



Agenda

Minnetonka Park Board

Wednesday, August 3, 2022 at 6:30 p.m. Minnetonka
Community Center - Minnehaha Room

1. Call to Order

2. Roll Call

_____ Isabelle Stroh

_____ Korey Beyersdorf

_____ James Durbin

_____ Chris Gabler

_____ David Ingraham

_____ Ben Jacobs

_____ Katie Semersky

_____ Chris Walick

3. Reports from Staff

4. Approval of Minutes

A) June 1, 2022

5. Citizens wishing to discuss items not on the agenda

6. Special Matters

7. Business Items

A) Land Donation Request - 11209 Timberline Rd.

B) Memorandum of Understanding - Friends of Cullen Nature Preserve and Bird Sanctuary

8. Park Board Member Reports

9. Information Items

10. Upcoming Park Board Agenda Items

11. Adjournment

Board Vision:

A city with outstanding parks and recreational opportunities within a valued natural environment.

Board Mission:

The mission of the Minnetonka Parks & Recreation Board is to proactively advise the city council, in ways that will:

- Protect & enhance Minnetonka's natural environment
- Promote quality recreation opportunities and facilities
- Provide a forum for citizens interested in our parks, trails, athletic fields and open space.



**Minutes
Minnetonka Park Board
Wednesday, June 1, 2022**

1. Call to Order

2. Roll Call

Park board members present: James Durbin, David Ingraham, Katie Semersky and Chris Walick. Excused: Chris Gabler, Ben Jacobs and Isabelle Stroh. Absent: Corey Beyersdorf.

Staff members in attendance: Darin Ellingson, Jesse Izquierdo, Kathy Kline, Matt Kumka, Kelly O'Dea, and Leslie Yetka.

Vice-Chair Walick called the meeting to order at 6:30 p.m.

3. Reports from Staff

Recreation Director Kelly O'Dea thanked Vice-Chair Walick for running the meeting as Chair Gabler was unavailable tonight. He reminded board members to keep the audio device close to their mouth while talking. He also added that he will be collecting their iPads at the end of the meeting.

4. Approval of Minutes

Durbin moved, Ingraham seconded a motion to approve the meeting minutes of April 6, 2022 as submitted. All voted "yes." Motion carried.

5. Citizens wishing to discuss items not on the agenda

There were none.

6. Special Matters

There were none.

7. Business Items

A. 2023-2027 Capital Improvement Program (CIP)

O'Dea gave the report.

Semersky questioned if they should expect to see this each year. Also, she wondered if this was a new list of items or a revised list from last year.

Street and Park Operations Manager Darin Ellingson thought that staff didn't make any changes to the order but they added new items this year. He also explained that things generally stay the same but sometimes the order changes.

Semersky asked if they refresh all of the categories each year so they have the most recent information for the next year.

Ellingson replied yes.

O'Dea explained that some things might change. An example is bumping up a tennis court because we might program at it more often than another one.

Ingraham asked if the arranged order is based on the age of the equipment in each park.

Ellingson responded that the order is based on the age and condition. If playground equipment at a park has had a lot of repairs or things are aging horrible, they will move it up.

O'Dea added that we want to make sure our parks stay healthy and one way to do that is by keeping them fresh and vibrant.

Walick questioned what safety surfacing replacement is.

Ellingson said it is the wood fiber or woodchips that are on the bottom of play areas. Tamarack mulch has been used the last few years and it is lasting longer, however, you need to consistently add and top off the playground areas each year. The budget used to be \$10,000 but due to material increases recently, they bumped it up to \$15,000.

O'Dea thought it was this page that they had to put extra funding in a couple of years ago because they had a significant increase. He then moved to the Trail Improvement Plan page.

Durbin questioned if any of these projects could be at risk due to the current cost of building materials and labor inflation with the current funding, or if there is enough padding where they could still happen. He wondered because they had to scale back on a park project they worked on because bids came in higher than expected, but you can't really do that with a trail.

O'Dea said that is a tough one to answer because we know that the cost of materials and labor is really high. Based on other projects, he thinks they do add in a little bit of money but he can't guarantee it would cover the cost right now.

Ellingson added that as staff does next year's CIP, if they've seen a big increase, they adjust the 2024-2028 numbers. For next year, some of what they show now for dollar amounts may go up based on that. Staff isn't necessarily locking in a price for all the future years. So, 2023 is fairly rigid but the other numbers have some flexibility that staff can change if they need to.

Durbin thought it made sense because you can't predict what is going to happen in four years.

O'Dea added that the city council passed the franchise fees.

Ingraham asked if the dollars are still in the trail system expansion fund that exists today.

O'Dea said yes and moved onto a new page in the CIP.

Natural Resources Manager Leslie Yetka explained that this is a new CIP page and it reflects what came out of the Natural Resources Master Plan (NRMP). In that plan, staff laid out 20 years of phasing for habitat restoration in the high prairie parks, which is found in one of the appendices of that plan. This page reflects the first five year phase of that 20 year plan. Staff laid out the parks that they anticipate focusing on for habitat restoration efforts over the next five years, 2023-2027. In 2023, the parks would be Purgatory Park and then Hilloway Park. The intent is that these dollars would be used for pretty intensive restoration efforts. This will come after we complete habitat restoration plans for the parks, which is something Park and Trail Project Manager Matt Kumka is working on. We will have detailed plans and staff will know what kind of habitat they're restoring and where they want to be working. These funds would likely be allocated to hired contractors to do that work; this is in addition to the stewardship funds that we have in our operating budget. There are still maintenance dollars in our regular operating budget but these would be new dollars for restoration work in the parks. The 2023 budget is pretty fixed as we are planning in 2023 for 2024. In future years, staff may need to change where they are focusing their efforts and can even change some funding dollars, however, the 2023 budget was pretty much fixed for this budget cycle.

Semersky asked if there is any complexity with counting restoration work as capital.

Yetka said her understanding is no. These are discreet projects that are doing intensive restoration, invasive species control and seeding. Once they complete that intensive push, they would go into kind of a maintenance mode where maintenance dollars would be used for ongoing maintenance in subsequent years.

Walick said this will probably be done by contractors and asked if there were any limits. He could see the Friends of Minnetonka Parks wanting to wrap themselves into this because it is a contractor thing and just wondered if there were limits.

Yetka explained that as they develop specific restoration plans for our parks, they are focusing on Purgatory Park first just because there are a lot of things happening in that park. Staff will have areas of intensive restoration efforts that they are focusing those dollars on. There will also be areas identified for volunteer efforts; that is where the Friends of Minnetonka Parks can work and expand on the work they have done in the past. We also use contractors for routine maintenance and will continue to use them in other areas. It's like everybody is going to have a piece of the pie when it comes to restoration in our parks.

Ingraham asked if that was enough money. He questioned if the expectation was that Purgatory Park would be fixed at the end of 2023 with the expenditure of \$145,000.

Yetka said absolutely not, only because habitat restoration is an ongoing effort. The funds that are identified here can be used to hire contractors with bigger equipment that can do more work faster. However, they will always have to come back in maintenance mode year after year and that is where those maintenance dollars and volunteer resources will come into play. We feel like this amount of money can make a big push in an area that they identified as high priority in the park. There is never enough in some respects because they are always having to maintain those areas.

Ingraham commented that Purgatory Park is a good example because it is a big park and there are different kinds of issues. He questioned if a bigger push would be possible if there were more funds. He was curious because if you took two percent out of projects, this budget could double. Would that be beneficial or is this kind of the most we can handle?

Yetka thought this was adequate in terms of what they can handle. We are not restoring all of the park because there are other amenities in the park and there are areas being used for cultural reasons. This would get us a long way in restoring what we already have as well as the degraded areas we want to bring back into higher quality. Ingraham's question is kind of hard to answer because there is never enough. We could spend more and we could do more but then we have to maintain more. With restoration, they can do a lot of intensive work but there is going to be work happening year after year. They can't just go in and spend a lot of money and then go somewhere else, they have to stay there.

Durbin thought even if there were enough contracting staff to clean out and restore all of Purgatory Park, you can't really close the park for two or three seasons to do that work. There would have to be a balance so people could still enjoy the park. He agreed that they could always use more money, however, if staff is satisfied with this much money, it's better than what they have gotten before and it is building from what they have.

Yetka replied that these are new funds and next year staff will have a better handle on what they can do and what is realistic. Staff feels as though this is realistic for them now in terms of the capacity they have. This is a rolling plan that they will revisit every year and make necessary changes to.

Durbin commented that it will be interesting to see the results presentation.

Yetka explained that a good example is the Cullen property. It is a 30 acre parcel and they have completed about 13 acres of intensive restoration. To give you a sense of how far the dollars go, the Cullen property will be \$90,000 over two years so about \$45,000 a year. The city did some of the work in terms of hauling material, however, costs may increase in the future when there is woody material that city staff can't easily haul back to the Public Works facility. It feels like it's not a lot of money but it actually goes a lot farther than if you are building some kind of concrete infrastructure or road. To put it into perspective, we are dealing with plants and not concrete and pipes.

Kumka said a good way to think about it is that staff wouldn't want to bite off more than they can chew. The restoration process itself is a disturbance and they need the necessary resources in place to monitor that disturbance and complete the restoration. Restoration is a process that takes several years so they want to be able to come into a distinct area, have goals set, create that disturbance and finish the restoration before they move onto a different spot.

O'Dea asked Yetka if the community forestry page is new.

Yetka responded that it is another item that was identified as high priority in the NRMP. This is funding for completing and updating our tree inventory for all public spaces and developing a Community Forest Management Plan. This would be more like an on the

ground plan about managing our community forest not only in natural areas but also in boulevards, parks and right-of-way areas. That money is for planning dollars.

O'Dea said the next page is new and it came from the Parks, Open Space and Trail (POST) Plan.

Kumka said that following up on the natural resources management planning work would be more of the human element that would be captured in this park master planning process. Staff would identify consultants to work with them to develop a needs assessment for the various parks. They would discuss parking where there are trails that they like, and also where there are trails that are perhaps redundant or causing erosion. They would figure out what the recreational needs are for our system overall but then also for the individual parks. This would represent the start of that process.

Semersky questioned if consulting costs surprised staff.

Kumka told them to keep in mind that they need a very robust outreach and education program related to each one of these. They are going to need a lot of community feedback related to the needs of these parks.

Ingraham asked if Purgatory Park included a dog park, leash and off-leash area discussion, or if that was separate and mentioned somewhere else.

Kumka thought they would be remiss if they didn't address that in this master planning process.

O'Dea believed that we were also going to talk about the red barn with Purgatory Park.

Ingraham remembered that noted somewhere.

O'Dea thought similar to the other pages, staff will get a good idea after this first year to figure out if they are on the right page with dollars and the amount of time it will take staff to complete projects. He added that we know Opus is in the future. Staff doesn't know when that will be but they are hoping to have some type of parks and/or amenities in Opus. This is an example of a page where the project is not funded. If it says future, this is to let everybody know that this potential project is coming but we don't have the funding set aside for it right now. O'Dea thought there were a couple of projects under parks and under recreation that were unfunded. A Facility and Programming Space Study was done in 2019 and it showed that we needed more pool space so staff put it in the CIP as an unfunded item; it is a very large project and we don't have funding for it. When you see the pages that have a future cost, they are in there because we think it is important and we hope a project could come in the future, but we don't have funding assigned to it right now.

Semersky asked if city council is in charge of Opus overall.

O'Dea replied that the planning department is also working on the area. Part of it is that we don't have the land yet. The city owns some land over there but there is some they need to acquire.

Durbin said several years ago they did a tour in Opus and there was kind of like a master plan of how this would be incorporated into the light rail. He looks at the area a few times a week and there is high-density housing there, which will be the tax-base that is going to be able to afford it. Then there is a part of the funding that creates what he calls the tax. Then money is set aside in those projects to fund fun parks like that. It is unfunded because it doesn't really exist yet, but now it is being thought of a lot more in detail. That subject is going to come back up in future park board meetings.

O'Dea responded that they are planning for development and redevelopment over there.

O'Dea discussed the skatepark and mentioned that staff just hired a firm to help with the feasibility study for this year. There is funding for some planning next year and potentially construction in 2024. Staff included some grant funding, however, it is not secured yet. Staff is working with vendors and City of Skate is one of the vendors. The City of Skate has some options for grant funding. Hennepin County and the state also have funding options. There are dollars in here for planning and designing.

Kumka reminded the park board that we will be visiting the Eden Prairie Skatepark next week on the park board tour.

Semersky asked for the reason why it was put in here before the feasibility study was done.

O'Dea answered that if we want to keep this project moving, we would want to be designing next year. The feasibility study is going to get us more information regarding location and where they think it is feasible to have an upgraded or new skatepark.

Durbin added that it doesn't mean that it is going to happen because there are 100 steps that could make it end, but it is good planning.

O'Dea explained that if there is ever a CIP project that's funded and it doesn't take place, that money would be reallocated in future years.

O'Dea asked if anyone wanted to see other specific pages or if there are any questions.

Semersky asked on a high level if staff has the total for the comparison for 2023.

O'Dea said he did not.

Ingraham asked how active the park and open space purchase is and if there are any potential parcels or areas that are on the radar.

O'Dea thought there was a list of parcels that staff would want to look at. This was created back in the day when they were looking at parcels on the creek and that was the focus. There is an internal land committee that meets monthly and usually the discussion is regarding somebody who is wanting to sell property to the city, or the city may have a vacant lot that they want to sell.

Ingraham asked if there has been any discussions by city staff or discussions with Three Rivers Park District regarding a park along the creek. Staff mentioned it once so he was

wondering if it was on their radar. He personally doesn't know where that would fit except maybe that large space adjacent to what is now the new medical examiners building.

O'Dea said he has not had any discussion lately.

Yetka commented that the property is owned by Hennepin County and they are working to create a wetland bank. They are going to be restoring and enhancing that wetland area next to the medical examiners building. There is kind of an oak knoll and then there is another wetland on the other side. They would be working to restore both wetlands and then put a conservation easement over the whole knoll. Yetka doesn't anticipate an option to purchase anything because it would be under a conservation easement.

Ingraham commented that the knoll would be great park space.

O'Dea asked if there were any questions or changes regarding the reprioritizations.

Walick said he is always impressed with all the thought and organization that goes into this document; staff does a great job so he doesn't have any changes.

Semersky questioned if something regarding a dog park was missing or if it is specifically being considered for Purgatory Park.

Kumka replied that we are going to discuss the need for a dog park in the city of Minnetonka. Since Purgatory Park is currently the number one spot for active dogs, it is going to be addressed in the park master planning for Purgatory Park.

Durbin added that the park board tour will be a good opportunity to get the pulse of what staff is thinking about regarding dog parks.

Ingraham thought the POST Plan feedback was interesting. If he remembers right, a good number of people did not feel safe in the parks due to dogs, whether they were on a leash or off a leash. They hear a lot about restoration but there is a lot more interest in dog safety, even among dog owners.

Ingraham moved, Semersky seconded a motion to approve the CIP elements that were presented here as presented for consideration by the city council.

Durbin thought they should approve the CIP as-is, not just what was discussed.

Ingraham moved, Semersky seconded a motion to approve sending the 2023-2027 CIP as-is to the city council. All voted "yes." Motion carried.

B. E-bike usage – Lone Lake Park Multi-Use Mountain Bike Trail

Recreation Program Manager Jesse Izquierdo gave the report.

Ingraham asked if all the local mountain bike trails accept all three classes or if some discriminate by class. One of Izquierdo's comments made him think that some aren't necessarily universal to all three classes.

Izquierdo found it a little surprising that the local trails under MORC have been following the state statute to allow all types of e-bikes as long as they meet the definition of what a bicycle is. He rationalizes it as when he is out on the trail, even though a road bike is allowed, rarely if ever would you see a road bike out there, whether it is an e-bike or not. What they see is people choosing to buy a mountain bike and go mountain biking because that is the type of bike you would want to use. We would assume that if e-bikes were allowed, people are going to choose the class 1 mountain bike specific bike because that is the tool you use to go mountain biking.

Ingraham explained that Izquierdo made him feel a little bit better about that. He has a problem with class 2 bikes on those trails philosophically and in general. However, it sounds like that doesn't really occur and the manufacturers aren't pushing class 2 mountain bikes.

Izquierdo responded that is what they are currently seeing. The big manufactures that are making mountain bike specific bikes are focused on making class 1.

Ingraham added that he has been trying to research this because he doesn't e-bike. He went to a shop that sells and services bikes and e-bikes and talked to them. It was interesting because he learned that class 2 e-bikes are not for the parks and that is kind of where he was at. He was also surprised when the person said a class 2 e-bike has enough torque that you could throttle through all of Lone Lake Park and never pedal. That sort of shocked him because we have some pretty good hills there. For him, philosophically that sort of takes away from what that experience is. He knows they are expanding access and the experience of being in the woods and if those are rare bikes, you shouldn't worry.

Durbin said it is interesting because nobody is going to be the bike police and check to see what kind of engine you have under the hood. The easy thing for the park board and city council before was to just say no to e-bikes. There was also a safety concern from the people who did not want a mountain bike trail in Minnetonka because they thought they were going to get run over by these bikes. Staff listed all the public comments here but they could also probably name the 10 people who submitted them. If this were to actually go through and get approved, what is the other side? Are people going to complain about this and have all their needs been addressed? There are people who now want a change and they are always louder. Are you going to be solving one problem by allowing the five people that want to ride an e-bike on this trail, and then have 100 people contact you and say something else?

Izquierdo thought that professionally sometimes you kind of look at what the best practices are. If there are concerns about this moving forward, an easy reply would be that we are following the best practices locally in Minnesota for the vast majority of not just the U.S. but the world. One argument he has read a lot in articles is that there are people that say if there is no research, you shouldn't allow e-bikes because you don't know what the impact will be. There are other people that say if there is no research to question and if it isn't causing any harm, we are not seeing any harm and it isn't being reported then why should you restrict it. As far as the feedback we may get, it is difficult to say. He thinks staff would be looking to just remove the rule rather than publicize it on our kiosks. When staff talked to other land managers locally, no one has indicated that this has been a big issue. He thinks that staff feels safe in that.

Durbin asked what the city attorney's opinion is on this since we are now discussing Minnesota statute 169.011, subdivision 27. As a city, we want to be compliant with the state statute. He wondered if we have to do it because the rest of the trails allow it, or do we need to do this because we might actually be doing something that is not right according to the law.

O'Dea responded that the city attorney has talked about e-bikes in general and on city trails but wasn't sure about this specific trail.

Ellingson commented that by ordinance, e-bikes are allowed with this statute on our formal trails. It is just a matter of adding this component to the mountain bike trail.

O'Dea mentioned that when you think about the city council's priorities about being welcoming and inclusive, he thinks this is where this one hits a little bit harder. Staff has received comments from people who can't use the facility because they physically can't do it. He doesn't know this for a fact but he assumes that the speed of somebody going downhill on an e-bike is similar to a regular bike. There are people who can't use the facility because they physically can't get up some of the hills and that is a concern for a lot of people.

Durbin said he doesn't have any objection if staff doesn't think there is a safety issue. He also thought that this isn't going to ruin Lone Lake Park; if it has no different consequence to the park or the trail as a regular bike, then he doesn't really care how somebody gets up and down. Staff should just be aware that anything that has to do with Lone Lake Park will have complaints about it. If staff thinks they can handle and address those complaints then he is for removing the rule regarding e-bikes.

Walick liked what O'Dea said and he is for e-bikes but there are a couple components in there. First, he appreciated the equity aspect of it. Not everyone can get up the hill but if there is a piece of equipment to assist them, they should absolutely be able to use it. Second, when he first saw 20-28 mph, he thought those were jarring numbers, however, e-bikes are more of a support system for people. It is being able to recognize that e-bikes aren't being used for those high speeds. These are support vehicles and you aren't going to have high speed races down the tracks.

Durbin commented that you aren't going to go 20 mph on the single-track.

Ingraham added that you could go down at that speed.

Izquierdo explained that some mountain bike trails are flat and straight where someone could go 20-28 mph; most mountain bike trails are built to be somewhat technical and are supposed to challenge you by turning. Someone that is choosing to use an e-bike, in most cases has something that will reduce their technical ability. It takes a lot of technical skills and years to get really good at mountain biking so the majority of people choosing to use an e-bike are likely going to be going slower than your accomplished mountain biker. This is because they are going to feel more comfortable going at that speed.

Walick questioned if there have been injuries at Lone Lake Park in regards to mountain bikers and walkers.

Izquierdo answered that he has heard of people getting injured but nothing has been reported and staff hasn't checked with public safety lately.

Ingraham asked if they were injured by biking alone or by a biking instance such as a collision.

Izquierdo replied that we haven't heard of any collisions.

Walick explained that in terms of safety, when you hear a speed of 20 mph, you think of collisions but there hasn't been any. With the speed and the cautiousness of the e-bike, he doesn't foresee there being more collisions. If there hasn't been any collisions as of yet, he doesn't see that happening. He questioned what would cause the trail to wear because he thought it would be a difference in tires and weight. It seems like e-bikes aren't significantly different in those areas to start tearing up the trail and digging in so he doesn't see that being an issue either. As Izquierdo mentioned, damage happens when people are riding when the trail is wet or are breaking too hard. Walick also said that staff mentioned being able to keep track of the wear and the tear from the e-bikes if this does move forward. He questioned if there are groups that would be interested in monitoring that or doing the research since there isn't research out there.

Durbin recommended not to open anymore research near that trail. He thinks if there is a state statute, other trails have done it and there is an equity issue than personally he would recommend it based on that. He wouldn't try to over analyze anything else because they could be creating more problems that didn't exist back a few years ago when they were designing the trail.

Izquierdo responded that a piece of this that staff liked is following the state statute. If we are following the state statute and there are concerns around e-bikes and something changes, we would follow that and follow along in best practices.

Durbin moved, Semersky seconded a motion to approve updating the multi-use mountain bike trail administrative usage policy and rules to allow for e-bikes as defined by the Minnesota Statute 169.011 of subdivision 27. All voted "yes." Motion carried.

8. Park Board Member Reports

There were none.

9. Information Items

Ridgedale Commons/Crane Lake Preserve

O'Dea gave the report.

Ingraham asked if they had to replace one tree.

O'Dea said it looks like there might be one tree that they will have to replace due to winter burning or freezing. There is an agreement with the contractor about that.

Durbin added that Ridgedale Mall is getting very busy again, which is wonderful because this will be used.

O'Dea said it has been busy with Dick's Sporting Goods opening and some construction there. They will also be redoing that parking lot.

Skate Park Feasibility Study

Kumka gave the report.

Habitat Stewardship Program

Yetka gave the report

10. Upcoming Park Board Agenda Items

O'Dea gave the report.

Walick asked how the pre-season passes at Shady Oak Beach compares to previous years.

O'Dea replied that the numbers were very similar. A lot of times, during the first warm week in June is when people figure out if they want a season pass.

11. Adjournment

Durbin made a motion to adjourn the meeting at 7:48 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Kathy Kline

Kathy Kline
Recreation Administrative Coordinator

**Minnetonka Park Board Item 7A
Meeting of August 3, 2022**

Subject:	Land donation request – 11209 Timberline Rd.
Park Board related goal:	To renew and maintain parks and trails
Park Board related objective:	Identify areas of the city that are deficient of park or trail amenities.
Brief Description:	A group of Minnetonka residents would like to donate property to the city to be used as a future park

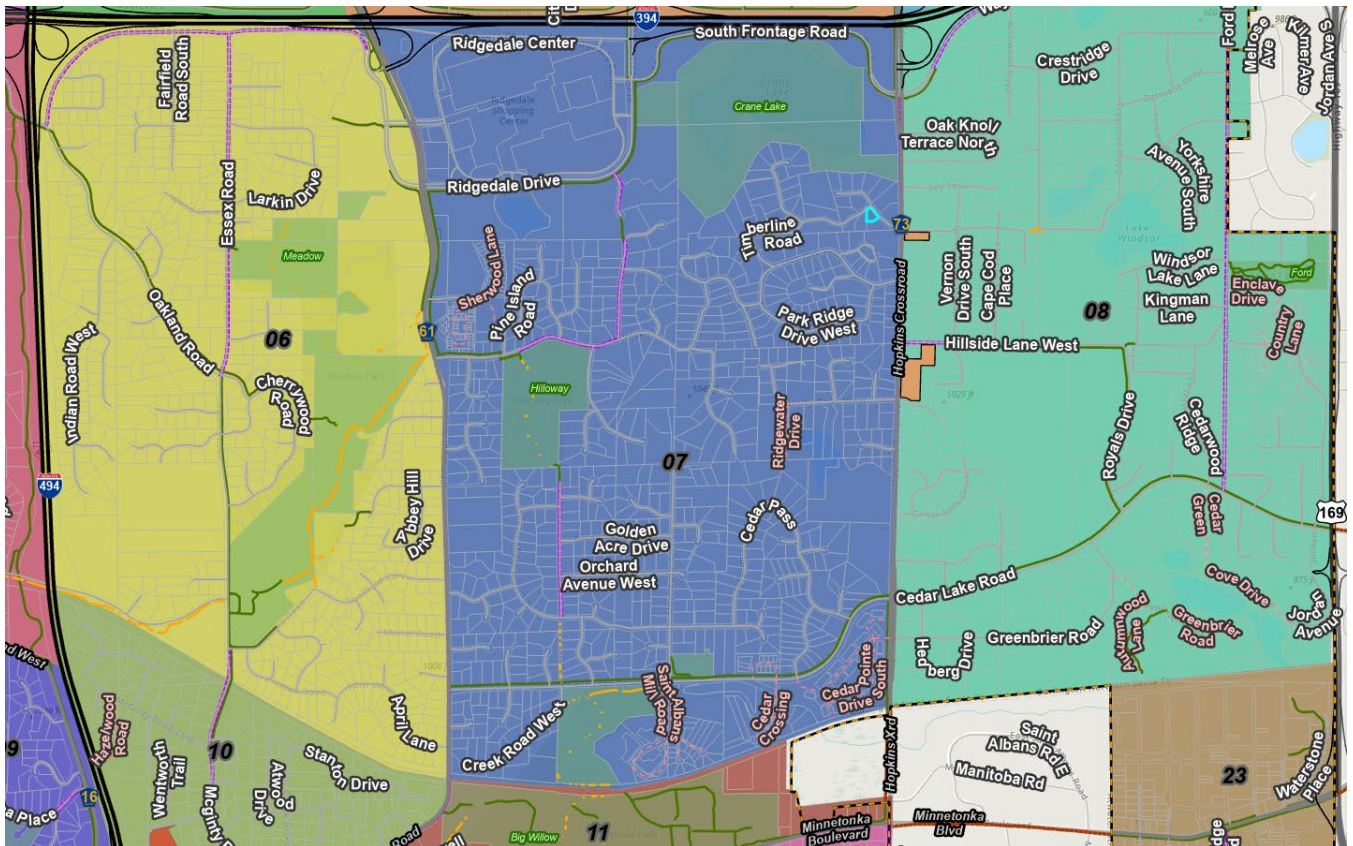
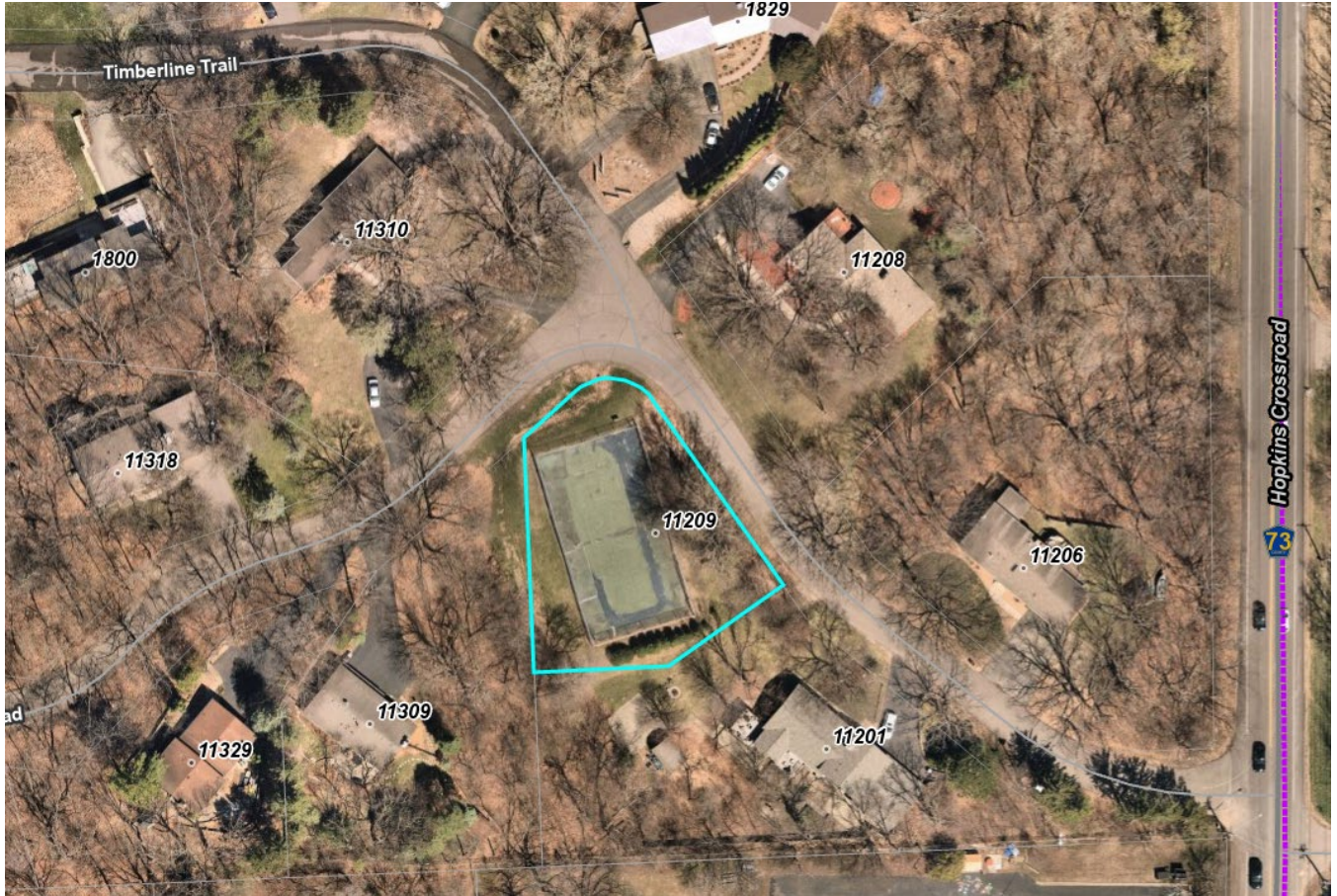
Background

In the 1980's a group of Minnetonka residents formed an association and constructed a tennis court at 11209 Timberline Rd. The members of the group no longer fully utilize the court and would like to donate the property to the city to be transformed into a neighborhood park.

Summary

11209 Timberline Rd is 0.4 acre parcel located at the intersection of Timberline Rd. and Timberline Trl. just to the west of Hopkins Crossroad and is part of Neighborhood Park Service Area (NPSA) 7. Crane Lake, Hilloway, Mayflower, and a portion of Big Willow Park are located in this NPSA, along with the soon to be completed Ridgedale Commons. Mayflower Park, located at the southern end of the NPSA at the intersection of Cedar Lake Rd and Mayflower Ave., is the only park with playground equipment. If this parcel is added to the park system, all homes would be within a one mile walk of a park with amenities (Mayflower and Ridgedale Commons) with the exception of the Fetterly Rd neighborhood. Additionally, with the addition of this park it would locate approximately 160 homes within a one-mile walk to the park. Currently, residents have to walk up to 2.2 miles to get to Mayflower Park to use the playground.

If the property is accepted, a project to build the park would be placed in a future Capital Improvement Program for construction between 2024 and 2028. Neighborhood meetings would be held to get feedback for desired amenities for the park. The park would be considered a Mini Park intended to serve the neighboring homes with the intention of the majority residents walking or biking to the park. As the project goes through the design process the site would be evaluated if it could accommodate a handicap parking stall at a minimum, with a maximum of one or two additional parking stalls. Public Works crews would remove the existing fencing and court and assume mowing/maintenance of the property upon acceptance of the property.



Recommended Park Board Action: Recommend acceptance of the property and forward to city council.

**Minnetonka Park Board Item 7B
Meeting of August 3, 2022**

Subject:	Memorandum of Understanding (MOU) with the Friends of Cullen Nature Preserve and Bird Sanctuary
Park Board related goal:	To protect natural resources and open space
Park Board related objective:	Continue to review and comment on the implementation of the natural resources stewardship plan
Brief Description:	Review MOU and provide recommendation to the City Council

Background:

In 2015, the City acquired the 30-acre tract of land located at 2510 and 2620 Oakland Road in Minnetonka, Minnesota from the Estate of Ann Cullen Smith. The Property, which is also referred to as the “Cullen Nature Preserve”, is encumbered by a conservation easement in favor of the Minnesota Land Trust, recorded on June 28, 2004. Since that time, the city has undertaken significant efforts to restore native habitat in collaboration with the nonprofit organization Friends of Cullen Nature Preserve and Bird Sanctuary (FCNP).

The FCNP is a 501(c)(3) non-profit organization incorporated under the laws of the State of Minnesota. The purpose of the organization is to preserve and restore the natural resources of the Cullen Nature Preserve, foster an appreciation and understanding of nature, and provide quality, low-impact, nature-based opportunities for the community such as hiking, birdwatching, and nature photography.

The FCNP is committed to honor the vision of Ann Cullen Smith and uphold the tenets of the easement agreement between the city and the Minnesota Land Trust. Collaborative activities performed by the FCNP include obtaining grant funds for restoration activities, assisting in overseeing restoration contractors, and expending a considerable amount of volunteer time on invasive species removal and replanting efforts, vegetation surveying, bird surveying, and other technical assistance tasks.

Summary:

In recognition of the amount of time and resources the FCNP have already committed to the city and the Cullen Nature Preserve, plus a desire to do more, staff recommend entering into a formal Memorandum of Understanding (MOU) between the city and the FCNP. The MOU will serve as a framework for a long-term collaborative partnership between the two organizations that ensures ongoing stewardship of the Cullen Nature Preserve property.

A draft MOU is included below, and generally addresses:

- ongoing maintenance and improvements
- channels of communication and ongoing training
- collaboration in restoration planning efforts and development of annual workplans

- permission to enter the property and work independently by leading volunteer events, learning opportunities such as site tours, and scientific data collection activities such as plant and bird surveys
- fundraising for specific projects or programs

The draft MOU has been reviewed by the city attorney as well as the FCNP for form and content. City staff are looking for feedback and requesting a recommendation from the Park Board to send the MOU to the city council for approval.

Recommendation Action:

Receive presentation and provide recommendation of approval of the Memorandum of Understanding between the City of Minnetonka and the Friends of Cullen Nature Preserve and Bird Sanctuary to the city council

Attachment

Draft Memorandum of Understanding between the City of Minnetonka and the Friends of Cullen Nature Preserve and Bird Sanctuary

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CITY OF MINNETONKA, MN
AND THE
FRIENDS OF CULLEN NATURE PRESERVE AND BIRD SANCTUARY

This **Memorandum of Understanding** (“MOU”), is made as of _____, 2022 by and between the **City of Minnetonka**, a Minnesota municipal corporation (herein the “City”), and the **Friends of Cullen Nature Preserve and Bird Sanctuary**, a Minnesota non-profit corporation (herein the (“Friends”)), and together known as the “Organizations”.

Recitals

A. In 2015, the City acquired a 30-acre tract of land located at 2510 and 2620 Oakland Road in Minnetonka, Minnesota (the “Property”) from the Estate of Ann Cullen Smith. The Property, which is also referred to as the “Cullen Nature Preserve” or “Preserve,” is encumbered by a conservation easement in favor of the Minnesota Land Trust (the “Land Trust”), recorded on June 28, 2004 as Document No. 8386356 in the Office of the Hennepin County Recorder (the “Easement”). The Easement specifies the conservation intent, policies and restrictions which are consistent with the goals of the City and the Friends.

B. The Friends is a 501(c)(3) non-profit organization incorporated under the laws of the State of Minnesota. The purpose of the Friends is to preserve and restore the natural resources of Cullen Nature Preserve, foster an appreciation and understanding of nature, and provide quality, low-impact, nature-based opportunities for the community such as hiking, birdwatching, and nature photography. The Friends are committed to honor the vision of Ann Cullen Smith and uphold the tenets of the Easement.

C. This MOU provides a framework for a sustainable partnership between the City and the Friends for mutual support, preservation and restoration of Cullen Nature Preserve, including channels of communication, creation and interchange of information, as well as scientific, technical, and organizational collaboration in the restoration, preservation, and use of the Cullen Nature Preserve.

The City and Friends have reached the following understanding:

SECTION 1. NONBINDING UNDERSTANDINGS. This MOU sets forth the nonbinding understandings of the Organizations with respect to their collaboration and partnership concerning the Cullen Nature Preserve.

SECTION 2: CITY RIGHTS AND RESPONSIBILITIES:

1. Maintenance and Improvements. The City will maintain reasonable pedestrian access to the property. All improvements constructed on City property shall be and remain the property of the City. All materials, including records, data, and other information acquired, developed or documented under this MOU shall be the property of the originating party, unless otherwise mutually agreed upon by the Organizations.
2. Communication and Training. The City will:
 - a. Communicate with the Friends prior to contractor activities at the Preserve, and invite the Friends to meetings with contractors and staff regarding work conducted at the Preserve.
 - b. Make available staff technical assistance, materials and support for Friends and volunteers when feasible.
 - c. Recognize the Friends as an affiliated citizen's group associated with the Preserve, and provide opportunities for promotion of the Friends and joint activities via City communication channels as feasible.
3. Planning
 - a. The City discloses that it is obligated to comply with the Easement and to inform the Land Trust of any changes or improvements to the property.
 - b. The City will develop a yearly work plan for the Preserve. The City will work collaboratively with the Friends when developing the work plan, and will provide the Friends the opportunity to review and comment on the work plan before it is finalized. The City will notify the Friends, in a timely manner, if there are alterations or modifications to the work plan.
 - c. The City will collaborate with the Friends to gather input in master planning efforts for the Preserve.
4. Grant of Permission to the Friends. The City will permit the Friends to engage in the following activities at the Preserve, subject to applicable requirements in Section 2 of this Agreement:
 - a. Upon prior notification to the City, the Friends may schedule and use the Preserve for passive activities such as volunteer events, education programs, scientific research and monitoring.

- b. The Friends may conduct approved restoration activities with volunteers at the Preserve in accordance with the annual work plan and conservation easement requirements.

SECTION 3: FRIENDS OF CULLEN PRESERVE RIGHTS AND RESPONSIBILITIES

1. Scheduling Activities

- a. The Friends may organize, recruit and supervise restoration volunteers to work in accordance with the yearly work plan and conservation easement requirements. Friends will coordinate with the appointed City natural resources staff person (“Liaison”) regarding the volunteer event dates and areas to be restored.
- b. Friends volunteers may work independently with Liaison’s approval and assurance that trained supervision will be present. When working independently the Friends will be responsible for obtaining City waivers and recording hours. Use of equipment is limited to hand tools only.
- c. All other group activities such as plant and bird surveys, tours, or other learning opportunities will be communicated to the Liaison.
- d. It is acknowledged by the Organizations that the Preserve is not open to the general public. However the Friends may access the Preserve without prior City approval to conduct activities prescribed above.

2. Insurance

- a. Personal Property Damage. The City does not provide personal property protection for any items the Friends may use or store at the Preserve.

3. Communication and Appointment of Responsible Person

- a. The Friends will appoint a responsible person to be the line of communication with the City Liaison.
- b. The Friends will schedule and attend quarterly meetings with the City Liaison or their designee to coordinate joint efforts and plan/execute annual work plans. Joint efforts may include activities such as submitting grant applications, grant execution, and identifying and seeking other sources of funding. It is noted that when the Organizations are in active restoration and grant execution phases, more frequent meetings may be warranted.

4. Fundraising

- a. The Friends may raise funds for specific projects or purposes (e.g. a small foot bridge for wet areas, signage, seeds). Friends will coordinate with the City on these activities to be part of the

planning process. No grant applications will be submitted on behalf of the City without the expressed written approval of the City Natural Resources Manager.

- b. The Friends may not construct any improvements on the Property without prior written consent of authorized City staff or, when required, the City council.

5. City Ordinances and Conservation Easement. The Friends shall abide by all City ordinances and the Easement.

SECTION 4: GENERAL PROVISIONS

1. Term of Agreement. The term of this MOU will start _____, 2022 and extend through December 31, 2022. Thereafter, this MOU will be automatically extended on an annual basis for successive calendar years (January 1 – December 31).
2. Waiver and Amendment. During the term of this MOU, either party may request an amendment to the MOU. The party requesting the amendment will submit the proposed amendment in writing to the other party and the Organizations shall reasonably confer on the amendment. Any amendment to this MOU must be in writing and signed by both Organizations.
3. Termination of MOU. Either party may terminate this MOU upon 30 days' prior written notice to the other party.

IN WITNESS WHEREOF, the parties have entered into this Agreement as of this _____, 2022.

CITY OF MINNETONKA, a Minnesota Municipal Corporation

By: _____

Printed Name _____

Title _____

FRIENDS OF CULLEN NATURE PRESERVE AND BIRD SANCTUARY, a Minnesota non-profit corporation

By: _____

Printed Name _____

Title _____

DRAFT

**Minnetonka Park Board Item 9
Meeting of August 3, 2022**

Subject:	Information Items
Park Board related goal:	N/A
Park Board related objective:	N/A
Brief Description:	The following are informational items and developments that have occurred since the last park board meeting.

Summer Fest

Minnetonka Summer Fest took place on Saturday, June 25 on the Civic Center grounds. Attendance was approximately 5,800 which is just below average. Attendees participated in the kids tot trot, inflatables, arts and crafts and enjoyed a variety of food vendors, musical entertainment and fireworks. This event is a team effort coordinated by the Recreation Services department and supported by public works, police, fire, and environmental health. Finally, over \$1,000 was raised for the recreation scholarship fund through the sales of light up glow sticks during the fireworks.



Pickleball Court Requests

Staff is continuing to receive interest in additional courts in the north side of town. The development of additional pickleball facilities is supported by the POST plan. The courts at Lone Lake Park are regularly at capacity as the sport continues to grow in popularity. Staff will be looking into available site options for

additional court development with an emphasis on sites away from Lone Lake Park. The process would entail performing a site options ranking exercise which would be brought to the Park Board for consideration at an upcoming meeting.

Park Board Member Sign-Up for Monthly Habitat Stewardship Meetings

To support our collaborative relationship with the Friends of Minnetonka Parks and other environmentally focused volunteers in the City, on-going monthly Habitat Stewardship meetings have begun in May 2022. The focus of these meetings is to inform those in attendance of on-going habitat restoration and planning efforts throughout the park system as well as coordinate volunteer events and engagement, while providing a forum for collaboration and idea generation. Park Board members are invited to attend these meetings and learn more about park restoration projects and planning efforts. Staff will send out a quarterly reminder to Park Board members with a sign-up poll for the upcoming meetings. The Habitat Stewardship meetings are held on the third Monday of each month at 12:00pm.

**Minnetonka Park Board Item 10
Meeting of August 3, 2022**

Upcoming 6-Month Meeting Schedule				
Day	Date	Meeting Type	Agenda Business Items	Special Notes
Wed	9/7/22	Regular	<ul style="list-style-type: none"> Guidelines for evaluating special projects 	
Wed	10/5/22	Regular	<ul style="list-style-type: none"> 	
Wed	11/2/22	Regular	<ul style="list-style-type: none"> NR Education, Outreach and Engagement Plan LLP Multi-use mountain bike trail annual update Skate Park Feasibility Report 	Joint meeting w/council
Wed	12/7/22	Regular	<ul style="list-style-type: none"> Review of 2022 Farmer's Market Operations and recommendations for 2023 	
Wed	1/4/23	Regular	<ul style="list-style-type: none"> Appointment of chair and vice-chair 	
Wed	2/1/23	Regular	<ul style="list-style-type: none"> 	

Other meetings and activities to note:

Day	Date	Description	Special Notes
Tues		Farmer's Market	Tuesdays – Civic Center Campus
Tues		Music in the Park	Tuesdays – Civic Center Campus
Fri	10/28/22	Burwell Spooktacular	Burwell House grounds, 5-8 pm

Items to be scheduled:

**Park regulation ordinance – dogs/leash requirements
Climate Action & Adaptation Plan**