



Addendum

Minnetonka Park Board

Meeting of January 3, 2024

ITEM 7A – Purgatory Park Master Plan – Preliminary Strategies Regarding Dogs

- **Additional information submitted after the distribution of the park board packet**
- **Feedback received after the distribution of the park board packet**

City of Minnetonka Municipal Code/Ordinances

[SECTION 925. ANIMAL CONTROL REGULATIONS. \(amlegal.com\)](#)

Highlighted emphasis added.

925.085. Prohibitions.

1. An owner must not cause or permit his/her dog to run at large within the city limits, including within a public park, except as otherwise allowed by this code. Being "at large" means being off the property of the person owning, harboring or keeping the dog and not: (a) at heel beside a person having custody of it and obedient to that person's command; (b) within a private motor vehicle of a person owning, harboring or keeping the animal; or (c) controlled by a leash not exceeding six feet in length. For purposes of clause (a) of this subdivision, the person must be able to demonstrate that the dog will respond to the person's voice or nonverbal command on the first command given.
2. An owner must not cause or permit his/her dog to be on a public beach or school grounds, even if under restraint, except for dogs that have been specially trained and certified to perform tasks to assist people, such as handicapped assistance, police canine duties, or search and rescue.
3. A person must not abandon an animal within the city.
4. A person must not keep, own, harbor or otherwise possess a public nuisance animal, which is one that:
 - a. is maintained in a manner that violates section 925.080(2);
 - b. by virtue of number or types of animals maintained, is offensive or dangerous to the public health, safety or welfare; or
 - c. has been the subject of a violation of this chapter more than two times in a 24-month period.
5. A person must not own, keep, or have in his/her possession an animal that unreasonably causes annoyance or disturbance to another person by frequent howling, yelping, barking, or other kinds of noise. The phrase "unreasonably causes annoyance or disturbance" includes the creation of noise by an animal which can be heard by any person, including an animal control officer or a law enforcement officer, from a location outside of the unit, building or premises where the animal is being kept and which animal noise occurs repeatedly over at least a five-minute period of time with one minute or less lapse of time between each animal noise during the five-minute period. The noise described in this paragraph is not a violation if the defendant can affirmatively prove that the noise occurred due to harassment or injury to the animal from someone or something other than the owner or keeper of the animal, or due to a trespass upon the property where the animal was located. When there has been a violation of this paragraph, the enforcing officer has the discretion to issue or to not issue a citation, based on the officer's good judgment and the circumstances of the situation.
6. A person must not permit an animal under his/her care, custody or control to damage another person's lawn, garden or other property.
7. A person must not injure, harass, or interfere with a police canine in the lawful performance of its duties, or attempt, permit or cause the same.
8. An owner of an animal must not fail to restrain the animal from inflicting or attempting to inflict bodily injury on a person at any place or on a domestic animal off the owner's property, except in the circumstances specified in section 925.005(10), paragraphs d, e, and f.
9. A person, except police officers in the lawful performance of their duties using a police canine, must not cause or encourage an animal to engage in unprovoked attacks upon human beings or domestic animals.
10. A person must not own, possess, harbor, or train an animal for the purpose of fighting with other animals.
11. A person must not permit an animal under his/her care, custody or control to defecate on public or private property without permission of the property owner, unless the person immediately cleans up and disposes of the animal's feces in a sanitary manner. A person who has custody or control of an animal on property that the person does not own or occupy must have in his/her immediate possession suitable equipment for picking up and removing the animal's feces in a sanitary manner. The person must dispose of the feces in appropriate waste containers, at a location owned or occupied by the person, or at a location where the person has been given permission to do so. The provisions of this paragraph do not apply to a blind person accompanied by a service dog or a person physically unable to clean up after a dog, and does not apply to a person in control of a dog involved in official police or rescue activities.

(Amended by Ord. #2021-08, adopted May 10, 2021; Amended by Ord. 2011-26, adopted December 19, 2011; amended by Ord. #2011-08, adopted June 6, 2011; amended by Ord. #2002-13, adopted May 20, 2002)

925.090. Confinement in Motor Vehicle.

1. A person must not cause or allow an animal to be placed or confined in a motor vehicle without adequate ventilation when the atmospheric temperature, humidity, and sun rays can be reasonably expected to cause suffering, disability or death. Evidence that the animal is suffering from heat stress is prima facie evidence of a violation of this section.
2. This section does not prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for that purpose.
3. Authorized city personnel who find an animal in a motor vehicle in violation of this section may break and enter into the vehicle if necessary to remove the animal. Neither the personnel nor the city will be liable for vehicle damage that results. An animal removed must be taken immediately to the animal impounding facility to be evaluated by a licensed veterinarian. The personnel must leave within the vehicle a written notice giving their name and position and the address where the animal may be redeemed. The owner of the animal is responsible for all medical and housing expenses incurred.

From: Jane Ball

To: Matt Kumka

Subject: Re: Purgatory Park

Date: Monday, January 1, 2024 5:39:22 PM

PS - Also, I do not want there to be a mountain bike trail in Purgatory Park. The one in Lone Lake is enough. On Jan 1, 2024, at 5:19 PM, Jane Ball wrote:

Hello - Sorry to be so late to the party with my opinion. I just learned that there is consideration to making a fenced-in

off-leash dog park in Purgatory Park. I think that's fine, as long as it does not change the current policy that the entirety of Purgatory Park, other than the major maintained paths, is an off-leash dog park. I have been coming to Purgatory Park for around 40 years, first without a dog, and later with all of my three consecutive dogs. I rely on Purgatory Park (and Jidana Park) for the beauty of the parks and for exercise and socialization of my dogs and myself. I do not want us to be relegated to a cage, no matter how big.

Aside from that, thank you to the City and the Friends for all the work you/they have done over the years and especially in the last year removing buckthorn. I have joined in this effort many times over the years in several Minnetonka parks as well as in "my spot" along the trail, so I know what a big and terrible job it is and the huge accomplishments that have been made. Thank you City for making this a priority.

Thanks for listening.

Jane Ball
3422 Meadow Lane
Minnetonka

From: Angela Moreira

Sent: Wednesday, January 3, 2024 1:54 PM

To: David Ingraham <dingraham@minnetonkamn.gov>; Ben Jacobs <bjacobs@minnetonkamn.gov>; Korey Beyersdorf <kbeyersdorf@minnetonkamn.gov>; Ella DiLorenzo <edilorenzo@minnetonkamn.gov>; Anne Hanley <ahanley@minnetonkamn.gov>; Katie Semersky <ksemersky@minnetonkamn.gov>; Christopher Walick <cwalick@minnetonkamn.gov>; Matt Kumka <mkumka@minnetonkamn.gov>; Kelly ODea <kodea@minnetonkamn.gov>

Subject: Preliminary Off-leash dog area

Dear Park Board Members,

In response to the new preliminary strategy regarding off-leash dogs in Purgatory Park, the plan is favorable in terms of defining a specific area for this activity. It does not solve, however, the concerns and discussion points identified from the December 6th Park Board Meeting. The underlying issues identified were a lack of enforcement which has created a culture of bad behavior and a lack of a physical barrier. The question remains if the enforcement will improve with this preliminary plan without a physical border. Without a physical border, the defined area may again be difficult to be legally upheld in court. Since the new preliminary off-leash area is close to the main trail, the safety of walkers on the main trail and in surrounding neighborhoods will remain a concern. Dogs tend to see movement or other dogs on the main trail and run out and it is very difficult to correct a dog at that point with voice command. Formalizing trails and

creating a designated area that has no fence or physical border will likely not solve this safety issue.

In addition, great effort has been spent to create a prairie restoration in the middle of the park and the NRMP identified that area as the highest priority due to its quality of habitat. Unfortunately, a dog park in this location is not going to sustain this quality of habitat and it has already degraded much of the area surrounding the benches. The city is spending money to hire consultants to understand the ecology of the park, but not incorporating this feedback into a thoughtful and comprehensive park plan is a waste of money and time. Therefore, this plan should be a temporary measure and efforts should immediately begin looking at a more suitable long-term location.

Here are my suggestions after extensive review of the preliminary plan:

- Institute a leash regulation at Purgatory Park such that all dogs must be on leash within the park boundary unless in an otherwise signed and designated location.
- Fence the defined preliminary off-leash dog area at a minimum of fifty feet from the main trail to create a physical border.
- Change the timeline to hold this temporary measure for a maximum of 1-2 years.
- Edit the language of the current leash ordinance to state that all dogs must be on leash in Minnetonka City Parks except for designated and signed areas and send this to the city council for adoption.

In summary, to improve the safety and equality of Purgatory Park, the preliminary off-leash area needs to have clearly defined and enforceable borders and corresponding clear expectations for off-leash dog owners.

Thank you for your time and consideration,
Angela Moreira

.....

From: Heather Holm

Sent: Wednesday, January 3, 2024 3:16 PM

To: Korey Beyersdorf <kbeyersdorf@minnetonkamn.gov>; Christopher Walick <cwalick@minnetonkamn.gov>; Ben Jacobs <bjacobs@minnetonkamn.gov>; Katie Semersky <ksemersky@minnetonkamn.gov>; Ella DiLorenzo <edilorenzo@minnetonkamn.gov>; Anne Hanley <ahanley@minnetonkamn.gov>; David Ingraham <dingraham@minnetonkamn.gov>

Cc: Kelly ODea <kodea@minnetonkamn.gov>; Matt Kumka <mkumka@minnetonkamn.gov>

Subject: Comments for tonight's meeting re proposed off-leash dog area

Hello Park Board Members,

I support the proposed off-leash dog plan but have some **comments, additions, and information in the attached document** that I would like you to consider in your decision-making process.

Thank you to staff for their work on this component of the park master plan and for incorporating feedback they've received from the Park Board.

Sincerely,

Heather Holm

15327 Lake Shore Ave

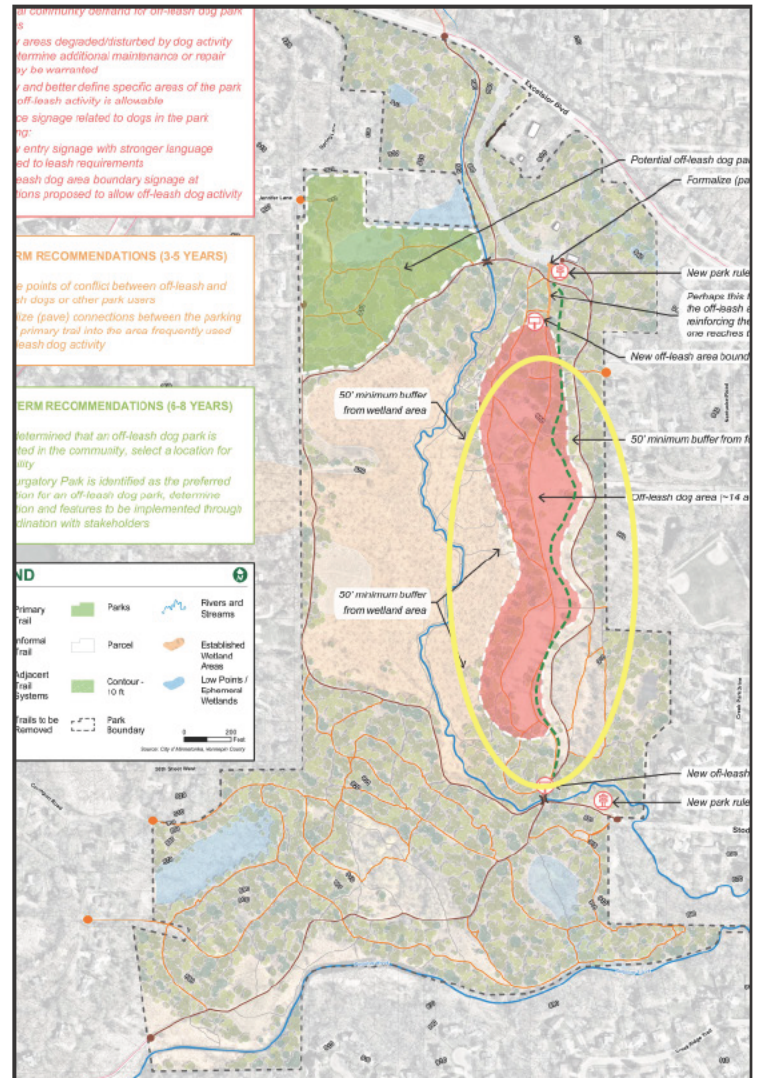
Minnetonka, MN

Dear Park Board,

I support the proposed off-leash dog plan as long as it's a temporary plan and *if* a permanent solution can be achieved in a timely manner. I have the following comments and additions to the proposed plan for a temporary off-leash area within Purgatory Park included in the agenda packet.

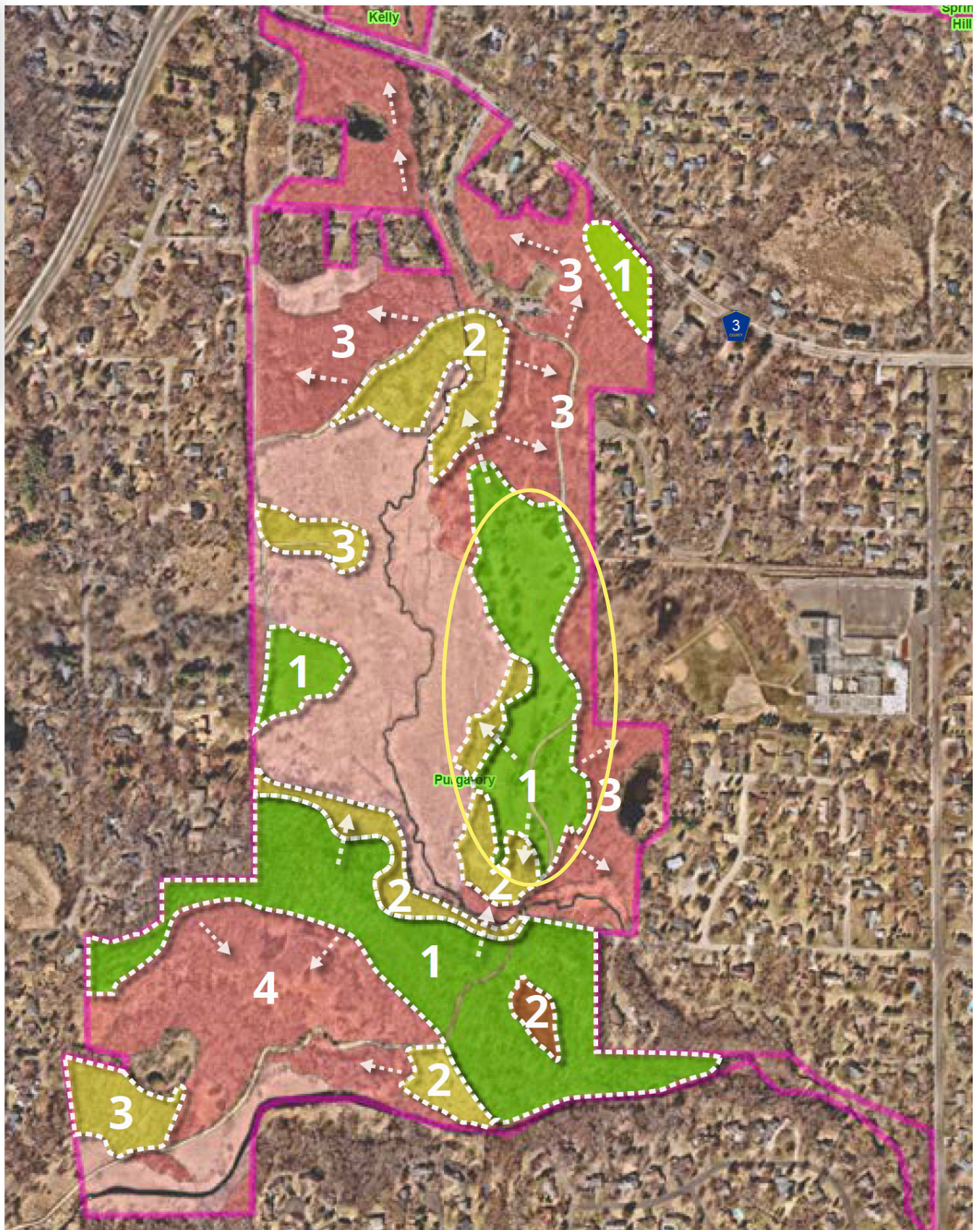
Although environmental degradation of the restored tallgrass prairie will continue with the proposed temporary plan, I think the plan is a short-term reasonable compromise to a complex issue. Thank you to staff for their work on this component of the park master plan and for incorporating feedback they've received from the Park Board.

1) The Park Board Mission is to “Adhere to the goals and strategies of the *Natural Resources Master Plan (NRMP)* and the *Parks, Open Space, and Trails (POST) Plan*”. This plan does not adhere to the goals and strategies of the NRMP. The proposed off-leash area occurs in an area identified as **high quality and high priority** for restoration. I would like you to keep this in mind as you consider the timeline for finding a long-term solution. The long-term solution cannot include the continued unsustainable degradation of this high quality, restored prairie.

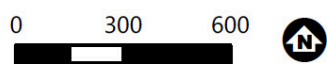


Proposed Off-Leash Area Map (January 2024 Park Board Packet)

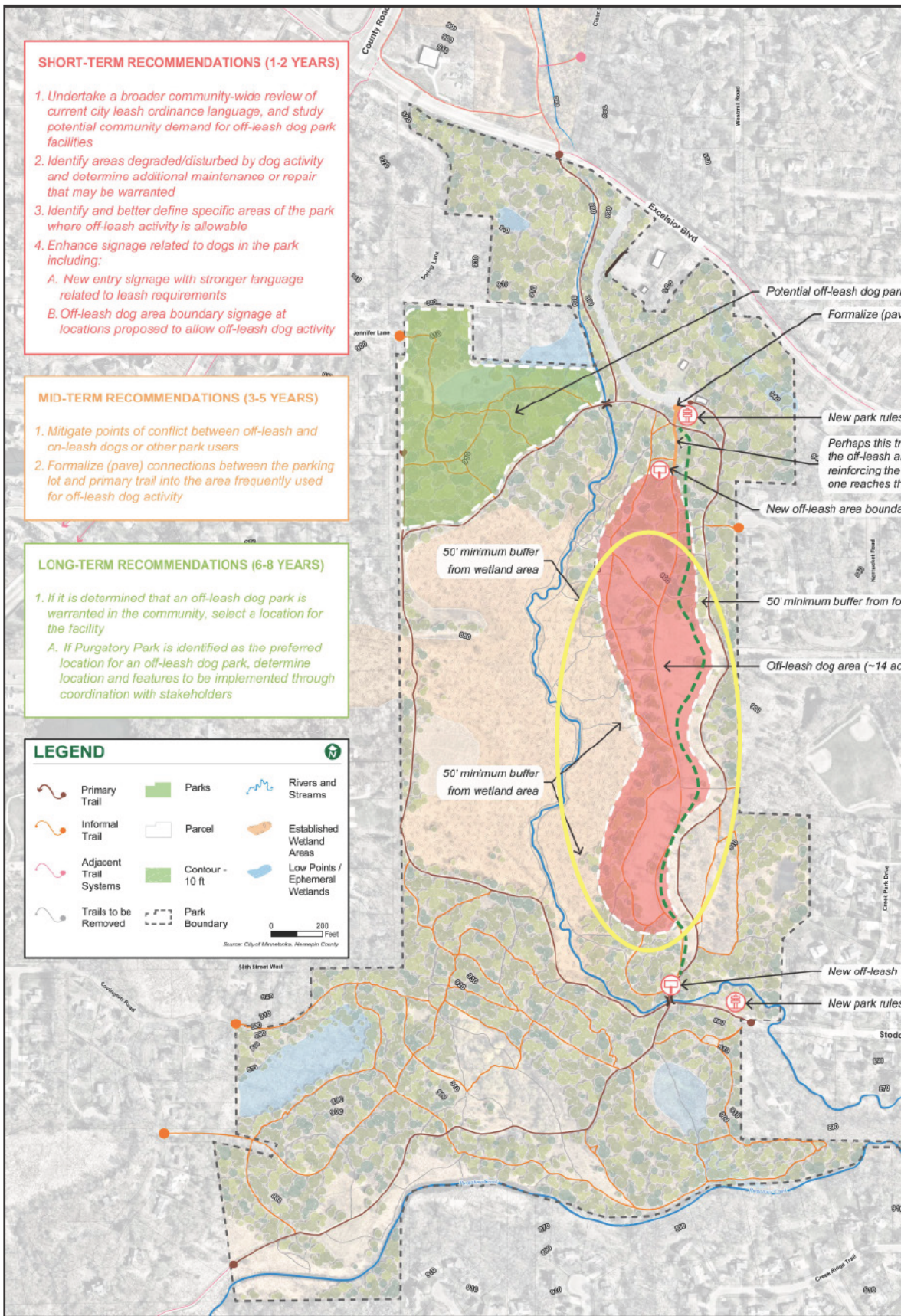
Note the proposed off-leash area is a high quality and high priority area identified in the NRMP.



Restoration Priority



- High
- Medium
- Low
- Lowest Priority
- N/A
- Minnetonka Park



Proposed Off-Leash Area Map (January 2024 Park Board Packet)

Note the proposed off-leash area is a high quality and high priority area identified in the NRMP.

2) Other than the proposed 50-foot buffer, the plan does not address immediate park visitor safety concerns, minimize dog-dog or dog-park visitor conflicts, or curtail damage and nuisance by dogs running outside of park boundaries and onto adjoining private property.

Erecting a temporary 5-foot high, woven-wire fence along the east boundary would achieve the following:

- a) prevent dogs from running into the adjoining neighborhoods and onto the maintained trail
- b) reduce or eliminate unsolicited dog-dog or dog-park visitor interactions on the maintained trail
- c) limit dog conflicts between leashed, fearful dogs and off-leash dogs
- d) increase public safety and reduce accidents and injury
- e) allow a portion of the restored prairie to recover and rest
- f) define a safe area for staff, volunteers, or restoration contractors to work without worrying about any unsolicited interactions with off-leash dogs
- f) define a boundary so community service officers can clearly enforce the ordinance



*October 2022 drone image of proposed temporary off-leash area, view looking north.
Green line represents proposed temporary fence*

The ecological degradation of the restored prairie is on an unsustainable trajectory. Staff and elected officials must act quickly to prevent the loss of this natural asset and park amenity.

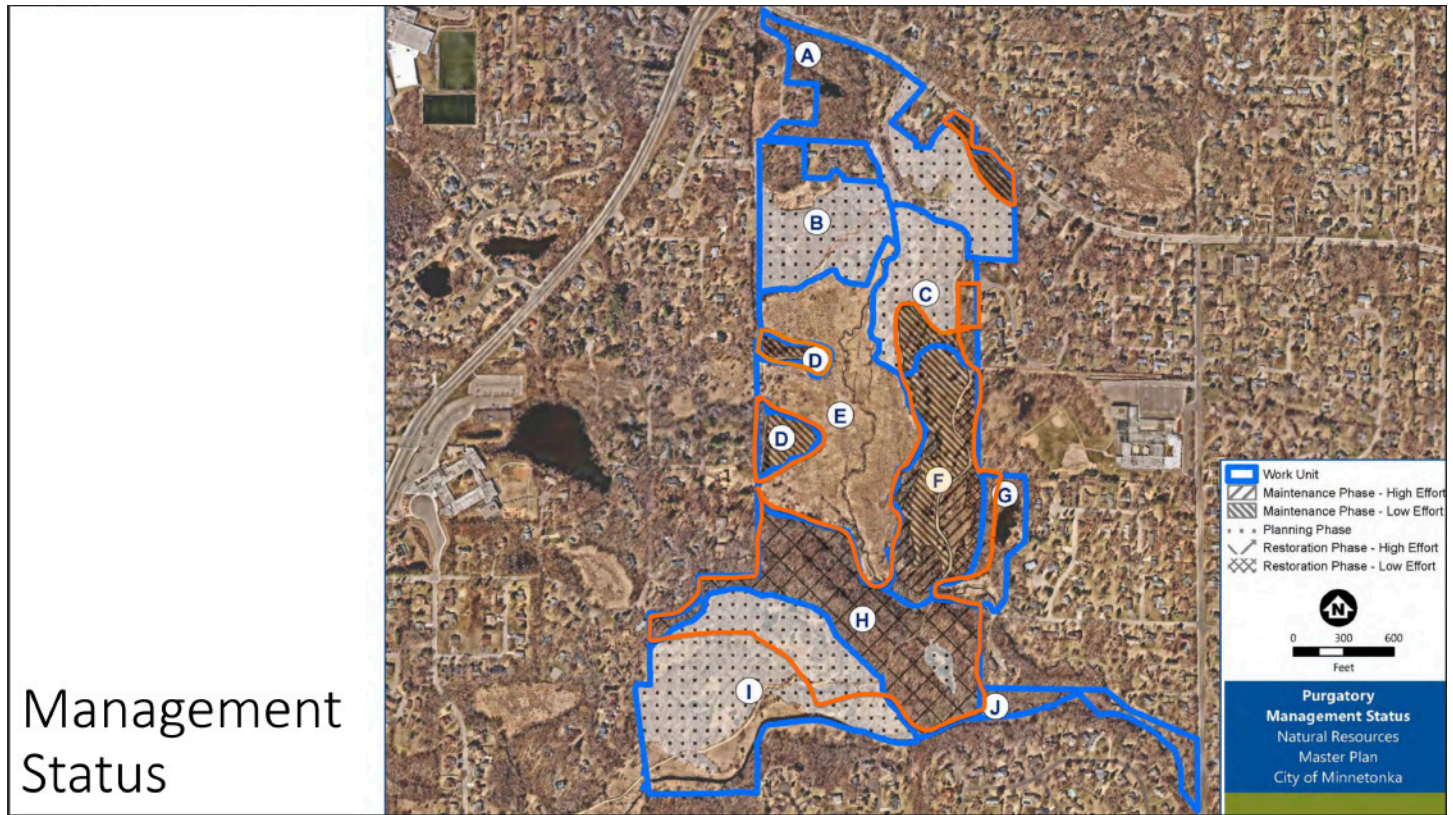


*October 2022 drone image of proposed temporary off-leash area, view looking south
Green line represents proposed temporary fence*



*October 2022 drone image of proposed temporary off-leash area, view looking south-southwest
Green line represents proposed temporary fence*

3) The off-leash area in the proposed plan does not comply with the current leash ordinance. The area, as indicated in the management status map below, is a **maintained area**. **Per the ordinance, dogs may not be off-leash in maintained areas within parks.**



*P. 7 Purgatory Park Ecological Communities Regeneration Plan (NRMP)
Map of Maintained Areas Within Purgatory Park, Purgatory Park Management Status Map
(areas highlighted in orange reflect mapped and additional areas managed by staff, contractors, or volunteers)*

For this reason and the inevitable ongoing and continued environmental impacts, this plan cannot be a long-term plan because it does not adhere to the current ordinance.

4) The plan does not address or quantify any environmental and social/community impacts from current or ongoing use of this area as an off-leash area. I have provided an overview of impacts on the next two pages for consideration in your decision-making process. I can provide additional citations upon request.

Impacts of Off-leash Dogs

Environmental

- **Increased soil erosion:** When dogs roam off-leash in natural areas, they may trample on fragile vegetation, accelerating soil erosion and disrupting the delicate balance of the ecosystem.
- **Disturbance to wildlife:** Off-leash dogs can startle and harass wildlife, leading to stress, abandonment of nests or dens, and altered feeding patterns. This interference can disrupt the natural order and potentially cause harm to vulnerable species. The scent left by dogs also repels wildlife. Off-leash dogs routinely kill wildlife in the park such as rabbits, squirrels, and chipmunks.
- **Spread of invasive species:** Off-leash dogs can inadvertently carry seeds or spores of invasive plants on their fur or paws, leading to the introduction of non-native species to the area, which can outcompete and displace native flora and degrade habitat quality.
- **Habitat destruction:** Dogs, when allowed off-leash, may dig, trample, or create new trails, causing damage to natural habitats and nesting areas for wildlife.
- **Water pollution:** Unleashed dogs near water bodies can contaminate the water with feces and urine, introducing harmful bacteria and pathogens that can threaten aquatic life and make water unsafe for other animals and humans.
- **Soil nitrogen loading:** “the input of N from dogs to urban greenspaces is chronic, and it is likely that multiple dogs will urinate in the same location each day. This sustained input of concentrated N in areas frequented by humans for recreation and leisure represents a uniquely urban phenomenon, one whose closest analog may be pastureland urine patches or waste lagoons in the confined animal feeding operations”
<https://www.frontiersin.org/articles/10.3389/fevo.2020.615979/full>
- **Disruption of nesting areas:** Many ground-nesting birds and other small animals may have their nests disturbed or destroyed by off-leash dogs, leading to reduced reproductive success and population decline.
- **Altered animal behavior:** The presence of off-leash dogs can alter the natural behavior of wildlife, making them more wary and less likely to engage in essential activities like foraging or mating.
- **Compromised plant diversity:** Off-leash dogs may trample or eat various plants, affecting the diversity and distribution of vegetation within the ecosystem.

Impacts of Off-leash Dogs (continued)

Social/Community

- **Loss of recreational opportunities:** Areas with unleashed dogs can become unsafe or less enjoyable for other visitors, who may avoid these spaces altogether, leading to reduced public access to natural resources and community inequity.
- **Unsafe conditions for park users:** Off-leash dogs can jump on or bite park visitors making them fearful or feeling unsafe, changing their frequency of park visits.
- **Human-wildlife conflicts:** Off-leash dogs can inadvertently lead wildlife closer to human-populated areas, increasing the risk of conflicts between wildlife and people, especially in regions with potentially dangerous species.
- **Disturbance to surrounding land owners:** Off-leash dogs roam outside of park boundaries and on to private property chasing wildlife and causing harm to private property and less safe conditions for the public.
- **Human health and well-being:** Dog waste pollutes water and transmits harmful parasites and diseases to people.
- **Spread of pathogens:** Dogs transmit diseases (such as canine distemper and rabies) to and from wildlife.

Thank you for reading and taking into consideration the above comments, plan additions, and information.

Sincerely,
Heather Holm
15327 Lake Shore Ave
Minnetonka, MN 55345