> 2005 meeting. David Shirley moved that the minutes be approved, and Tom Buck seconded. The motion passed, all voting aye, except for Kathy Hendricks, who abstained, not having been present at the March meeting.

Tom Buck, Treasurer, presented the financial report, noting that there had been little activity, but that some money had gone out for maintenance of the web site, and that CIDNA had received a donation of \$1000. David Shirley moved that the Treasurer's report be accepted, and Cherrie Zitzlsperger seconded the motion.

Bob Corrick reported that the city has funded a Midtown Greenway Land Use study, covering the course of the Greenway from Chowen to Hiawatha. The study requires a CIDNA representative is needed, and although Bob has offered to volunteer for the role, he expressed the hope that someone else might be willing to take it on. The study is expected to last about 1 year. Steve Gove volunteered to assume the role. Bob moved that CIDNA appoint Steve Gove as the CIDNA representative. Tom Buck seconded the motion. All present voted in favor.

Julie Allen introduced herself as an attorney from the Hennepin County Attorney's office, and is a prosecutor on the property team. Her team investigates and prosecutes theft, fraud, motor vehicle theft, and such crimes. She is the 5<sup>th</sup> precinct liason. The 5<sup>th</sup> precinct includes CIDNA. The attorney's office is trying to increase emphasis on property crimes. Ms. Allen left a template of the web site form that can be used to submit complaints.

Kathy Standing spoke about plans to continue fighting Dutch Elm disease this year. Last season, the spread of the disease was the worst that it has been in years. Kathy asked the CIDNA board to support printing and mailing to encourage CIDNA residents to treat

their elms. She also plans to speak to the Park board tomorrow. Among other things, she hopes that resources will be available to replace lost trees. The need for treatment is urgent, since there is only a short time during the year during which treatment can be effective. Kathy recommended two mailings this year. The first will put the issue in people's mind, and the second would arrive as they begin to notice the orange rings appearing on infected trees, perhaps increasing the likelihood that they would treat their trees. CIDNA should also try to insure that a notice is published in Hill and Lake Press under the CIDNA banner to alert residents to the problem. Kathy Hendricks suggested that MCDA funds might be available to fund the mailings. David Shirley moved that the CIDNA board use MCDA funds or unencumbered funds to make 2 mailings, with a ceiling of \$600. Tom Buck seconded. The motion passed unanimously.

Judy Berge, representing the variance committee, reported that she received a message about a variance request last night for 2430 Cedar Lane. The owners propose a remodel with not change in footprint, but a variance is required on the setback. She believes the owner's plan is to add a second story to the house.

Lisa Goodman, City Council, said that the previous month's Lunch with Lisa™ presented plans for a 311 call center, and that the call center would be in operation by the beginning of 2006. To everyone's surprise, she related that the final 04 budget had a 14 million dollar surplus. She was glad that 10 million of that was used for debt reduction, which, by reducing interest payments, freed up 1 million dollars for spending on other city needs. Some of the remaining 4 million dollars were used for the 311 call center startup and departmental budgets. She noted that the Minneapolis Blooms Program affords residents a storm water fee credit for rain gardens; there will be a workshop which will present information and provide participants with \$50 in free plants. Only two people applied for MPHA board openings. The posting will be reopened to try to attract more applicants. She showed EPA brochures that educate readers about the importance of wetlands: Free copies are available. The next Lunch with Lisa is scheduled for April 27<sup>th</sup>, and, because Lisa is on vacation, will be hosted by Vivian Mason to discuss Park issues. This will be the last Lunch with Lisa meeting this half-year. On April 15<sup>th</sup> a 3 night celebration of the Walker Art Center re-opening begins, and will shut down various roads. The Walker has mailed a notice to all those most likely to be affected by the road closings.

David Shirley asked Lisa if her office had received large numbers of calls on storm water charges. Lisa noted that storm water assessments can be appealed. Ken Moritz asked Lisa if she knew anything about plans to rehabilitate the Schubert theatre. The Schubert has gotten a small grant of 1 million dollars in the current state bonding bill. Kathy Standing asked if the city is helping with elm trees. Lisa said that the Department of Public Works will assist Park Board staff in removing trees. The city sees the situation as something of an emergency.

Bob Corrick presented Land Use and Development Committee news, focusing on the Ackerburg/Village Green development. First, the vote at the last meeting did not approve the resolution per CIDNA bylaws, because a majority present did not vote in favor of the

resolution. Therefore, CIDNA must decide whether to prepare a new resolution and vote on it. We need action soon. He noted strong opposition to the project from immediate neighbors, outlined in a letter signed by 21 neighbors, and sent to Chad and Bob. Chad drafted an amendment that we considered during the last meeting, meeting the desire of neighbors that the alley between the property and Dean parkway be used only for emergencies, that free parking be offered overnight to visitors, that snow removal be efficient, and that landscaping be approved by the neighborhood. That amendment was not passed since the resolution was not passed. Chad also encouraged those present to attend a walk-through of the property with James Geimer, an attorney representing the developer, tomorrow at 5:15 pm. Doug Daggett asked how “emergency use only” of the alley could be enforced, mentioning that signs might not be obeyed, while a barrier might effectively restrict unwanted traffic and simultaneously impede emergency use. Nicole Hagen mentioned that other localities provide keys to emergency departments, and said she would investigate whether that was a possibility here. Doug brought up that commercial traffic is especially a problem, and that in theory it is prohibited on Parkways. Kathy Hendricks asked whether a one way restriction on the alley would meet the neighbors’ needs. Chad Larsen stated that the neighbors want emergency use only.

Chad went on to say that the conditions that the neighbors would like to impose now would be more advantageous to the neighborhood, but that the developer may not be amenable to additional conditions beyond those already agreed to. Kathy Hendricks then asked if we should have more than one position to consider at the next meeting, that is, more than one resolution. Might we want to pass a resolution opposing the development. Chad expressed the opinion that outright opposition would do a disservice to the neighborhood, since the project meets conditions set by the city, and will be approved. Therefore, if we oppose, the developer will not be bound by any of our input. Tom Buck expressed agreement with this point of view, saying that the developers accommodated us on noise and landscaping and height and noise, seconding Chad’s notion that if you want to have any input you can’t simply oppose. Tom further said that, in his opinion, the deal that the Land use and Development Committee worked out with the developer was pretty good. He wanted to address the perception that the committee simply gave in to the developer’s desires for paid parking. He said that legally the law gives the developer the right to require paid parking, and that legally they have the right to keep the alley open. Tom asked that those present consider the benefit of having new neighbors, and welcome them. He stated his conviction that CIDNA board and committee members should represent the neighborhood and not personal agendas.

Bob offered the Calhoun Beach Club apartments as an example of why it’s important to remain in discussion with developers. The CBC development turned into a bad situation, the developer stopped talking to the neighborhood, lawsuits were initiated, and the outcome was one of the worst developments in the city. In that debate we focused on height and got a shorter building, but got a horrible building. At the same time Bob said that there may come a point at which we have to leave discussions with the developer, and offer no resolution or offer a resolution in opposition to the development. Such a point may come in the case of strong opposition from the immediate neighborhood. Nonetheless, he said, we need to be careful, making sure that we take a credible position,

and not just oppose any development whatsoever. Bob further said it was also possible for another group, in addition to CIDNA, to get involved in the process, and fashion other agreements with the developer. He noted that on some problems, such as using the private property's roads as a short-cut, is illegal in any case. He shared that the zoning code may offer us some leverage on use of the alley. Specifically, a conditional use permit, which would be required to build the development, requires that the proposed use be safe for the neighbors. If 1200 cars a day passing through the alley per day is probable, past windows no more than 12 feet away, the code may view this as a danger. On the parking issue he asked whether, although it may well be true that we regard charging for parking as un-neighborly, should we oppose the development on this basis, and risk not gaining any concessions at all from the developer? Still, he said the board needs to be mindful that 21 neighbors signed a petition saying that they oppose the development unequivocally. David Shirley confirmed, from his experience, that the Calhoun Beach Club development demonstrates the dangers of not remaining in conversation with the developers. Ken Moritz commended the committee on what they had achieved in negotiations. Tom Buck observed that it was amusing that the development he lives in was once bitterly opposed but is now generally seen as a good asset for the neighborhood

Chad outlined the next steps in the process, beginning with a meeting at the site with the developer's representative tomorrow. After that the committee will attempt to negotiate a new agreement with Ackerberg/Village Green. On Thursday, April 14, 2005 a Land Use and Development Committee meeting will consider a draft resolution, and will hear from the developer. The Committee will vote on the resolution. Subsequently a full CIDNA board meeting will need to vote on the resolution. The board meeting will consider the resolution from the Committee, allow public comment, and then proceed to a vote on the resolution. Bob asked if we should prepare two resolutions, one with what the developer agrees to and the other more in line with what the neighbors want. Judy Berge asked what limitations on the driveway we could hope for. Bob said the developer will agree to making it a one way driveway. Carla Sariin-Egerman expressed hope that the development would be neighborhood friendly, consider current congestion, and limit shading. Bob observed that there will be shading of adjoining of all properties. Carla shared the information that the shading from the Calhoun Beach Club apartments has meant that residents in apartments at her complex whose windows face the CBC apartments must use their lights all day because it is so dark.

Ken Moritz reminded the board of its limited power as an advisory body, and offered the opinion that our opposition would have no effect on the city's decision. Kathy Hendricks said that the immediate neighbors who had signed the petition should be sure that they understand the risks of opposing the development. The board could, nonetheless, consider two resolutions, one of which would oppose the development. Bob advocated the importance of taking some position as opposed to no position. Bengt added that to officially take "no position" would negate the existence of CIDNA. Kathy said that the immediate neighbors of the project needed to provide a clear statement of what they wanted. Bob wanted to make sure that everyone understood that the concerns of the

immediate neighbors are important, and that the Committee members would feel no personal offense if the CIDNA board turns down a resolution prepared by the Committee; the issue is always how can we get the best deal for the neighborhood. A resolution in opposition to the development could send a message, if the concerns about adverse effects of the development were grave enough.

Kathy Hendricks asked if the board could vote again on the resolution that failed at the last meeting. Chad said that this was not possible. The Committee will prepare a new resolution, which may be similar or different from the previous resolution. The resolution presented by the committee can then be amended during the special meeting of the full Board, if need be. Nicole Hagen expressed the personal opinion, not necessarily representing the other immediate neighbors, that one course would be for the immediate neighbors to go directly to the city with their requirements for the development, so that then CIDNA could in good conscience pass a resolution incorporating negotiated concessions with the developer, but that we could all hope that the input of the immediate neighbors to the City Council could have an impact on the Council's decision. Bengt Sohlen pointed out that if the CIDNA board agrees and signs a resolution that the developer agrees to, we could not later add to the conditions in the resolution.

Judy Berge asked generally which properties were represented by the guests present at the meeting. The answer, from Nicole and Chad, was that although it happened that only residents of 2928 Dean Parkway were present, residents of 2920 Dean Parkway were also opposed to the development, as evidenced in petition signatures. Judy Berge asked whether neighborhood residents had received adequate notice of the negotiations, given that their involvement had begun so late in the process. Chad said that postcards had been sent an appropriate time in advance of discussions to every resident in the neighborhood.

The board agreed to schedule a special meeting on Monday, May 2<sup>nd</sup>, 2005 to consider the new resolution that will be prepared by the Land Use and Development Committee on Thursday, April 14, 2005.

Under old business, David Shirley notified the board that there will be a clean-up starting at the Cedar Lake South Point parking lot on Saturday, April 23<sup>rd</sup>, from 9 a.m. to noon. Also, there will be a Greenway cleanup on the same day, and there will be arbor day activities on May 7<sup>th</sup>. Finally, the nominating committee is looking for new board members. Charlie Elowson, Carla Sariin-Egerman, and Tom Buck will be leaving the board after the annual meeting in May. It was noted that Glenna Case has signaled that she is willing to join the board.

Ken Moritz moved that the meeting adjourn at 8 p.m.