

# Agenda Minnetonka Parks & Recreation Board

Wednesday, September 5, 2018

7 p.m.

Minnetonka Community Center – Council Chambers

## **P**arks & Recreation

### **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**

1. **Call to Order**
2. **Roll Call**
  - \_\_\_ James Durbin
  - \_\_\_ Chair Nelson Evenrud
  - \_\_\_ Cynthia Kist
  - \_\_\_ Peggy Kvam
  - \_\_\_ Chris Gabler
  - \_\_\_ Madeline Seveland
  - \_\_\_ Chris Walick
3. **Approval of Minutes**
  - A) June 6, 2018
4. **Citizens wishing to discuss items not on the agenda**
5. **Business Items**
  - A) **Minnetonka Historical Society presentation regarding Burwell House**
  - B) **Cullen Nature Preserve presentation**
6. **Park Board Member Reports**
7. **Information Items**
8. **Upcoming Park Board Agenda Items**
9. **Adjournment**

## **Unofficial Minutes of the Minnetonka Park Board Meeting of June 6, 2018**

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### **1. Roll Call**

Park Board members in attendance included Jack Acomb, James Durbin, Nelson Evenrud, Chris Gabler, Cindy Kist, Peggy Kvam, Madeline Seveland and Christopher Walick. Staff members in attendance included Jo Colleran, Ann Davy, Darin Ellingson, Corrine Heine, Carol Hejl, Jesse Izquierdo, Kathy Kline, Kelly O'Dea and Sara Woeste, and Perry Vetter.

Chair Evenrud called the meeting to order at 7 p.m.

### **2. Approval of Minutes**

Gabler moved, Seveland seconded a motion to approve the meeting Minutes of April 4, 2018 as submitted. All voted "yes." Motion carried.

### **3. Citizens Wishing to Discuss Items Not on the Agenda**

None.

### **4. Business Items**

#### **A. Mountain Biking Report and Public Meeting**

Recreation Services Director, Kelly O'Dea reviewed the process thus far:

- September 2016 – A group of residents approached the park board regarding putting mountain biking in a city park. As directed by the park board, city staff started researching the idea of mountain biking within the parks.
- September 2016 to June of 2017 – staff researched the idea.
- At the June 7, 2017 meeting – staff presented concept plans for two parks, Big Willow and Civic Center Parks. At and after that meeting a lot of public feedback was heard and staff decided to step back and go more in-depth with community engagement.
- Around that time WSB and Associates was hired to assist staff with the community engagement process.
- November 2017 – January 2018: Four public engagement meetings were held. The first two meetings were focus group meetings that were trying to get the priorities and concerns of both the people who supported and opposed the project. The second two meetings were community meetings that had over 200 people attend each meeting. These meetings lead to the criteria that was used to help filter our parks through.
- February of 2018 - The park board instructed staff to study Lone Lake Park as an option for mountain biking trails because that was on the top of the matrix based on criteria.

- May 17, 2018 – Staff held an open house at city hall with three different sessions. Over 200 people attended and over 170 responses were turned in. At the event staff had project boards showing different things from the concept plan.

O'Dea mentioned that there are two main groups of people in attendance tonight. There are the advocates, the people who are supportive of trails and the people who have concerns. O'Dea informed everyone that based on all the public comments there are hundreds of residents on both sides of the project and that people really care about it.

O'Dea turned the Parks, Open Space and Trail System (POST) plan to Carol Hejl, City of Minnetonka, Parks and Trails Planner.

Hejl said that the land and natural resources that compromise Lone Lake Park have gone through a number of significant changes through the years to become the park we know today. These changes reflect the needs and the values of the residents during these times. Hejl showed a photo from the 1940's that displayed agricultural fields and other photos that showed the Lone Lake Ski Slope and Lodge. The land that is now Lone Lake was purchased by the city of Minnetonka in 1973 and park construction began in 1977 with renewal additions in 2007.

Hejl explained that the POST plan is a 17 year old planning document created to guide decision making regarding parks and open spaces within the city. The mission is to provide a comprehensive balanced and sustainable system of parks, open spaces, natural areas, trails, recreation oriented activities and programs for city residents to use and enjoy in a cost effective manner.

Of the six guiding principles, the first one was explicitly called out in the plan as the most important. It is to implement a balanced system plan that offers multiple community values. It states that the POST plan also states that as a community with a dynamic population it can be expected that the needs of individuals and families in Minnetonka will continue to change and evolve as these needs change over time, these two will require reassessment to stay in alignment.

Lone Lake Park POST plan designation has two components. It is designated as both a community park and a community preserve. The area closer to the lake that encompasses the tennis courts, parking lots, soccer fields and picnic area is in the portion of the park that is designated as a community park. The wooded more hilly area and the wetlands are the portion of the park that is considered to be a community preserve. The definition of a community preserve is: land set aside for preservation of natural resources, remnant landscapes, open space and visual aesthetics and buffering. It also provides passive use opportunities, i.e. nature type trails, overlooks, interpretive programs, etc. The city of Minnetonka currently has trails through these community preserves.

The POST plan also has a trail system development section. The trail system plan provides a flexible development framework to guide implementation. It provides a starting point and set of ideas including continued yearly investments into the trail system, emphasizing development of trails that are located in natural areas such as the community preserves and along corridors. The trail system places a high priority on

segments that traverse through natural areas due to the high recreational value that they provide. It also states to limit mountain biking to designated areas as determined by the park board and city council. Cross-country skiers and mountain bikers should be included in the planning process for any designated ski and mountain bike trails as called out in the POST plan.

Hejl highlighted that there are formal maintained trails in Minnetonka preserves. These trails are either gravel, paved asphalt or mowed grass. These trails are multi-use and allow bicycles, runners, hikers, etc. Hejl also mentioned that the POST plan gets at rogue all terrain trails that is lumping mountain biking and BMX biking into one category. Those are two very different activities and sports. In 2001, it is called out in the POST plan that there were people riding bikes through Lone Lake Park off of these formal trails, which was causing erosion and impacts to the vegetation. The POST plan notes that these rogue trails would not have been present if there was no demand and that the demand was not likely to diminish. However, the POST plan does suggest meeting proactively with user group representatives to try and determine an acceptable solution.

Jesse Izquierdo, Recreation Program Manager says that in order to get a sense of the impact mountain biking could have on Lone Lake Park it is important to first get a sense of what mountain biking is, who is engaging in the activity, how they are engaging in it and why.

Mountain biking is the non-motorized sport of riding bicycles off-road. It's a family friendly activity for all ages. Mountain biking is still a relatively new sport, it started in Colorado and California in the late 1970's when endurance athletes started biking their cruiser bikes off-road. It wasn't until the 1980's that the first purpose built mountain bike was created. From the 1980's to the late 1990's, mountain biking was generally an activity considered exclusive to western states. In Minnesota, mountain biking existed in the form of rogue trails created by a small group of avid fringe cyclists. Since the early 2000's, the amount of mountain biking trails in the Twin Cities have grown from 10 miles to over 85 miles today and growing.

Staff conducted a mountain bike trail land manager's survey of other Minnesota Off-Road Cyclists (MORC) supported trails in the Twin Cities, which there are 11 of them. Eight of them responded and it is part of the study that we presented. One of the things we tried to gain was a sense of how big the use is and how many people are using these growing trails in the Twin Cities. They reported a range of anywhere from 150 to 2500 weekly users. The larger, more destination mountain bike trails in the Twin Cities, which are anywhere from 12-14 miles in length reported much higher use. While trails similar in size and scope of Lone Lake Park, which would be Carver Lake, Salem Hills and Hillside reported the average range of users from 140 to 300 users per week.

As a recreation department it is our job to try and follow trends and figure out how we can provide the amenities in our parks that our participants are interested in. Trends in recreation show more and more people are not participating in organized sports and are shifting more towards individualized activities and outdoor recreation opportunities including mountain biking.

A couple of examples locally of the growth of mountain biking include the Minnesota High School Cycling League, it was founded only back in 2012 and it started with 150 student athletes. In six years it has grown to 1300 student athletes on 60 different teams

that covers 100 schools with 550 coaches. Minnetonka and Hopkins High Schools have recently started their own teams with close to 100 participants. Further, if market research is any indication of a growing activity and trend, analysts project close to a 10 percent increase in mountain bike sales from 2017 to 2021. With the growth of the sport the International Mountain Bike Association (IMBA) has increased its presence and education around development of sustainable trails and management best practices. Mountain biking has come a long way since its first request for mountain bike trails in 2000.

Why do people enjoy mountain biking? It is a great workout, fun, lots of crossover with endurance athletes, it can be done on one's own schedule and it's an opportunity to enjoy nature. Mountain bikes are different from a traditional pavement bike. They have wider tires with a surface area similar to that of two feet walking on a trail, there is shock whether a front shock and a rear shock to help absorb the impact and increase the flow of the trail and it's important to note that these bikes can take many different shapes and are built for many types of terrain. Along with these bikes it is important to understand that there is different subcategories of mountain biking which vary greatly in their appearance, trail impact, trail design and environmental impact. The most prevalent type of mountain biking in the Twin Cities and what is being proposed to build at Lone Lake is cross-country mountain bike trails, which use narrowly built single-track trails two feet or less in width.

Typically the construction point of a mountain bike trail will see a three foot wide trail built and with revegetation it will be two feet or under. Trails are one directional to decrease user conflicts and are designed to flow through natural areas. There are gradual inclines and declines. Trails are closed during wet conditions to avoid erosion and they are winding with elevation change built to follow natural contours. Lastly, they are multi-use shared trails that are open for a variety of users and are made of compact dirt.

Single-track trails have been shown to have minimal impact on the environment, resist erosion through proper design, construction and maintenance and like a narrow dirt hiking trail co-exist with the natural environment and blend with its natural surroundings. When sustainably built, the only thing that differentiates a hiking trail from a mountain bike trail is the usage classification, whether to allow mountain bikes or not. Locally the main difference is that multi-use mountain bike trails remain closed when wet to avoid erosion. Also, when on single-track, mountain bikers always ride single file.

What are some elements of sustainable mountain bike trails? These are the same concepts of building narrow sustainable dirt hiking trails, except they are focused on minimizing the greater incline of the trail to allow for easy biking and increase flow and enjoyment of the ride. Most sustainable trail design is a rolling contour trail built on the contours that serve the hillside located on a side hill alignment perpendicular to the fall line and avoid flat areas. There is a gentle trail grade, less than 10 percent and in Minnesota the percent is typically five percent grade. Undulations called grade reversals drain water, out-sloped tread tilts slightly towards downhill edge to drain water and minimize muddy conditions. When sustainably constructed, the impacts are on par with hiking. There are many aspects of trail design that work to promote user safety and mitigate risk. A rider's speed and behavior can be controlled by: utilizing turns, increasing sightlines, having a narrow trail, corralling the trail or using natural objects placed along the trail that require a rider to slow and maneuver around the object.

Signage on the trail can help communicate with riders by using one-way trail signs, do not enter signs, usage signage and mile markers. Education is also important in mitigating negative user interactions. Informative signage can be used to display trail rules and trails etiquette and similar to other sports and activities these best practices are passed down to new riders by more experienced riders.

O'Dea introduced Deric Deuschle with Short Elliott Hendrickson Inc. (SEH) and said he was hired to provide a biological assessment of Lone Lake Park and will give an overview.

Deuschle said as part of this project, they were retained to provide some evaluation of the parks natural resources to help put this in context. The objectives of this assessment in fairly broad terms were to assess the existing site conditions, map the current plant communities that are present out there now, determine the quality of that habitat and then provide an evaluation of some of the potential impacts that could occur to our natural resources related to the inclusion of mountain bike trails within the park.

As far as existing conditions, it is a treasure for the community to have with great resources and a lot of users. As far as the primary features that are out there, it has two primary aquatic features that include Lone Lake and the south fork of Nine Mile Creek. From a terrestrial standpoint it is really dominated strikingly by the wooded hill slopes, which are dominated by a mixture of oak and maple trees. It has a native shrub understory, a native herbaceous understory. Invasive species are generally not common within the park primarily because of the extensive effort by city staff and volunteers to remove it and manage the resource. Would that not to be occurring, it likely would be overrun by a number of species that we prefer not to have out there. So that needs to be recognized in this part of the evaluation as well that some of the conditions are really reflective of the work that's occurred.

Overall the quality of the vegetative community out there is relatively high. There is a high number of species, easily two dozen tree species, a dozen or more shrub species. There are probably 75 - 100 herbaceous species that are out there if everything is included. Most of them are very high percent and are native species that occur in all the strata. Multiple communities are present and it is a very reasonable representation of historic conditions that would be expected in this setting. As part of the assessment we characterized the various plant communities. The communities that were found ranging from the majority which are dominated by oak and big tooth aspen. The areas of oak and red maple, oak and shrub, oak and mix hardwood are primary features. Certainly there are areas of wetland, areas of aspen, areas that have some prairie and shrub components.

The intention of this was to demonstrate the diversity that is out there. There are similar aged trees that are relatively well spaced apart. Lone Lake Park has an understory that has an abundance of leaf litter. The buckthorn shrubs that are problematic in a lot of parks are absent. There are some areas of buckthorn and also an abundance of native shrubs which are not nearly as thick. There is also an abundance of herbaceous species. This time of year when all the leaves are not out yet, there is an abundance of spring ephemerals, flowering plants that come out in early spring when they get that light penetration. In 1937, it was an agricultural land-use, the majority of those trees there today were not present. That does not mean that they do not have value and it is not typical but it is a distinction between what is considered to be an old growth or a remnant

forest. What is out there is not necessarily that case. That does not diminish the qualities and the functions and values it provides but there is a distinction between what would be a regrowth even if it is mature verses what would be a true remnant. Some of the exceptions to this would be some of the woods on that ridge immediately west of the lake. Any of the layouts that he has seen for the trail do not have anything in this area. That does not mean that it is not more or less important but he wanted to make a distinction that the areas he has seen it laid out correspond where it was at least at this point in time historically used for agricultural use.

Deuschle said part of the assessment was to identify, not necessarily quantify because there is not a defined trail yet. Will there be removal of tree shrubs, herbaceous vegetation to establish a trail and will we lose vegetation from travel over a trail route? Are we spreading invasive species? As indicated previously, the park is relatively free because of hard work by staff and volunteers. Are we reversing some of the progress made by spreading invasive species? Other impacts include: soil erosion from bare soil, compaction with frequent use of the trails, disturbance of wildlife particularly woodland bird species which perhaps are more sensitive to the disturbance, impacts to sensitive species are encroachment into a more critical habitat, the overall increase in the users of the park and the disruption of current users that really are using it mostly for solitude.

Based off my opinion and experience, looking at this from an ecological standpoint of how likely or risky are these impacts? When looking at vegetation damage, arguably there is going to be an impact.

**Trees:** Some trees may be removed, some trees may be damaged but overall the alignment based off the sustainable design that is proposed typically wind their way through the vegetation. The vegetation damage to our tree species is usually very small.

**Shrubs:** The shrub species perhaps are a little more affected and it is really that herbaceous layer on the ground layer that is affected the most. Deuschle rated this as a small to moderate impact but it is something that is likely to have some impact.

**Invasive Species:** From an invasive species standpoint, disturbing the soil and encroaching in two areas and tracking soil around this is going to be a moderate rating. There is a greater likelihood of spreading some invasive species through the site by introducing new trails overall. This is somewhat moderated by not having a lot of invasive species present to spread but there will be a likelihood of a small increase of invasive species.

**Soil erosion:** Is something that can occur with trails. With a sustainable design where it is graded to drain, there is a small to moderate chance. Not so much from the trail design but just in general use of the trail. An increase in use will certainly lead to more erosion. I do want to make a distinction, there is a difference between soil erosion and bare soil. Bare soil by itself is certainly something we would like to avoid as it makes an area more prone to erosion but just being bare does not necessarily mean that it is being transported.

**Wildlife:** Most of the wildlife that is out there as far as the typical white-tailed deer, turkey those types of things are likely not affected. They are very used to being in a human population. The impact would be relatively small overall. However, for a few species, particularly the more sensitive birds that need large open areas, having more

frequent disturbances leaves potential for them to seek another location. This is a particularly hard one to quantify because the breeding bird population where the trails may intersect are unknown but that is a risk that should be stated.

**Sensitive species:** There are some listed species that have been identified in the park and some that have not been listed but the habitat is present. Overall this is probably a small risk but is something to be considered. This is another difficult one to quantify because we do not necessarily know the sensitive species that may be there or how we may interact with them. Because they are listed there is something unique about them either in habitat or in rarity because at least one of the federally listed species has been identified in the park. It is certainly something of consideration. I would say overall the habitat currently can probably accommodate those species but we're not disturbing a significant area where I would think that it would affect the population but perhaps an individual.

**Park overuse:** Assuming that the current users stay the same and adding more is probably moderate. Just the overall use of the park itself is potential ecological impact.

City of Minnetonka's Natural Resources Manager, Jo Colleran explained that the city began restoration efforts at Lone Lake Park back in mid-1990's and it is credit of the park board and the city council. They recognized that a lot of our large parkland acreage was degraded so they underwent a natural resource stewardship program. That analysis indicated that a lot of these ecosystems were degraded primarily at that time due to buckthorn so in the mid-1990's Lone Lake was the first cut to control buckthorn.

The goal of the restoration approach is an ecological system based approach for restoration. We are trying to enhance the health of the ecosystem, enhance biological diversity while also providing that appropriate balance between resource preservation, recreational use and community growth. We want to create opportunities for human use and appreciation of the community's natural areas. If people can get into the natural areas, they can appreciate it. If they can appreciate it, they will value it and they will work hard to protect it.

To quantify this within the last 10 years, the city has spent over \$233,000 on restoration in Lone Lake Park and that is to create these higher value areas as Deuschle indicated. The majority of the work has been completed by city staff, contractors and with volunteer's efforts. In 2014 and 2015 there was a big effort to control buckthorn. Almost \$100,000 was spent for buckthorn removal within those two years, so that makes up almost half of this total amount in investment. Trails do not offset the investment made on restoration and they do not offset the work that has been done to control invasive species. When it comes to restoration efforts, it is a continual effort to make sure invasive species do not come back. One benefit that Three Rivers Park District saw from mountain bike trails is an increase in restoration volunteers by mountain bikers. This dialog about mountain biking has created a stronger volunteer network in Minnetonka.

Colleran says that one other component to think about is the amount of trails that the landscape can support. Staff has given thoughtful consideration to how many trails can be in a specific area of the park. As Deuschle indicated, when thinking about the impacts to our natural environment, we look at wildlife and vegetation. The trails can be built with sustainable design where the water will sheet off of the trail and go through a wooded area. Any water will then be self-mitigating, it will be absorbed into the adjacent



landscape. Through sustainable trail building the erosion will be contained so then tree loss is looked at. It is understood that 4.7 miles of trails cannot be built through a woodland environment without losing some trees. Sited is an area that has larger trees and the critical root zones of them will be saved, not impacted or minimally impacted but we do expect there will be some trees that will be removed as part of this project.

According to wildlife, if someone is hiking or biking they will scare urban wildlife. Urban wildlife is used to being around people. It will leave and find deeper areas of the woodland but Colleran does not believe they will be scared away. However, Colleran believes that increased trails will have an impact on the bird population. There are scarlet tanagers that were recently identified as its breeding call in Lone Lake Park. They need, a minimum of four acres of undisturbed area in order to breed. There may be a loss in some of the populations of woodland birds because they need less disturbances. There is also one identified federally protected species in Lone Lake Park and that is the rusty patched bumble bee. The habitat exists for the long-eared bat, it potentially is there but has not been identified. If the park board and city council approves this trail design, the final siting is really going to have to pay attention to the nesting, overwintering and summer foraging of that rusty patched bumble bee in order to insure we are not compromising its habitat.

Studies have found that when talking about the spread of invasive species, dogs really promote that because the sticky seeds of the plants will grab onto their coat and then disperse. Properly disposing of the seeds rather than seeding the woodland would be ideal.

Lastly, the city does not want people creating their own trails through woodland habitats. Nor, does the city want bikers using trails that are not designated for their use and using logs that might be down and creating jumps. It is important for any park user to understand the impact they can have on our natural environment.

Izquierdo wanted to go over the trail concept and then some management information as well. Currently, Lone Lake Park is a 146 acre park. The proposed trail sits on 52 acres of what has been deemed useable land that could support a mountain bike trail. This is considered the footprint that the trail would sit on. Those 52 acres and the 4.7 miles of proposed trails make up a roughly 11:1 ratio of acres per mile, which when looking at other MORC supported trails in the Twin Cities, it is similar to those same systems. To align this trail, work has been collaborative with local land managers, expert trail builders and natural resources staff.

The main key when looking at building this trail was to implement sustainable building techniques. Making sure erosion was cut down and a trail was being built that would as much as possible minimally impact the space it is in. As outlined in the original core criteria for building a trail, staff will work closely with natural resources to minimize and avoid the amount of trail and high restoration areas and avoid areas of uncommon plants. In high restoration areas, trails have been limited to connector trails and trails that allow for the continuation of a sustainable and safe trail design. If approved, continued collaboration with natural resources would take place with field siting the trail.

The trail could deviate 10 feet left to right, roughly from this concept in order to avoid uncommon plants, avoid mature trees and reduce or undo stress on tree's critical roots zones. The other thing that was worked on is minimizing the interaction with existing

maintained footpaths. It is clear that the majority of users in the park focus their attention on the maintained footpaths. The proposed trail does not cross the trail at any point but there is one section to the west where the trail will use a roughly 200 foot section of the maintained trail where it would connect the two different trail systems. One important note about both these areas is that the alignment works to purposely try to slow down a rider's speed as they are entering into the maintained trail. The biker's speed would be significantly reduced because of gates, the continuation of the trail and also because of an uphill climb accessing that trail. Another thing about the trail is it would be considered stacked.

Though it is 4.7 miles, staff wanted to make sure this trail was appropriate for all different levels including beginners. So a stacked trail actually allows you at different points to be able to wrap back on itself. To the west is roughly a .8 mile trail system that someone could come out and ride one lap or maybe two. They could come out and ride the central corridor and then wrap back to the trailhead. To the east, there is a return trail that would be the only two-way trail in the park that would allow a user to access just this furthest east portion of the trail and come back to the trailhead. None of the trails would be within 25 feet from one another and in most instances would be much greater in distance away.

There would be three trailheads, two main trailheads, which would be an informational kiosk. It would provide trail etiquette, best practices and opportunities for restoration work. At each one of the three trailheads there would be a gate installed. One of the unique things about mountain bike trails, especially in this area with the soil is that when they are wet, the trails would remain closed for all users. This would allow for the trails to dry before people use them and it would cut down on the erosion of the trail. By cutting down on the erosion and the impact of the trail, it increases the quality of the ride for the mountain biker or other users that are using this multi-use trail.

Lone Lake Park has very close access to the Minnesota River Bluffs Regional Trail. One thing that was heard continuously is that people wanted a trail they could bike to. There are two different ways you can access the park from the Minnesota River Bluffs Regional Trail. One is from Shady Oak Beach and second, there is a paved path .6 miles from this furthest west trailhead that connects. Also, less than a mile away is Bryant Lake Regional Park, part of the Three Rivers Park District and there is a biking trail that connects to their park.

There are 140 parking spots at Lone Lake Park. One area that does have extremely limited parking is the western side of the trail. There is ample parking near the trailhead by the tennis courts that is being envisioned as the main access point.

Izquierdo wanted to discuss some of the trail construction and some of the restrictions that would be placed on a potential builder. Trail building would require an initial three foot cut that would impact roughly 1.8 acres initially. After revegetation, the trail is expected to average between 18-25 inches in width. During the land manager's survey, a lot of land managers indicated that the revegetation process happened a lot quicker than what they expected and within a year the trail was 18-24 inches in width. So that 18-24 inches would result in roughly a 1.2 acres of total impact from the trail.

The trail would be considered beginner and intermediate in spots. It would not be intermediate because of the technicality of the trail but more because of the steepness

and the topography. There would be some spots where there is some continuous climbing which for some mountain bikers that is good but for some beginners it would be challenging at times. The other thing, like other local MORC supported trails the average grade would be five percent. One thing about this concept plan is that it does not include rock gardens, ladders, retaining walls, switchbacks, jumps or drops. During the open house people wanted an understanding of what was going to happen with the current informal trails at Lone Lake. Since the open house, staff made some determinations around some potential restoration efforts and also some trails that would be deemed hiking only. The neighborhood on the east side uses a rogue trail to access the park. Staff does not believe that if that trail is closed that someone would not create a new trail there. Staff thinks it is important to provide hiking specific opportunities for people in the park.

On top of a sustainable trail design and to ensure the least amount of impact possible, restrictions would be placed on potential trail builders. Restrictions included are: trail machinery must be limited to 36 inches or less of tread, they must work with volunteers to finish the trails, they must salvage plants and revegetate disrupted soil, they must get approval from natural resources staff prior to any deviation from the original sited trail, they must gain approval from natural resources staff to remove any trees with the goal to be not to removing any mature trees and limit removal to very small immature low quality trees, avoid side casting of soil in order to prevent the spread of invasive species, work the soil into the rolling contours of the trail, access to the trail with equipment and machinery would be limited to pre-approved access points including recently cut trails, existing informal trails and maintenance trails.

Extreme caution must be taken while working around trees and plants adjacent to the proposed trail. The trail builder must follow IMBA's sustainable trail building techniques. Regarding MORC, one of the unique things about the mountain bike community is their level of assistance and buy-in with the trail creation management and maintenance. They assist with initial trail building, manage the opening and closing of the trails and communicate with the public, educate the public on etiquette and rules of the trail. If this moves forward, we would enter into a memorandum of understanding with MORC for routine trail maintenance and natural resource restoration activities. MORC trained dirt bosses would be assigned to inspect trails and supervise volunteers. People in the community have already signed up to help with the trail, 280 people signed up for park cleanup, 324 people signed up for trail management and 105 people signed up for trail management. From the land manager survey, the land managers overwhelmingly reported extremely positive experience working with MORC. A lot of the trail management would be that education piece and it is part of the mountain bike culture. Trail etiquette and rule education would be to stay on trails, leave no trace, control your bike, yield to others, never scare animals and plan ahead.

O'Dea said the enforcement of rules would be compared to the existing parks. Signage is on a complaint base so if a complaint is made, it gets assessed at that point.

O'Dea discussed the project budget. The city of Minnetonka originally allocated \$130,000 for mountain biking in its Capital Improvement Plan (CIP) in 2018. The city received \$5,000 from local students who raised money to be put toward the project. To date, about \$35,000 has been spent on trail concept, public engagement and biological assessment. So that leaves about \$100,000. The estimated cost to build this particular mountain bike trail is approximately \$175,000 – \$200,000 which means the difference is

\$75,000 - \$100,000. If approved, this is anticipated to be funded through grant opportunities and or requesting an amendment to the CIP of the city council.

O'Dea mentioned the staff recommendation is to approve multi-use mountain bike trails at Lone Lake Park. The city of Minnetonka has always tried to balance the preservation of natural resources and provide services and amenities desired by the community. We are responding to changing recreational trends and demands. This would be an amenity that the current Minnetonka park system does not have and staff thought that with careful sustainable design, construction and ongoing management the negative impacts could be reasonably mitigated. The recommended park board action tonight is to review the concept plan and study, receive public comment and then make a recommendation to be presented to the city council for consideration. O'Dea asked if the park board had any clarifying questions.

Kvam asked if there are plans for a restroom facility at the gates to the mountain bike trails. O'Dea said restrooms are not planned at the trailheads but there are restrooms in the park. Kvam asked what the grades are to bike up and down to that restroom? Kvam said the grade is pretty steep for easy trail users. Izquierdo said that it is common at other mountain bike trailheads to have port-a-potties.

Walick asked if the vote goes towards mountain bike trails, if the concept is set or if it is evolving and allowed for feedback. Izquierdo responded and said that right now, he did not know what would cause a change in the trail but thinks small deviations in the trails are expected. Right now looking at the trails, they look like straight lines, but the end result would be a much windier trail working through that area in order to avoid critical root zones and those uncommon plants.

Durbin commented regarding the port-a-potties that he would not want the city to make any firm plans on adding them to these trails. He would like to step back and re-evaluate that at a future time because there are concerns about that. Durbin thinks the facilities at Lone Lake are sufficient as well. Durbin asked Deuschle for further details on why the invasive species were assessed as a moderate risk. Durbin wanted to know more about how invasive species can get transferred and how they could be brought into Lone Lake Park by the introduction of mountain bike trails.

Deuschle responded saying the concern with invasive species is primarily that they thrive in disturbed habitats. Lots of time and energy is spent to either physically or chemically managing it. A threat with invasive species is opening up new areas that are not already disturbed because it gives them an opportunity to get established. When there are long corridors of disturbed soil, it provides a route for invasive species to spread more quickly. As far as how invasive species get transferred, some of it is in place already. Something nearby could drop seed on that bare soil such as pets or existing wildlife. Plants were designed to be dispersed, wind and water transport on other animals. Invasive species are tremendous seed producers and have found the best ways to distribute themselves. As far as what is in the park, if there is not a source that helps and there is a source for it. It is a little more limited because of control but within the park it is certainly a source. Outside of the park is another source. People that come into the park could bring it in by a bicycle from another park that has a high abundance of invasive species. They could be bringing it in on the mud, on the treads of the tires or on their footwear. Similarly, hikers typically are just as likely to be transporting it. Typically what is looked for is the combination of the increase in disturbed

area, the network we are creating to facilitate that dispersion and the greater likelihood of actually transporting it in. Colleran commented that one mitigating factor could be an installation of a tire wash station so people can clean their bikes. Also, education and letting the biking community know this is a concern. Durbin said the one mitigation of this is the human component of volunteers and city staff going there and removing the species but appreciates the explanation of how it is actually brought into the park.

Evenrud closed the park board discussion and opened public comment.

Lawrence Wade, 15524 Day Place, Minnetonka, has been using the park for 25 years with elementary students for the purpose of environmental education with the Hopkins School District. Lone Lake is by far the most ideal for nature study and it is also close to our schools. The reason I believe it is the best park is primarily based upon the information the biologist gave and also what Colleran said. However, one of the things that was not discussed is that it is by far the quietest park in Minnetonka being located away from busy roads. Many of the kids that Wade works with in the Hopkins School District have not had a nature experience and it is a big adjustment for them. Tomorrow Wade will station students along the trail that follows the lake and they will be riding or drawing about what they are seeing. It is quiet time and there is no talking aloud, they are alone in nature. Possibly for the first time in their life. Try to imagine what this experience will be like for students and hikers in the future. If there is a series of mountain biking trails on the hills above, it will totally change the experience along the trails from a tranquil nature experience to a thrill seeking rush. Sigurd Olson, the great Minnesota conservationist wrote about the importance of having a listening point. A place where humans can connect with nature. Listening points are very hard to find in our busy suburban world in the Twin Cities and Lone Lake is one of those listening points.

Joan Carter 15500 Oric Ave., Minnetonka got her first mountain bike in 1985. She thinks Lone Lake is a gem and we need to set aside land and preserve it. Carter mentioned two other location options 1). Adjacent to Glen Lake Golf Course, that land at the Hennepin County Home School 2). The combination of Victoria-Evergreen, Civic Center and 494 Corridor to Stone Road to I-394. The first option could be a collaboration of the city of Minnetonka, Hennepin County and Three Rivers Park District. Three Rivers Park District already has mountain biking experience, there are 80-100 acres available after they put in the medical examiner's office. From a rider's perspective, it's a good location. There's a lot of possibilities, the land isn't already currently being used so it could be single-use. This land has not been restored so it could be better than it was before. Glen Lake Golf Course is already managed by the Three Rivers Park District, it has parking, restrooms and a snack bar. It could include bike rental there bringing in more people to the sport. It is within the Hopkins School District but it is really close to Minnetonka High School, also Edina High school and Eden Prairie High School. It is on the Minnesota Bluffs River Regional Trail. There are sidewalks to bike along 62 so it is very accessible. It is only a 2.8 mile bike ride from Lone Lake Park. Lifetime Fitness is nearby, it's another potential collaborator. Residents living at the home school could be trained to monitor and repair trails. Winter ski trails at Glen Lake Golf Course or winter biking could be added and it is just an eight minute bike ride to Glen Lake area businesses. Parking is at the golf course but with the mountain bikers, they could ride there. The land manager's survey noted that weekends were the busiest time. There are several businesses along there that have empty parking lots on weekends. Gatewood Elementary School is just a two minute bike ride from there with an empty parking lot on weekends. The second

option of the three parks is really the same as what was looked at previously with the addition of Victoria-Evergreen instead of Big Willow. Big Willow has a high value restoration area but Victoria-Evergreen does not.

Daniel Volovets, 4818 Hamilton Rd., Minnetonka wanted to make an appeal to two different things 1) solitude 2) art. They are both very human needs. We have heard a lot about trends and a lot about businesses but he wanted to come back to something that is essential to every human being. He is a fourth year in the medical program at the University of Minnesota with an interest in psychiatry and mental health is one of his biggest interests. Through time and memorial artists, musicians, writers have noted the importance of solitude of nature. Specifically to come back to where humans have come from in effect to come away from what we are now at a rate that has been unprecedented inundated with constant news, constant media, constant electronic entertainment and in general entertainment. We are lacking places where we can truly connect with nature, what surrounds us, what's quiet and what's solitude. To his second point of art, he specifically highlighted the fact we would be losing certain populations of birds. There are several musicians over hundreds of years who have used birdsong in their work. For example, Beethoven in his famous symphony, it's noted that it was inspired by a birdsong. So not only from a musical perspective but also from a purely artistic perspective, having that place of solitude and quiet is integral to human beings.

Polly Bayrd, 5353 Dominick Dr., Minnetonka, served on the park board and was chair on it for a number of years in the late 1990's and early 2000's. Bayrd knows the park immanently and is familiar with every inch of the proposed trails. The proposed trails follow paths they take regularly and when they are on these paths after a snowfall, they see where the deer have bedded down for the night and where the coyote and the fox have walked. In the fall and spring, we run into the turkeys, we see where the bucks have scraped the trees. The proposed mountain bike trails are tight and dense and do cover virtually all remaining remnants of the open space. They leave no peaceful refuge for the animals that inhabit that park. Bayrd heard the point about urban animals adjust but in her opinion we are depriving them of a peaceful environment. The trails also go where in spring, we see the spring of ephemeral. Bayrd enjoys mountain biking and loves the idea of providing mountain bikes to our youth and residents so she took the time to visit trails in Theodore Wirth Park and in Elm Creek. MORC did a good job there and they are professional and responsible, however those are very large parks and the trails take up just a small fraction of the natural area in those parks. Lone Lake Park is a significantly smaller community park and the proposed trails would occupy the only undisturbed natural areas there. When she visited Elm Creek on a Sunday afternoon in May, the mountain bike parking lot, which looked like it accommodated 100 vehicles, was overflowing and cars were parked all along the road. Elm Creek is a very remote and rural area and most bikers would have had to drive at least a half hour to get there. It really scares Bayrd to contemplate the potential density of use to Lone Lake Park mountain bike trails which would be so more easily accessed by users from nearby suburbs. As much as she would like to support mountain bike trails in this city and as much as she would like to satisfy the admirable work of high school biking groups and their search for healthy exercise and outdoor outlets, she strongly believes we have a more important commitment to the environment and to preserving the very few relatively undisturbed natural areas left in our developing city. The precious and wonderful feel of Lone Lake Park would disappear if trails were developed. Her neighbor Matt Mueller at 5412 Dominic Dr., Minnetonka asked her to talk for her since he cannot be there. He moved here to be near a natural park where his kids could grow up exploring and

appreciating nature and asked for you to preserve its natural areas for his children and for generations to come.

Tom Stockert, 5524 Dominick Dr., Minnetonka is very impressed with staff and their presentations. He does support bike trails. His concern is the density in the map. He was actually for the trail in Lone Lake because it is close to his house and it would be kind of nice but could not believe it when he saw the print of the map. Mainly, he is concerned with how it would impact wildlife and he really appreciates wildlife. Everyone that comes to his house says they are in the north woods. Having 4.7 miles crammed in there, he cannot see a five acre footprint for those little birds to breed. There will be nothing left. He thinks this trail should be centrally located, that requires less parking. Also, it should be spread over more acreage so that there is less impact to wildlife.

Joel Maynard, 5544 Sanibel Dr., Minnetonka moved to Minnetonka 18 years ago and Lone Lake Park was a major factor in his decision to live in this city. Ever since moving here on a daily basis, he walked the park's many trails in total has walked there nearly 6,000 times so he knows this park very well. Lone Lake Park is an extraordinary place. It is an island of serenity and natural beauty surrounded by an ocean of urban traffic, noise, congestion and stress. It is a sanctuary for people as much as it is a sanctuary for wildlife. In fact, it is such a peaceful place that it is also possible to forget for at least a moment that you are in the midst of a sprawling metro area with more than three million people. This is not a commodity, there is no other place remotely similar or anywhere in the Twin Cities. Therefore, we have an obligation to protect and defend this unique and beautiful park. If we sit idly by and allow it to be destroyed bit by bit, we will all be guilty of allowing our great injustice. Future generations will condemn us if we fail to do the right thing now. For those that don't realize it, there are more than 600 townhomes and condos within roughly a half mile of the Lone Lake Park entrance. As townhome residents, we have one thing in common, we do not have backyards. Lone Lake Park is our backyard and for that reason the park is vitally important to a huge number of people in this immediate neighborhood. Anything that is done to degrade this park is a personal attack on us and we do indeed take it personally. Now Lone Lake Park is being targeted by a special interest group that wants to import something totally inappropriate against the will of the people that actually live in this neighborhood. During his daily walks, he has spoken to dozens of people and has yet to encounter anyone who wants mountain biking in the park. The fact that something is wildly unpopular does not automatically mean it is wrong, but in this instance it is wrong for a multitude of other reasons. Mountain biking would grievously harm the fundamental character of the park, peacefulness and stillness would be replaced by commotion and noise. The one thing that sets Lone Lake apart from every other park in the metro area is its incomparable tranquility and that would be totally ruined. People would come to the park to enjoy the serenity would be driven away and so would wildlife. Lone Lake Park is already beginning to fill with silt. He has a photograph of the Lake from October of 2002. It clearly shows how much cleaner the water was then. There used to be far more fish and far fewer weeds. The lake is slowly dying and ironically last fall a variety of special plants were placed along a 80 foot strip of shoreline near the dock. The fence was erected around it and signs were put up saying that the project was to prevent erosion and to keep the lake clean. Are we supposed to believe that it is vitally important to protect 80 feet of shoreline from erosion but there is not any need to worry about erosion caused by 24,800 feet of proposed new trails and inevitable off-trail abuses? Either you care about the environment or you do not. Either you care about water quality or you do not. Either you care about the long-term viability of the lake or you do not.

Richard Nordvold, 2960 Fairway Dr., Minnetonka is representing a group of students at Minnetonka High School who through the VANTAGE program worked to initiate this movement. Nearly two years ago, he and four other Minnetonka students began working on a project to bring mountain bike trails to Minnetonka. After researching the subject we not only saw that mountain biking has grown exponentially in the past few years as both an activity and as a sport but that the areas surrounding Minnetonka does not offer any form of sustainable mountain biking trail system for a sizeable radius. We are doing it to service the students of both Minnetonka and Hopkins schools who have joined their fast expanding mountain bike teams who must drive upwards of 30-40 minutes to practice their sport in the environment they will be competing in. Not only are we doing it to service these students but to young enthusiasts, young adults and families looking for a place to set their roots who will become homeowners, citizens and taxpayers. It will be an amenity for the people of Minnetonka. He also wanted to acknowledge the importance that Minnetonka's natural resources hold for mountain bikers. We care about the conservation and the preservation of Minnetonka's unique wildlife immensely. Mountain bikers have proven that they will volunteer and work to preserve the area surrounding mountain bike trails. They are biking to appreciate the environment around them. Nordvold has absolute confidence in the ability of Minnetonka's park staff and sustainable trail builders to assure the sustainability of protected and native species with the addition of a trail. He believes trail riders and enthusiasts will work alongside city efforts to preserve and protect the parks to actively combat invasive species that may be introduced. Nordvold offered to continue help to reach a solution where both parties involved are satisfied. Change is always difficult but status quo can be comfortable, but with change comes progress and growth. Nordvold urged people not to let fear alone drive their viewpoint but to rather consider a more comprehensive view and to consider the benefit of providing a place for people to explore nature and to lead active lifestyles.

Catherine Malotky 5901 Rowland Rd., Minnetonka said that her property backs up to the preserve area of Lone Lake Park. She volunteers and takes care of the park sign at the Rowland Rd. entrance so she has spent a lot of time in Lone Lake Park because they can walk there. Malotky's biggest concern about this plan is the challenge that it presents to a wildlife corridor. Other people have talked about birds but it is a wildlife corridor that allows wildlife to move through our natural areas. She thinks it is an important thing to preserve or that wildlife is going to end up on our roads. Malotky encourages the deliberation but wants the park board to decline the suggestion that mountain bike trails be built in Lone Lake Park.

Ed Hassler, 5516 Sanibel Dr., Minnetonka lives right across the street from the main entrance to Lone Lake Park. He finds himself in a unique position because he is an avid cyclist. He is one of those in the mid-1980's that bought a mountain bike before mountain bike parks became popular and would ride in the fields or woods. Hassler is opposed to the construction of mountain bike trails at Lone Lake Park for all the reasons that the previous people have mentioned. This is not something you can put a dollar amount on. Lone Lake Park was instrumental when his wife and he were moving here. They decided to buy the townhouse where they did because of equality, the serenity, the tranquility, the beautiful undisturbed, undeveloped Lone Lake Park. Whether we would have bought the same place if there had been mountain biking trails that I cannot say but the peacefulness of this park definitely influenced our decision. In his March 7, 2018 email to the park board, he invited members including O'Dea and Mayor Wiersum to hike footpaths at the park to witness firsthand its undeveloped beauty and then at the



April park board meeting he reiterated the offer. As far as he knows, only Kvam has walked those informal deer paths and footpaths. Hassler has also biked all the other mountain bike trails in the Twin Cities. Hassler is hoping others have visited other mountain bike parks and if you have, you will notice that they are significantly larger than Lone Lake Park. For example, Elm Creek Park is 36 times bigger, Murphy-Hanrehan is 20 times bigger, Lake Rebecca is 18 times bigger, Lebanon Hills is 14 times bigger, and Theodore Wirth is 5 times bigger than Lone Lake Park at 146 acres. You can fit all of Lone Lake Park into the dedicated mountain bike section of Lebanon Hills. Joni Mitchell's famous lyrics from a song, "Don't it always seem to go, you don't know what you've got till it's gone. They paved paradise and they've put up a parking lot".

Sam Larson, 5975 Boulder Bridge Lane, Shorewood was part of the VANTAGE team that worked to help this project come along. Larson believes there is significant public support or there is significant interest in a mountain bike trail within the Minnetonka area. In the first day of a GoFundMe sort of thing, we raised over \$3,000 which shows significant support for the project. In terms of the density of the trail itself, while on the map it looks dense, the trail will be no wider than three feet. So despite it being long, it won't necessarily cover a lot of area in terms of width which means there will still be plenty of area for undisturbed nature. Also, as a public park it may impact the residents experience at the park but it is a public park and the greater overall population of Minnetonka is allowed to use it. If there is public support for it Larson believes the trail should be built.

John Selisky, 4761 Dominick Dr., Minnetonka wanted to site two recent peer reviewed studies on bird habitats published in the Science Journal Nature. In a study from March 2018, it undermines the conclusion in Section 4.9 in the SEH biological assessment that noise is not a biological issue. In noise and physiology of birdsongs, they adjusted to human noise, the author's show how human noise alters and disrupts singing. Vocal strategies of male birds and breeding behavior rely on adequate volume and fluency in order to attract females. When forced to compete with human generated noise they are required to increase volume. Note that singing in of itself is a significant energy drain on bird's physiology. When they must increase volume it raises their stress levels and that is measured by the increases in glucocorticoids hormones. Additionally the authors found that males alter content of their songs in adjustment to human noise leading to the supposition that altered songs are less receptive to breeding aged females. In Appendix D of the biological assessment for Section 4.9 misrepresents the noise impact by stating that noise is not a biological issue. By disregarding these facts the assessment also misleads via improperly siting and locating no noise sources at sporting events and play areas at considerable distance from the nesting and breeding sites on the slopes where bikes will actually travel. In the second study of nature, also peer reviewed and refereed the title of the article of the study "increasing asynchrony between spring green-up and arrival of migratory birds", May of 2017. Authors found that consistent with warming climate birds are shifting the timing of their north-south migrations. Please note that approximately half of the 98 known species that visit Lone Lake Park are migratory, 48 are nesting and 53 are already climate or threatened or endangered. Satellite telemetry data indicate that because northward migration is triggered by solar diurnal cycles and green-up in northern habitats occurs primarily because of weather. The mismatch in timing places for arriving birds out of synchrony with their optimal food sources chiefly leave growth and herbivorous insects and larvae. In Section 5 of the biological assessment there is no consideration of the impact of the trails on the recent awareness of food source loss for arriving birds. These two stressors for our Lone Lake bird life

would be significant if they were individually occurring. However, since they are concurrent it increases the harm exponentially. Selisky believes that these two discoveries are the tip of the ecological iceberg for our birds. Bird watching and listening is one of the sublime touch tones of Lone Lake Park. Birds evicted from Lone Lake Park don't get a do-over ever.

Lane Hersey, 11369 Clarion Way, Minnetonka is opposed to the bike trail. It is just too big of a footprint for the park in his opinion and thinks it will be disruptive. Hersey said that once destroyed, it will take decades to recover and thinks that would be a shame.

Rusty Hurley, 4825 Diane Dr., Minnetonka has lived there for 25 years and commutes to work on his bicycle every day to work. It is a remarkable scene of nature and he thinks for that reason we need to build the trails. His reason is to engage the people in that beauty and to get them to appreciate it. Hurley sees so many folks in that area taking advantage of the River Bluffs Trail and you can still hear the loons, see the eagles and still feel the sunshine on your face. If we can have that along with mountain bike trails at Lone Lake Park it would be fantastic for our area. Consider this, he works at Optum and they have about 5,000 people that work there. Where does their mountain biking club meet, Elm Creek? What good does it do for biodiversity if they have to drive 20-30, 50 miles to go to an alternative sites? Also their money leaves if they go to another trail. Hurley thinks we need to build the trails in order to enrich the community. Hurley says let's keep it beautiful and let's build the trails.

Emily Johanneck, 901 11<sup>th</sup> Ave., Hopkins, fell in love with biking a few years ago. Works at Tonka Cycle and Ski. She has two children who are on the Hopkins team, which she is helping to coach this year. Johanneck also considers herself to be an environmentalist. If she thought this was going to be bad for the environment, she would be the first to be against it. One thing that is kind of convincing me is the fact that the Sierra Club encourages building mountain bike trails as a way for people to interact with nature and they are not a mountain bike group, they are predominantly an environmentalist group. Johanneck feels confident that between city staff and MORC, especially with all the environmental concerns that they would do a good job making sure the trails are appropriately sustainable. As far as comments about the mountain bike trails being noisy and disruptive to wildlife and obtrusive that has just not been her experience with mountain bike trails. In fact, a lot of the time that is the way she likes to go out and enjoy nature. It is a great way to get the community using the community park and involved with it and caring about it.

Iris Gaillard, 5222 Beachside Dr., Minnetonka goes to Lone Lake Park three times a day. She walks her dog, listens to the birds, records the birds and walks with her dad a few times a week and each time they say how immensely lucky they are to have Lone Lake Park as their backyard and to have it free from bikes. Gaillard thinks that being in tune with the rhythms and the cycles and the life in nature is something that we can do more of these days. To acknowledge and respect the work that all the conservation volunteers have done throughout these years. Gaillard thinks that adopting a more philosophical and ethical approach to this decision in which respects nature and does not try to dominate it and change it would be good. It is a legacy that we can leave behind us in this decision so she opposes building the trails.

Diana Reider, 4783 Hamilton Rd., Minnetonka is a recent physical therapy grad and also an environmental studies minor so she can see both sides. She thinks activity and

getting people out biking is wonderful. Reider also has spent countless hours studying tree vegetation and all these different effects that can happen. There was an online study done by the University of Calgary to see what effects that mountain biking brings to the community. Not only is it the alteration of some of the avian species but also the speed at which a biker comes verses someone that is walking, you have that startle response by the animals. That can either cause them to initially do an aggressive attack which would be less of an effect here compared to the avian species. The alteration of habitat up to 100 percent of vegetation can be destroyed within the first two weeks of just building the trail due to the soil disturbance. The amount of restoration that would take to bring that vegetation back would be something to consider. She also wanted to say a lot of our impact we keep thinking of from the two sides are what we would gain or what we would lose and I think it is important to step back as humans and say it is not about us but it is about what we are effecting. It is about the environment and the species that we are actually impacting and to remember to keep that sacred. This is about all of us enjoying nature and she thinks taking ourselves outside of that and saying it is not just about humans but it is also about the population that we are affecting.

Talya Tapper 4765 Maple Chase Dr., Deephaven is a student at Minnetonka High School and one of three captains of the Minnetonka mountain bike team. Tapper wanted to discuss the informal trails that are already in Lone Lake Park. They are not informal, they are illegal because most of these trails are not maintained at all. You are asked to stay on trails because you are preventing erosion by staying on established trails. If you are going off established trails, going onto deer paths, you are not staying on established trails, you are actually disturbing the environment. Tapper has never been to Lone Lake Park and has lived here since she was two years old. She is sure it is a great park but the fact of the matter is, she has never been there because there is no reason for her to go. Tapper can mountain bike and while she is mountain biking she is relieving stress. Tapper took time out of her busy schedule during finals week to show up because she feels so passionately about mountain biking and mental health and improving mental health in our community for our young adults. Over the past few years we have faced many mental health crisis in this area which unfortunately have led to several suicides. Different ways to mitigate mental health crisis especially depression and anxiety include exercise in nature and one of things we have noticed is that young adults enjoy mountain biking. Young adults go mountain biking and if we can mountain bike here we are saying that our middle schoolers and our high schoolers can all be there, and if we are saying that our middle schoolers and high schoolers can be there, we are saying families can be there. If we want families to continue to care about Minnetonka like my family does, we have to do something for them. What she is seeing is that Lone Lake Park is for people her grandparent's age and as much as she loves her grandparents she does not like to do all the things they do. Tapper's grandparents do not like to mountain bike but she does and she would like to go mountain biking without having to drive.

Trish Gardiner, 14409 Orchard Rd., Minnetonka wanted to thank all of you. Gardiner does not want to propose a mountain bike trail just for her, she wants it for her grandsons, for the high school kids, for the young woman who just spoke about kid's and suicide and how exercise will relieve that. Gardiner wants it to be something that helps support our local businesses. She also wants it because it will attract younger families to our aging community. Minnetonka has a reputation for being a senior focused community. If anyone has looked at our recent Minnetonka newsletter it is filled with opportunities for seniors. Mountain bike trails is an intergenerational sport, it is for people

of all ages. Mountain biking is for everyone as well as our parks are for everyone, not just for people living in townhouses or having the park in their backyard. As our community ages, we need to be looking at ways to be more attractive to younger families. The business insider recently reported that Millennials are not buying start up homes, they are instead renting until they are in their 30's and then they are buying more expensive homes. Minnetonka has a lot of expensive homes, we should be attracting them. The criteria for a trail has been set, the data has been collected, petitions have been signed, and it is time to start building a trail. Let's work together to share our parks in Minnetonka.

Heidi Gray, 13800 Knollway Dr. S., Minnetonka thanked all the city staff for all the work they did on the project. The mountain bike study report was very thorough, impartial and informative. It did a lot of help for everybody. She wanted to take the time to speak to one of the many benefits of having mountain bike trails in Lone Lake Park and that's an increased level of community engagement. As a relatively new Minnetonka resident, only living in this city for eight years, she has not been an active park user. Gray does not play soccer, tennis or pickleball, nor has any children, however, she is a mountain biker. Gray constantly is driving all over the metro area and even statewide to find places to ride. Gray was very excited when she heard about the possibility of trails being built in her own community. Immediately, Gray connected with the advocate group and has been activity involved over the last year. In that time, she has had the pleasure to meet and work with a group of neighbors who she otherwise would not have gotten to know. Gray has also been involved in the invasive removal our group has done with Van Sloun. Not only has this work taught her about valuable and invaluable species, proper care and removal techniques but it gives her an immense sense of pride when you can step back and see the results of the work that we do. Building mountain bike trails in Lone Lake Park will be an incentive for a large group of volunteers to continue restoration work that has already been done in the park to date. Dedicated mountain bike trails will make our community a more desirable location for families to live by broadening the spectrum of activities available in the city's parks. Residents who may not otherwise get involved will have a reason to care about and care for our parklands. It gives us an opportunity to engage our youth and teach them about care of the natural environment and the community they live in. Minnetonka is known as an aging city and we will continue to be if changes are not made to attract young families. Let's work together to share Lone Lake Park.

Eric Moreira, 5554 Nantucket Pl., Minnetonka thanked everyone for all their work and said it was a great presentation. He truly enjoys the preserved portion of the Minnetonka parks especially since Purgatory Park is restored as a prairie. Moreira feels like watching the restoration process has given him a greater understanding about 1). How much time and work this is 2). How many other sites around us are filled with invasive species? Moreira feels like Lone Lake is another special place showcasing a forest with a lot of diversity and native plants. It seems like these sites are becoming rarer. Moreira understands that your intent and everybody else's intent is not to destroy this place and you will try your best to mitigate any degradation. There will be however a certain amount of degradation mainly due to the amount of trail required for this specific activity. How much is too much? That is hard to quantify, he sees the effort it took to get to this point of restoration and therefore; would like to have it continue to be a preservation area. A few questions to have addressed before it goes to city council. 1). The whole pass of use idea, if you have other Minnetonka parks that are considered preserves does this mean that you can decide any other activity that might not be under pass of

use could be inserted into that other preserve. 2). What about policing? Moreira knows staff is planning on having signage but we have previously seen before the signs went up, a lot of unsanctioned riding in Purgatory and other parks and he was not sure if any of the park patrol actually have the ability to ticket them. 3). He is curious about the multi-use trail, he has mountain biked some on Theodore Wirth Park trails, and did not have any problems with hikers and did not see them so maybe it is not a concern. He had a comment from somebody who said in the last 20 years there has not been any interactions between the two from a legal standpoint so that is good.

Jeff Ingram, 14400 Lennell Dr., Minnetonka has been a resident for 25 years and have raised two children. Ingram and his wife are both active in supporters of groups from the nature conservancy to the Loppet Foundation, groups that are in favor of the environment and engaging children and multigenerational people into the use of the open space for health reasons. Ingram read the report, it is very thorough, it is very professional, it addresses all the valid concerns that he had and that most people have about the trail building. Ingram is in favor of it. In the 25 years, we have seen the bus stop grow from 10 kids to 12 kids every day and it has dwindled over the past 25 years to where the bus does not even come down our street anymore. Demographics have been changing and so that is a concern to me. My kids who are now adults are looking to set down their roots and are looking for places to live in the community. My daughter bought a house, my son is actively looking for a house as we speak and it is disheartening to me and my wife that Minnetonka is not even on the short list. The place that we love, the place that we raised them in is not even on the short list and that's because of a number of reasons but one of them is that they want an environment that has healthy outdoor activities and access to that. We need to have that for the city. It's really disheartening to us that the city has become not relevant to that generation and that's what my biggest concern is. Looking at this, Ingram feels really positive about this because in the last three years, three new families have moved onto our block. We now have six kids in preschool and I think the bus stop is coming back. Things are changing and those families are moving here because they are putting a bunch of faith in the city that it's going provide a place for families to grow and live and they are putting faith in you to do the right thing and make this investment into the community to make a place where they can go and explore in the outdoors in a healthy environment in a healthy way. The city is at a tipping point where we really need to move forward and make it relevant to the next generation. Ingram looks forward to being involved. Van Sloun has engaged a lot of people from the advocates in helping with invasive species removal and he looks forward to getting involved and doing more with that.

Paul Hoffman, 12411 Ebnet Circle, Minnetonka is involved along with his daughter with the Hopkins mountain bike team and asked to consider if mountain biking is an amenity that you want Minnetonka to have. Is this something that you want to build trails somewhere in the city? If it is, Hoffman urges the park board to adopt the proposal that your staff is saying that Lone Lake Park is the place to do it and I would trust that they have done their homework. Many people have spoken and any place you want to propose this in the city is something new and something different and someone is going to come up and say I don't want this in my backyard. Anywhere you do this in the city you are going to get that. If you are going to put it in the city at all, then go ahead and vote for it as your staff has proposed.

Susan Moerer, 3725 Elmwood Pl., Minnetonka thanked city staffed for all the work that was put into this process and for the extensive report. Shortly after she became a

Minnetonka resident along with her husband they spearheaded a group of neighbors, about 20 of them and raised just under \$40,000 to purchase a piece of property from a developer that we then donated to the city for conservation. Moerer has also volunteered at Big Willow and more recently at Lone Lake. She commits to help maintain the new trails so I take offense to anyone that thinks that because her support of mountain bike trails that she does not care about conservation. She cares deeply about the environment and conservation and it is that reason she wants the park board to approve moving forward on this. We need more, not less allies in our efforts to care for our parks and open spaces and one cannot become an advocate for something while being excluded from the experience. Telling bikers to stay on the road or the LRT trail is like telling hikers to keep to sidewalks. A much different experience is going to be had by that individual and she would argue that mountain biking is a form of nature bathing and a passive silent sport. Mountain bike trails are no more damaging than hiking trails and in fact could be less so. In building a sustainable trail is a much better alternative to the existing informal trails that run through that park now. We can use this new trail as a guide for any future trails. The biggest impact to the environment is just driving less, having mountain bike trails in Lone Lake will have that effect for our environment. So we need to respect the rights of mountain bikers to experience our parks. If we work together we can improve our parks and secure their legacy.

Jeff Swanson 15020 Evelyn Ln., Minnetonka is a 35 year resident of Minnetonka and a 35 year mountain bike enthusiast. He has seen the bike go from riding any dirt trails you can find to the trails built today that are more sustainable and a lot more fun. He wants to talk about the youth that has been instrumental in our efforts to develop the trail in our city. The VANTAGE students who spoke today very eloquently provided the initial proposal for trails at Big Willow Park. Those proposals were denied and based on the city's criteria. Through that process the VANTAGE students and everyone learned there is compromises that need to be made. This allowed them to experience how city government works, it was a great experience. Exercise is one thing our youth need more in this day, less screen time and more outdoor exercise. Many kids are not wired for field or court sports and thrive at individual sports like mountain biking. We need to have a place in Minnetonka that they can ride rather than waiting to get a ride to a trail a long distance away. Out of all the parks in the city, there are no parks that allow off-road biking. Minnetonka off-road bikers need to be recognized as having a legitimate need to have one trail to ride in our community, just one. Mountain biking is a growing sport in Minnesota with most schools having teams. Minnetonka and Hopkins High Schools mountain bike teams need a place to ride and train. Swanson plans to help with the invasive species effort as many of the advocates and also volunteer with the maintenance of the trail.

John Mielke 16311 Limerick Ln., Minnetonka wanted to thank the city of Minnetonka for an open dialogue on the topic of mountain bike trails as Swanson just said, our students learned what the democratic process is and they are continuing to learn so this has been a great example to them. Since this is a democratic process he wanted to make an important observation. The number of people that signed the petition in favor of Lone Lake Park was 418. The number of people that signed the petition opposing the trail at Lone Lake Park was 303. In addition, Mielke pointed out a significant error in the wording of the petition of the opposition that might go unnoticed. They are opposed to mountain bike trails "motorized or nonmotorized". By including the word motorized in there which is not on any of the documents, nor any of our intents, he believes their petition is invalid and should be discounted or disregarded. Secondly, Mielke wanted to

re-emphasize that mountain biking is a passive-use, it meets all the requirements. It is people powered and it is comparable to cross country skiing, hiking, bird watching and running. Third, as he has been riding on the established trails and been self-policing himself, he does not go on the informal trails anymore. Mielke understands that mountain bikers have a bad reputation with some people of being fast, noisy, etc. so he slows down and says he is on your left. Mielke said he had a conversation with a couple on one of his rides and they said he should be able to ride through the woods and he informed them that he cannot because it is against city ordinance. They continued to talk about the safety of isolating mountain bikers off of walking trails onto our own set of trails that would be one-way and safer. When we are talking about animals and birds, Mielke values those but we also have to value human life. Having separate mountain bike trails keeps humans off of the roads more and we may be protecting human life by having these trails.

Heather Holm, 15327 Lake Shore Ave., Minnetonka has been following this since last June of 2017 and has submitted many written statements. Holm has advocated for finding a site for mountain biking in this city that minimizes environmental impacts and that would be by avoiding our large high quality restored parks. Holm has never been opposed to adding mountain bike trails in the city, and is a cyclist herself. As a bee research assistant she cannot professionally support this proposal in Lone Lake Park as the trails will degrade the habitat for a federally endangered bee species present in the park. The park board is reviewing a proposal tonight for the installation of trails in our city's highest quality, most biodiverse park. The portion of the park that has been designated as a preserve. As others have stated, our city's high quality restored parks are an asset providing unique and unparalleled recreational opportunities that cannot be found nearby. This proposal maximizes trail density and therefore habitat fragmentation includes trails in high quality restoration areas and directly impacts the habitat of a federally endangered bee species. The list of impacts in the environmental assessment although not quantified should give you pause. These impacts cannot be easily mitigated, you cannot mitigate the displacement of special concern or climate threatened bird species from nesting in the park, nor the decrease reproduction success of birds that remain. You cannot mitigate the degradation of habitat and possible extirpation of an endangered bee species. These vulnerable species do not have adequately sized habitat nearby. As someone who has volunteered over 1,000 hours the past 14 years she has lived in Minnetonka and close to 230 hours last year for the natural resources staff. Holm is deeply invested in supporting their mission and helping with the restoration and enhancement of the city's parks for the benefits of all residents. Holm is opposed to wasting decades of public investment in restoring and managing parts of Lone Lake Park as a preserve and is asking you as members of the park board to consider other sites. Going forward I would also like to see a thorough decision making process that properly measures the impacts to current park users, the change and the character of the park and the environmental impacts. We are lacking an honest, open and informed discussion about how much impact would be too much. Since last June, Holm provided examples of sites to city staff and has written statements to the park board that could support the installation of trails. One already mentioned is the Hennepin County Homeschool property. As she told mountain bike advocates in meetings, she would be very interested in collaborating on pursuing this site with the city, with Three Rivers and the adjoining school districts to have it developed as a mountain bike only destination potentially providing more than double the number of miles of trails proposed at Lone Lake. Because this process is expedited, assumptions have been made in parts of the SEH biological insight assessment report as it was conducted when many plants were

still dormant. For example, the report concludes there would be little impact to the federally endangered bumble bee present in the park and that forage plants are unlikely to occur in the wooded areas where the trails are proposed due to dense tree cover. Holm took a one hour walk a few weeks ago on the south wooded portion of the park where the forested understory was dense with forbes and herbaceous plants and she identified six critical spring and fall forage plants that this endangered bumble bee species regularly utilizes. Holm requests that you follow the federal management guidelines for endangered species and please contact the US Fish and Wildlife office to have them independently assess the impacts to this endangered species. Degrading our park designated as a preserve and the habitat of an endangered species does not reconcile with the city's 17 years of adopted policy park renewal process, past resident engagement, investment and long-term commitment to restore this park. The park's preserve designation nor the recent mayoral pledge and subsequent action items to protect and enhance pollinator habitat on city property.

Ann Hanley, 15330 Lynn Ter., Minnetonka, is speaking against the trails and wanted to suggest that people's decision to buy a house, especially younger family's has probably more to do with prices with homes and what they think about the school systems rather than if there is a mountain bike trail. Regarding the density of trails, people are saying they are at least 25 feet apart and just as a mental picture for her, 25 feet is only three car stalls in a parking lot so it is not very far.

Devon Bowker, 32 10<sup>th</sup> Ave., Hopkins works in downtown Hopkins. He takes a moment to thank you and bust a bit of a stereotype he has been hearing this evening. He is a young guy, a millennial, he is also a father of a two year old and he birds. He mountain bikes too but he birds, hikes and through almost 10 years of working with youth outdoors through college he actually knows probably a lot more people that are interested in walking outdoors, running outdoors, hiking, wildlife photography and things like that over mountain biking. One of the things that is of particular concerns to him is and he was hoping to hear a mention of it in the environmental presentation about amphibians but he did not really hear anything. He had some concerns about how they might be impacted by mountain biking trails and he actually contacted a professor in Louisiana, soon to be a professor in Minnesota Dr. Jennifer Lamb who is a herpetologist and amphibian conservationist and she sent him all this literature that talks specifically about while hiking and mountain biking may be comparable in the fact that they both compact soil, the impact is different in the sense that mountain biking creates different types of grooves in the soils specifically v-shaped grooves that might be attractive for amphibians to lay their eggs in and then eventually be crushed. As well as erosion being a massive impact right now with amphibians globally they are on a rave extension that is 211 times greater than the regular background rate of extinction. Most of that is due to habitat loss, habitat fragmentation, and pollution in their environment. This potentially being one of them. So Bowker is wondering what considerations have been taken place, what attention has been given to that and also how the wildlife at Lone Lake as far as it's biodiversity especially with the amphibians compares to other area parks.

Maureen Hackett, 4919 Arlington Dr., Minnetonka said that feelings are running high and she realizes this. She wanted the park board to know that a spear campaign was started online two days ago. The things that were said about her were completely false. Hackett has had several bicycles and has mountain biked many places but she does not expect to have mountains where they do not grow. Anyway, let's just take a big picture back because we have never really dealt with the preserve status of Lone Lake and what has



changed and why mountain biking meets that status, why that is passive. Most people would disagree with that because the original plan to place part of Lone Lake Park as a preserve was because we wanted to minimize all the trails. Hackett heard staff say we have given a lot of thought of how many trails can be accommodated. She wanted to know where that thought is. What she hears is that we are going to minimize these informal trails and we are going to make these mountain bike trails because we know we want to minimize trails. What has changed about this preserved status and why are we suddenly taking 20 years of restoration that we have invested in, undoing it and then saying but were going to have them fix it because we know they are going to damage it. We know there is going to be damage, the city's environmental assessment says there will be damage but we have not quantified it. So you are making a decision without any quantification as to what are going to be the negative impacts. There is sort of an opinion done on a very quick assessment when the plants were not up. How much damage is too much? All of this is theory and we do not know what we are really going to lose. Ninety-seven percent of Minnetonka is developed, three percent is not. Of this park, which is very high restoration value, if we lose the parts that you are talking about for wildlife habitat and for people's nature that is about a third of the undeveloped space in Minnetonka. We have not really looked at who are the users. Right now you can walk a stroller, jog, push a wheelchair, ride a bicycle to it or through it, walk for solitude, walk for romance, bird watch, hunt for mushrooms, walk a dog, make photographs, do art, look for animals, you can simply take time out to be inspired or just take a rest. All the high density housing around Lone Lake Park will draw more people to there because they do not have green spaces and we are building more around there which is fine but why don't we just leave it in tact instead of undoing what we did. Finally, people do not realize what this agreement with MORC really means. Who has the authority to close and open the trails, to say that somebody is breaking the rules, to remove trees, to do this washout, all the things you are allowing MORC to do in the public's parks. It is like a non-government organization suddenly has authority in our public's parks because they have a specialized interest. To Hackett, it is a game changer and we have not even discussed that. It goes with the mountain biking trails, it is part of it. The final question is how much damage is too much. We have not really talked about that. We do not even know what we are going to lose.

Molly Ekstrand, 15508 Highwood Dr., Minnetonka is speaking in support of the mountain bike trails or 10 percent of one of 52 Minnetonka parks. Ekstrand can very much empathize with the people who live right in the direct proximity of this park. Ekstrand is literally right across the street from the Minnetonka Medical building that was brought up in 2013 and can attest that it is not that bad, it all worked out. We worked together, we reached meaningful compromise and we now have a medical building in our community. Ekstrand moved here in 2004 when she was pregnant with our son and they decided to raise their family in Minnetonka and part of the trail systems is what really attracted us here. Her husband has been an avid cyclist for decades. As Hackett said, she really wanted to take a step back and as residents here tonight we have a lot more in common than what separates us, we love Minnetonka, we pay taxes in Minnetonka, we vote in Minnetonka, we enjoy being active in our community and we enjoy having a variety of options to be active in our community. Ekstrand prefers walking when alone, they enjoy hiking together as a family and they enjoy doing the Tour de Tonka and mountain biking as a family as well. She knows this mountain bike group, her husband is one of them. The peer land managers will attest to this, when you are affiliated with MORC, those 400 volunteers will put in countless hours of efforts to preserve and maintain whatever mountain bike trails and the parks in Minnetonka as well. So we can work together on

this, we should work together on this. There are so many examples of this working in harmony in other communities and how multi-shared use trails can work together in harmony and we can do this in Minnetonka as well. Let's work together to share Lone Lake Park.

George Skinner, 15330 Lynn Ter., Minnetonka says that the proposal makes no mention of any effective enforcement plan to take against violators of the city's ordinance. Skinner assumes our existing city ordinance that prohibits bicycling off city trails would remain in place and that this would include not only the current city trail but also this new trails. That these trails would be the only ones that could be utilized. The reason Skinner is concerned is that without an effective enforcement plan against violators we are going to continue seeing large number of mountain bikers ignoring existing city ordinance and they have damaged our parks over the past many years. Walkers take over the mountain biking trails that are blazed by net use. This is based direct personal observation over decades of use of our Minnetonka parks and also other parks in our area. Skinner can say that while people here will say that "unethical riders are a small portion of the mountain bikers community", he would beg to differ. Skinner thinks that the ethical riders are actually the small portion of the mountain biking community. Far too many mountain bikers still have the attitude that their bike can take them anywhere and therefore, they should be able to ride anywhere. Skinner sees this on nature conservancy lands, scientific and natural areas, Minnesota Valley National Wildlife Refuge, many of these places mountain biking is strictly prohibited. Others have certain trails that they are allowed to be on and trails that they are not allowed to be on and yet this usage is constantly in violation with all the ordinances. Last May Skinner was down at Murphy-Hanrehan Park, it had been raining for three days and it was still drizzling while he was there. During the short time he was at the trailhead he saw approximately 20 mountain bikers pass the trail closed sign. Not one person honored that barrier. Where is your effective plan to protect our park? Minnetonka residents have supported referendums, have spent millions and millions of dollars on Ice Arenas, ball fields, soccer fields, tennis courts, etc. Skinner is very disturbed to listen to people complain about not supporting our school children. None of those facilities are any interest to me whatsoever, he enjoys quiet nature observation. The high density of proposed trails in Lone Lake Park will ruin his passive park experience. If you take a map and throw a pile of spaghetti on it, it looks just like this plan. Skinner is not impressed one bit. He is particularly concerned about the trails located on the high quality north-south ridge. Those trails will be directly viewable by any park user on the official trail and it would affect the park user. Minnetonka parks are not the place for mountain bike trails. All of our parks are just too small and he says this as a mountain biker. He owns one, he rides one and this is just not the right spot for it.

Steve Philbrook, 4222 Oak Drive Ln., Minnetonka has a son that is going on nine and is in that generation that is glued to the screen. His son's favorite thing to do is play video games, except for when he is going out mountain biking and his son wants to be with him. This kid is an example for what we want to do this for. This is not for me, it is not for most of the people in this room, and it is for generations to come. Philbrook has heard a lot of anger coming from people that are opposed to this. He has had a lot of great conversations with people. Someone tonight said they angry things they want to say but do not have enough time. Philbrook asked why we should be angry about nature. This is nature, this is a park. Some comments he has heard is "not in our park", well it is all of our park. He has heard, "the kid's on the mountain bike team do not pay property taxes", well no but their parents do and maybe their grandparents do too and maybe a few

years down the road when they grow up they will want to live here. They will want to live here because there is a place where they can ride or it is a community they like. Recently Philbrook heard, "years ago it was a farm and it was beautiful rolling hills and it was more like a prairie and now there are trees". It's a park, aren't there supposed to be trees in a park. Another comment he heard, "there is already too much going on in a park." That means the park is being used. Philbrook does not see why it is a bad thing if people are out in a park. Don't we want more people to enjoy nature, to respect nature, to be part of it, to teach their kids, to teach their family to actually part of nature?

Mark Osland, 14409 Orchard Rd., Minnetonka has been a resident for 27 years and enjoys the park system here. Osland raised two boys and spent a lot of time in the parks together and used all the equipment. Once they were 10 years old, then there really was not much for them to do after that. The reason Osland is for it is he thinks it is something for our teens and it will get them into nature and make them care more about the parks going forward.

Mary McKee, 3842 Baker Rd., Minnetonka wanted to point out that there are three projects going on around Lone Lake Park. Pickleball courts going in, the inflatables are coming at Shady Oak Beach and then where the music barn is that is going to be all new housing. Besides considering having the mountain bike trails, you have a lot of usage from new groups coming in there. To analyze, take that into your consideration about all the new things that are coming in and how that is going to impact the traffic, environment, etc. McKee appreciates that the kid's want to use the mountain bikes. She has grandchildren and has them every weekend because their mother is going through cancer. The time that she can get them off their electronic games and talk to them and to connect to their own feelings with just the nature, the quietness she really values.

Jerald Gershone, 13111 April Ln., Minnetonka says that Lone Lake Park is not in his backyard but he has done a lot of preservation and volunteer work. He thinks the city showed a lot of foresight in the post plan designating a preserve and passive use. Gershone does not see the proposed trails as passive use, when he looks at it he sees a park that is being sliced and diced. The city has spent close to a quarter of a million dollars restoring this unique gem and countless hours and so he would really urge you to look at alternatives.

Dana Kromer, 3725 Almwood Pl., Minnetonka thanked staff for producing a comprehensive study for the mountain bike trail and the standards at Lone Lake Park. The study is fair, balanced and goes a long way to correct the misconceptions and a lot of the false information presented and posted online by the opposition. Kromer is very excited about the staff recommendation to proceed with the construction of the sustainably designed mountain bike trail to the concept plan. He has been an avid mountain biker for 30 years, also an outdoorsman and avid bird watcher his entire life. It is precisely this passion for outdoors that motivates Kromer to get on his bike and ride in the woods. Unfortunately, I go to other cities to ride. Mountain biking is a passive, silent sport. To imply otherwise, that mountain biking has motors, or that mountain bikers do not care about the environment is shameful in mind and completely misses the mark. All of the other parks that were mentioned, Lebanon Hills, Elm Creek, Lake Rebecca are larger, but the density, trails and terrain are very similar to what is being proposed here. The largest mountain bike race in North America started in 1985 in Wisconsin. This land is what we have and is a great terrain to mountain bike on. With the use of GPS devices any one of us can go online and see the tracks of our fellow mountain bikers at all these

trails that he mentioned. Everybody stays on the trails and you can see it. The average speed is seven miles per hour. Finally from the studies, it is clear that the proposed mountain bike trail at Lone Lake Park meets all three objectives of the park board mission. 1). to protect and enhance Minnetonka's natural environment as stated in the study the environmental impacts of mountain biking are on par with the impacts from hiking which is accepted all over the park. We are asking for one percent of Lone Lake Park for a sustainable low-impact trail. 2). To promote quality recreation opportunities and facilities, the Lone Lake study and surveys of land managers with existing IMBA trails is overwhelmingly positive in this regard. The parks are better off with trails, not worse with trails like proposed for Lone Lake. The trail will promote passion for the parks as well as a healthy life style. 3). to provide a forum interested in our parks, trails, athletic fields and open space. Kromer hopes the mountain bike advocates including members of the Minnetonka mountain bike team that have been involved in this initiative for almost two years and those here tonight are proof of that community. Kromer will continue to be an active member of the volunteer staff you have at your disposal to not only build but care for the trail.

Gary Fischer, 11814 Bren Rd., Minnetonka lives in the Vista Woods complex and they have about three acres that adjoins Lone Lake Park. One thing that has not come up tonight is that Edina has a plan for Braemar Park with 5.8 miles of mountain bike trails in it. One thing Fischer noticed looking at their plan and their various requirements for going in is that they are more respectful of adjacent property owner's than Minnetonka's. Their plan says that the trail will be at minimum 100 feet from any private property owner lot. In our case, in our association that major intersection where you can change and go both directions is probably going to be about three feet width to our property line. It is one of those things that suggests that Lone Lake Park might be a little too small for this particular usage. The other thing is that Lone Lake Park is really being squeezed lately. I can think of three things in addition to the mountain bike trail. The pickleball courts, a trail from the Chase apartments down on Rowland, that is being pursued by the Engineering Department to cut through the park, then there is a new complex which will end up pretty much at the trailhead of this and that will be an adjacent property as well. It is a wonderful activity but not a wonderful activity for this particular park. There have been a couple alternate things that have been mentioned as sites and those should be pursued.

Luke Van Santen, 2148 Sheridan Hills Rd., Minnetonka said that the observation, just as you cannot grow mountains in Louisiana you cannot grow solitude or undisturbed bird habitat within one half mile when you have annual average daily traffic counts of as follows: 494 – 100,000 cars per day, Highway 62 – 30,000 cars per day and Shady Oak Rd. - 13,000 cars per day. To the board, please see the hard work, extensive community engagement and cost responsibility diligently executed by staff. Categorically reject the false notion that you cannot promote quality recreation opportunities in facilities while also protecting and enhancing Minnetonka's natural environment. Please look past the foggy fear of safety and alleged environmental damage and see the clear truth that multi-use trails have a proven history of working well for all users and that trails would be designed, built and managed sustainably and responsibly. Please winnow the chaff of partial and outright falsehoods and slanders offered thankfully by only some opponents and dig out the kernels of fact offered by others so that we may work together to eliminate or minimize or mitigate in that order conflicts. Please recall the city manager's statements on having a regional perspective and then look past the wilted tree of hyper-local Nimbyism to see the larger lushly forested landscape Minnetonka occupies with our

neighboring cities and park managers. Last, Van Santen urges you to see past the outdated centralized facility, drive somewhere to do something, all eggs in one basket mindset to envision larger trail segments like Lone Lake serving as anchors in a networked single-track recreational and regional trails system. Just as pickleballers should not be limited to tennis courts or hockey rinks in only one park, walkers should not be limited to concrete sidewalks that do not lead to desired destinations, mountain bikers should not be limited to regional multi-use paths, make rogue trails or drive 30 minutes to ride.

Ben Marks, 4362 Avondale St., Minnetonka, thanked everyone for their patience and hard work. When this first started for Marks it was all about mountain bikes and then he met Van Sloun and it quickly changed and it became about restoration. If there is anything he learned from this experience, the people that work for the city are amazing, dedicated people and Van Sloun is certainly one of them. Marks is one of those 400+ people that will absolutely volunteer to do invasive species removal to make these parks more beautiful. Marks is aware that \$250,000 was spent for restoration efforts but most of that monies was through contractors. Marks would argue in the next 10 years that money will be saved in restoration efforts. He also believes that 10 years from now with the introduction of mountain bike trails, Lone Lake Park will be more beautiful than it is today. Marks wanted to read a brief letter that was written to city leaders by a lifetime resident of Minnetonka that really inspired him. Marks read, "Dear City Leaders: I'm a resident of Minnetonka and currently reside at RidgePointe I support the building of mountain bike trails at Lone Lake Park and attended your open house today. I was very impressed with all the information and it appears you have done your due diligence. I am soon to be 85 years old and even though I no longer am able to get around to the parks like I used to, that doesn't mean that I don't care any less for them. I want to pass my appreciation down to a younger generation and I believe that means we need to expand our amenities to the growing sport of mountain biking. Not only do I think that is a growing sport that is here to stay but a co-ed mountain biking team is empowering our young women. How exciting to see so many kids find a love for a silent sport that gets them in the heart of nature. On the way out I was approached by a gentleman who was in opposition. I think he thought that as an elderly man with a walker, I was going to be an ally. I listened to his reasons for his opposing this project. Most of it had to do with disrupting the park of what he thought was a negative impact. While I can't deny that there won't be any impact, I was impressed how well planned out everything was to minimize and mitigated. I feel like not building these trails will also have an impact for me that impact is greater than any impact on the park. If we don't move forward with what our citizens and children want in our parks, they will not value them the same way that I do. Minnetonka is an aging community and I'm part of that but that is not what I want from my community. I want it to be progressing, even vibrant and inclusive to all and all activities. I want our parks to meet everyone's needs and interests after all, parks are for people that is what I believe will protect our parks in the future. Please consider my input and move this project forward. Sincerely, Henry Moerer, 12600 Marion Lane." Marks agrees with Moerer's comments and thanks everyone for their hard work.

Joseph L. Wolf, 1608 Jackson Ct., non-resident, is a retired environmental scientist. Spent roughly 40 years analyzing environmental impacts, getting projects approved and doing the sort of things that is being worked on tonight. He does not envy the decision that awaits. The reason Wolf says that is because this particular park is a restored park, it is a beautiful place, the request of the mountain bikers is completely legitimate and it is a fine activity. The challenge is that you have a beautiful natural gem. What we are told

in the analysis is that after spending \$250,000 preserving it and spend another \$200,000 carving 4.7 miles of trails that is all going to be okay. It might be. Wolf's experience of 70 years is that there is always a consequence and it is always a negative consequence. The history of the world is littered with those kinds of circumstances and he has studied many of them. It is a difficult decision and he asks to consider the long-lasting nature of these impacts.

Paul Giguere, 5538 Nantucket Pl., Minnetonka, said that virtually everyone has commented that they support mountain biking but the issue seems to be where. This has been brought up by two other speakers at least and that seems to be the just of what is going on. Walick asked if this is the plan or if more input could be made and Giguere believes the answer was no. The other thing I heard from Kvam was the slope of that hill by the tennis court and the answer was that we do not know that. The biologist said that it is difficult to quantify these things and so Giguere just kept thinking about two other general laws of planning or variables of planning. The first is the law of unintended consequences and the second is the devils in the details. There are many questions and concerns and Giguere just wanted to say those two variables and ask for you to consider those as you deliberate on your decision.

Rosann Fischer, 5512 Bristol Ln., Minnetonka said this was her first meeting that she attended and wished we would have been more informed in our area. Fischer asked if a bee study has been done. If a bee study has been done she would like to see it. Fischer has lived here 25 years and is opposed to it.

Evenrud thanked everyone for their comments and closed the public hearing. He turned it over to staff to answer questions that were asked during the public comments.

O'Dea said that they talked about the Hennepin County property as an option. However, because it was not a city park we did not dive into that option.

Can someone be ticketed for not following the mountain bike rules? That relates to our park ordinance and if somebody breaks one of the park ordinances could they be fined or ticketed? O'Dea that we do not have officers in our parks and we do not have park patrols on a consistent basis but technically you could be ticketed for breaking our park rules or ordinances.

What is the enforcement plan for the proposed mountain bike trails? It would be enforcing it like we do all of our other parks with signage and on a complaint basis.

Have we done a bee study? Colleran explained that the city has not done a bee study Holm who is our local expert is the one that identified the rusty patch bumble bee in the central rain garden in the lower parking lot. In speaking with Holm she was out there earlier this spring because Colleran was wondering if she identified any areas of overwintering habitat or even nesting. So we would need to follow up with that but no a bee study would not be done. As part of protecting the habitat of that federally endangered species if this proposal is approved by recommended by park board and then city council that is when more of those detailed wheels would be rolling. We would need to consult with US Fish and Wildlife, we would need to do our due diligence and try to identify the locations of that bee habitat because we cannot alter that habitat, and we need to make sure that the trail would not impact that.

How will the trail affect amphibians? Colleran said to her knowledge the way the trail would be built it would not have a v-notch in the trail because it would be built to shed water so that the water would flow off of that. Now, one of the concerns is if there is trail riders not obeying the closing when the trail is wet than yes, they could create the tire impression and cause that v, if that v is not present but water is going to drain off you would not have amphibians laying their eggs in those locations. We do know that amphibians use wetland environments, they live in terrestrial and wetland areas. They lay their eggs depending on the species in wetlands and they will live their life in the upland. So it is about our populations on the trails. Are there toads on the trail, are there leopard frogs on the trail when a biker is going by because clearly if it is there and the biker does not see it, it could be run over. There could be impacts on amphibians and have we quantified it to that extent, we have not.

Another question that came up was how does wildlife at Lone Lake Park compare to other Minnetonka parks? Colleran was not clear if they were asking are we seeing similar types of wildlife such as: deer, fox, coyote, rabbit, possum, raccoons, skunks and the plethora of birds that we see. Some of our parks I would say we don't have the same amount of wildlife. Colleran thinks of Purgatory Park and the reason for that is because many people believe that to be an off-leash dog park, but it is not. However, because of the number of dogs it probably does not have the diversity of wildlife. She also thinks of our bigger parks like Meadow Park, it is a larger wetland complex. There might be different types of wildlife and even bird life inhabiting that park because it is more of a wetland complex than it is an upland woodland community. So to answer the question comparable, somewhat. Same numbers, hard to quantify because we have not done that analysis in the other parks.

How can we quantify the effect, how much damage is too much? Colleran says on one hand she thinks that is a little philosophical. We know there is going to be environmental impact. We have heard tonight that people believe the character of the park will change. So she thinks we individually have to look and say, what will we accept? This is an amenity that the community and the leaders of the community say this is something we want to have. There is a tradeoff, it is always about balance when we are talking about our natural environment. Every time Colleran reviews a development proposal it is always about balancing human projects, needs, desires with that environmental impact. As many people said that is your difficult decision tonight, it is really a policy decision about what should this park be.

O'Dea said someone asked about the community preserve. People have talked about passive verses active use and it is somewhat subjective and Hejl did a nice job talking about the POST plan and defining what a preserve is. It is somewhat subjective, the definition talks about land set aside for preservation of natural resources, remnant landscapes, open space, in visual aesthetics and buffering. Also, it provides passive use opportunities, i.e. nature type trails, overlooks or interpretive programs. Different opinions have come up to the podium today that talked about how it fits, how they think it fits or does not fit into that community preserve designation. Hejl added that if you are considering what uses can be within a preserve, we do have formal maintained trails that do allow for multi-use so biking, running, hiking, walking your dog those are in the community preserves within Minnetonka. The difference is that this trail would be an addition to that so there is the existing maintained formal trail within Lone Lake Park preserve that does allow bikes today.

Izquierdo said there was a question about what will the agreement with MORC mean with concern that they will have complete control. Staff has talked with MORC and Minnetonka would directly manage the trail and a memorandum of understanding would be made with MORC that would meet Minnetonka's specific needs. What that would look like would be to assist with the initial trail building, managing the opening and closing of the trail, communicating with the public, educating the public on etiquette and rules of the trail and also things like inspecting the trails. So the concern with the potential v-rut in a trail that would be inspected and be compacted and fixed when a MORC volunteer saw that concern.

Another question or comment was brought up about the potential mountain bike trail to our neighboring community, Edina. Izquierdo said they spoke to Edina and they have a master plan that does include a mountain bike trail but currently has not allocated funds to the trail. It is not in a construction phase or moving forward.

Questions from the board, there were none.

O'Dea asked if the park board supports the inclusion of mountain bike trails in Lone Lake Park as described in the attached study.

Durbin said he saw the proposed trail and it has different segments. It has the short course over to the western side about .8 miles and then it has turnarounds to it. Durbin was thinking the cost estimate is going to be above what is funded or what is allocated right now. Maybe that is something to consider that if this trail gets approval, it won't be built within those financial constraints.

Gabler said he heard the term expedited process and he was the one guilty of sticking that into a motion. When Gabler did it back in April, what he meant by expedited process is let's get the work done and get the study because the mountain bike advocates deserve to get an answer. It has been two years and it is time to give somebody an answer. Gabler thought it was interesting when they talked about similar sized trails having about 140-300 users per week. According to some quick math but if the park is open from 6 a.m. – 10 p.m. we are talking about three people an hour using the park on average. Sometimes it will be busier and sometimes there will not be anybody. To Gabler it is one of those issues that they are an advisory body and his inclination would be to let the duly elected officials make the decision and pass it on to the city council. Our job is to go through this and really start flushing out the issues and let the people elected deal with it. Gabler's question is when we talk about unintended consequences, what are the unintended consequences doing, nothing. Nobody brings that up. Gabler wishes that all of you would have been there at the beginning when the VANTAGE kids came in and gave their presentation. People would have been more than impressed by their professionalism and the work they did prior to even coming to us. From that we went from having three or four people at a meeting to an overflow crowd. That was an impressive presentation and that is what started everything and Gabler thinks we owe those kids an answer because how many times do we say kids do not do a darn thing and they are lazy. This is proof that they are not and his inclination is to give them an answer. Change is hard but his inclination is to move this forward and let the council make the call.

Kvam stated that we have a new future park and it is the Ann Cullen Smith property. It is targeted at bird watchers and it is just footpaths. It is a contract that we had with the



purchase agreement with the property. Lone Lake Park is not an exception and everybody also wants to have that engagement with nature. That is the hikers, bikers, it is everybody. So with 50 parks in Minnetonka Kvam thinks it is time to share one and it is a community park which means it can draw from the whole community, not just the neighborhood.

Walick mentioned that people for and against the trails care about this park a lot. That makes our job difficult in that we are supposed to analyze and represent the people the best we can. So there is the opinion aspect, the other side is the objective aspect and the research that goes into this. Having a research background, it was a little frustrating looking through the literature at how few good research based studies there were on the impact on mountain biking. The few that Walick found were reflective in terms of the plant life, soil and the animals with what was in the report provided by SEH. With those impacts as stated in the report by them and the city, it comes down to design. Looking at the city of Minnetonka and the pride we take in our parks and the dedicated staff we have. We view these parks as great places, places that we love. Part of it is the volunteers but part of it is also the city who has been able to maintain and manage those parks. Based on the information that we have been provided and the research out there of course there is environmental impact. With anything we do, it is unavoidable but Walick believes that you are able to minimize that impact so the wildlife and flowers can still exist there. Based on the dedicated staff, their knowledge and the information available provided by the researchers, Walick feels comfortable to move forward with recommending this to the city council.

Acomb wanted to speak on behalf of the students. The speaker that moved him the most was the young woman who was a member of the Minnetonka mountain biking team who got up and said she had never been to Lone Lake Park in her 16 years of living here because she never had a reason to go. Acomb has lived here for 13 years and when I was really young he went to all the local parks. As he grew older if he went to a park, it was not in Minnetonka. Growing up, his parents were biologists and he grew up with these environmental values his whole life. Even Acomb was not taking these parks to their full potential or full utilization. Now he has gotten involved with the city and have matured a little bit and rediscovered some of these things that he can actually take advantage of and the resources my city provides. It is unfortunate that Acomb was not able during those formative teenage emotion filled years to take advantage of that. There are kids like him who are not interested in playing football, basketball or baseball but would still like to be involved outside and to him the mountain biking option is a really nice fit for that niche. For that reason, he supports the mountain biking proposal even though he cannot vote on it.

Evenrud said when his own children got old enough to ride bikes they took a bike ride to Lone Lake and they encountered a staff person doing work. They asked if they could bike there and the answer was, "no, not really" so he asked what if he stayed on the path and the answer was "probably okay" so it was kind of ambiguous. When Evenrud got on the board one of the first questions he asked was what the rules with biking are. It was explained that it is not a simple thing and here we are. Evenrud thinks one of the best things that could come of this is to get away from that confusion and to make it organized. He has seen the single-track trails and what they do and was quite impressed by that.

Kist said prior to the report coming out she was pretty much in favor of this. After the report coming out she does have her concerns about the wildlife, about the vegetation, about all the activity going on in this park. It is a community park and she is afraid there may be a lot of activity going on here and maybe more than the park can handle as a preserve.

Gabler moves that we recommend approval to the city council of the concept plan. No second was made.

Evenrud opened the floor back to discussion for the park board.

Gabler said that we really do not know what is going to happen. In a perfect world, trails would be put in and everybody would behave absolutely perfectly. However, he is guessing that we all know that is not going to happen. We do not know what is going to happen and in five years somebody is going to be able to say I told you so to somebody. Gabler said he really liked Kist's statement that we do not know how much activity the park can handle. We may find out it can handle a lot more than we are presently doing or maybe it is too much. Nobody in the building can stand up definitely one way or another. That is a concern Gabler has with all of our parks and that is a real valid thing for us to think about.

Kvam went to Carver Lake Park in Woodbury, which is a very comparable city park with a mountain bike trail about the same length as what we are proposing and her intent was to talk to the walkers and the bikers about conflicts and environment. When she went there were no other walkers or bikers. It was just her and a couple of bikers she went with. One who was there for the first time so definitely not over-used but there was a deer.

Walick wanted to build on what Gabler was saying and that we do not know but that does not mean we do not have information. We have the report, we have what research is available out there and so we are not making this decision blind. We are not hoping for the worst or for the best. We have guidance, not only on the impact of mountain bike trails but on how to minimize the impact on the long-term. Walick interpreted, when the mountain bike trails are designed with quality and unbalance in mind, success is how the environment and nature can co-exist with mountain bike trails.

No further comments.

O'Dea did a roll call. Durbin "yes", Seveland, "yes", Kist "yes", Kvam, "yes", Evenrud, "yes", Gabler, "yes", Walick, "yes".

Vetter mentioned this will go to the city council, Monday July 9, 2018. Packet of information for city council goes out Thursday or Friday before that meeting.

## **5. Park Board Member Reports**

None

## **6. Information Items**

None

**7. Upcoming Park Board Agenda Items**

No additional items were discussed in addition to the calendar included in the meeting packet.

**8. Adjournment**

Kist motioned to adjourn, seconded by Gabler. Evenrud adjourned the meeting at 10:40 p.m.

**Minnetonka Park Board Item 5A  
Meeting of September 5, 2018**

<b>Subject:</b>	Minnetonka Historical Society presentation regarding Burwell House
<b>Park Board related goal:</b>	To provide quality athletic and recreational facilities and programs
<b>Park Board related objective:</b>	Ensure that park amenities, recreational facilities and programs address the future community needs and changing demographics
<b>Brief Description:</b>	Receive report and presentation regarding Burwell House

### **Background**

The Minnetonka Historical Society is a non-profit organization devoted to preserving Minnetonka's history. The Minnetonka Historical Society was developed after City Council adopted a resolution in 1974 to dissolve the Minnetonka Historical Commission to transfer all duties to the Minnetonka Historical Society. The intent of this committee set at the April 15, 1974 council meeting was for this committee to preserve the history of the city, as they continue to do today.

The Minnetonka Historical Society has roughly 300 members and continues to grow. This organization is greatly involved in the Charles H. Burwell House and the grounds at Minnetonka Mills Park. While the city of Minnetonka owns, maintains and operates the Charles H. Burwell House and Minnetonka Mills Park, the city and Minnetonka Historical Society have developed an agreement to allow the main office for the Minnetonka Historical Society to be located in the museum building, near the Burwell House, at the park. It is open for tours on Tuesdays in the summer, and holds many great archives and treasures related to Minnetonka's history.

The Minnetonka Historical Society offers a wide variety of events that draw attraction to the rich history of the Charles H. Burwell House and Minnetonka Mills Park. In November of each year the Minnetonka Historical Society decorates the Burwell House in Victorian Holiday Fashion and recently began to offer public tours throughout the weekends leading up to the annual Victorian Tea held in December. The organization has the museum open for tours during the annual ice cream social, and has begun doing walking tours of the Minnetonka Mills grounds with interested groups.

The Minnetonka Historical Society's dedication to the history of Minnetonka, the Charles H. Burwell house and Minnetonka Mills Park are greatly appreciated and allow for the continued success of this historic treasure.

### **Summary**

The Minnetonka Historical Society will be taking this opportunity to introduce the organization to the park board members and give a brief presentation to inform the Park

Board of their work with Minnetonka's history, Charles H. Burwell House and Minnetonka Mills Park.

**Recommended Park Board Action:** None.

**Minnetonka Park Board Item 5B  
Meeting of September 5, 2018**

<b>Subject:</b>	Cullen Nature Preserve presentation
<b>Park Board related goal:</b>	To protect natural resources and open space
<b>Park Board related objective:</b>	Review options to enhance natural resources & open space
<b>Brief Description:</b>	Receive report and presentation regarding Cullen Nature Preserve

## **Background**

In 2001, Minnetonka voters approved a \$15 million referendum to fund parks renewal and open space preservation. A resident task force was formed to establish open space criteria and identify properties for potential preservation. On February 23, 2004, the city council approved a purchase agreement and a conservation agreement to acquire two of those identified parcels located at 2510 Oakland Road.

The parcels, totaling 30 acres, were owned by Ann Cullen Smith and have both a high ecological value and a diversity of habitat. The agreement with Ms. Smith and her representatives included establishing a conservation easement over the property in perpetuity held by the Minnesota Land Trust. The purchase agreement negotiated an acquisition price of \$2.6 million (\$100,000 earnest money was applied as partial prepayment) to be paid to Ms. Smith's estate or heirs upon her death. Sadly, at the age of 106 Ms. Smith passed away on January 25, 2015. The city acquired the land in the spring of 2015.

In March of 2017, John Anderson of Conservation Minnesota contacted the city to inquire how he and a group of dedicated volunteers might work with the city to determine what the future of the property might be as well as to assist in restoration of the property.

In 2017, city staff met with Mr. Anderson and several interested residents to discuss the work that staff had undertaken. Staff also discussed what they hoped to accomplish in 2018. This included surveying the property boundaries, communicating with adjacent neighbors, conducting a tree inventory, assessing and possibly stabilizing a ravine and continued invasive species management with the volunteers.

Additionally the conservation easement document was reviewed so there was a clear understanding of what is, or is not allowed on the property.

In 2017 the group expressed interest in wanting to continue to assist with invasive species management and were interested in having some small improvements like interpretive signs and benches installed. They expressed concern about people walking their dogs on the property and felt that this should be a "no dog" parcel. Under section 2.8.c. of the conservation easement it prohibits horses, bicycles and motorized recreational vehicles but there is no mention of prohibiting dogs.

Staff also discussed the Park Board's and City Council's need to review and approve any improvements and associated funding, and any additional restrictions that may be placed on the parcel. The public input process was also discussed.

**Summary**

John Anderson of Conservation Minnesota will provide information to the park board relating to the property.

**Recommended Park Board Action:** None. Information only.

**Attachments:**

1. Recorded Conservation Easement

#2004-253



2003 AND PRIOR TAXES PAID  
TAXPAYER SERVICES  
TRANSFER ENTERED

Doc No 8386356 06/28/2004 01:00 PM  
Certified filed and or recorded on above date:  
Office of the County Recorder  
Hennepin County, Minnesota  
Michael H. Cuphiff, County Recorder  
TransID 42398

JUN 22 2004

HENNEPIN COUNTY MINN.  
*[Signature]*  
DEPUTY

Deputy 3  
Fees  
\$17.00 DOC  
\$5.00 SUR  
\$5.00 MAIL  
\$27.00 Total

### CONSERVATION EASEMENT

This is a CONSERVATION EASEMENT granted by Ann Cullen Smith, f/k/a Ann Jewett Cullen, widowed and unremarried, (the "Owner") to the Minnesota Land Trust, a non-profit corporation organized and existing under the laws of the State of Minnesota (the "Trust").

#### RECITALS:

- A. **OWNER.** The Owner is the current owner of approximately 30 acres of real property located in Hennepin County, Minnesota. That real property is more fully described below as the "Protected Property."
- B. **PROTECTED PROPERTY.** The Protected Property is that real property legally described in Exhibit A and generally depicted on the "Property Map" in Exhibit B. Both exhibits are attached to this Easement and incorporated by this reference.

The Protected Property is currently used for a single residence and open space. Existing improvements on the Protected Property include a residential dwelling and detached storage building.

- C. **MINNESOTA LAND TRUST.** The Minnesota Land Trust is a non-profit corporation organized and operated exclusively for charitable and educational purposes, including the preservation and protection of land in its natural, scenic or other open space condition. The Trust is a public charity as defined in Sections 501(c) (3) and 509(a) of the Internal Revenue Code and an organization qualified to hold conservation easements under Minnesota law and Section 170(h) of the Internal Revenue Code and related regulations.
- D. **CONSERVATION VALUES.** The Protected Property has the following natural, scenic and open space qualities of significant importance:
  - The open and natural features of the Protected Property provide outstanding scenic views prominently visible to the public from Interstate 494, Oakland Road and Stone Road.



- The Protected Property contains wetlands and mature forest providing habitat for a variety of plants and animals.
- The undeveloped and relatively undisturbed natural areas provide important open space that adds to the natural character of the City of Minnetonka as advocated by the City.
- Future use of the Protected Property as a publicly accessible natural and scenic park would provide important opportunities for nature observation, study and reflection.

Collectively, these natural, scenic and open space qualities of the Protected Property comprise its "Conservation Values."

These Conservation Values have not been and are not likely to be adversely affected to any substantial extent by the continued use of the Protected Property as described above or as authorized below or by the use, maintenance or construction of those structures and improvements that presently exist on the Protected Property or that are authorized below.

E. **CONSERVATION POLICY.** Preservation of the Protected Property will further those governmental policies established by the following:

- The Environmental Stewardship Policy in the City of Minnetonka 1999 Comprehensive Plan, which supports protection of the City's wetlands and woods.
- The City of Minnetonka Parks, Open Space, and Trails plan ("POST Plan"), adopted as part of the 1999 Comprehensive Plan, particularly the portion that states "[t]he City will work with landowners to encourage land conservation practices...and establish permanent protection of key resources through conservation easements..."
- Minnetonka City Council policy on Open Space Preservation.
- The Parks and Open Space referendum adopted by the voters of the City of Minnetonka on September 11, 2001.
- Minnesota Statutes Chapter 84C which recognizes the importance of private conservation efforts by authorizing conservation easements for the protection of natural, scenic, or open space values of real property, assuring its availability for agriculture, forest, recreational, or open space use, protecting natural resources, and maintaining or enhancing air or water quality.

F. **CONSERVATION INTENT.** The Owner and the Trust are committed to protecting and preserving the Conservation Values of the Protected Property in perpetuity. Accordingly, it is their intent to create and implement a conservation easement that is binding upon the

current Owner and all future owners of the Protected Property and that conveys to the Trust the right to protect and preserve the Conservation Values of the Protected Property for the benefit of this generation and generations to come.

### **CONVEYANCE OF CONSERVATION EASEMENT:**

Pursuant to the laws of the State of Minnesota and in particular Minnesota Statutes Chapter 84C and in consideration of the facts recited above and the mutual covenants contained herein and as an absolute and unconditional gift, the Owner hereby conveys and warrants to the Trust and its successors and assigns a perpetual conservation easement over the Protected Property. This conservation easement consists of the following rights, terms and restrictions (the "Easement"):

1. **CONSERVATION PURPOSE.** The purpose of this Easement is to preserve and protect in perpetuity the Conservation Values of the Protected Property identified above by confining the development, management and use of the Protected Property to activities that are consistent with the preservation of these Conservation Values, by prohibiting activities that significantly impair or interfere with these Conservation Values, and by providing for remedies in the event of any violation of this Easement.

The terms of this Easement are specifically intended to provide a significant public benefit by:

- Preserving the open and natural character of the Protected Property for scenic enjoyment by the general public from Interstate 494, Oakland Road, and Stone Road.
- Protecting a relatively natural habitat for wildlife and plants.
- Providing an opportunity for future public access to experience and enjoy the out-of-doors in a relatively undisturbed and natural setting.

2. **LAND USE RESTRICTIONS.** Any activity on or use of the Protected Property that is inconsistent with the purposes of this Easement is prohibited.

Except as specifically permitted in paragraph 3 below and without limiting the general prohibition above, restrictions imposed upon the Protected Property expressly include the following:

- 2.1. **Industrial and Commercial Activity.** No industrial or commercial use of the Protected Property is allowed.
- 2.2. **Agricultural Use.** No agricultural use of the Protected Property is allowed. This includes tilling, plowing, commercial cultivation of row crops, livestock grazing or production, haying or feedlots.

- 2.3. **Residential Development.** No residential use or development of the Protected Property is allowed except as specifically permitted in paragraph 3 below.
- 2.4. **Right of Way.** No right of way shall be granted across the Protected Property in conjunction with any industrial or commercial use or residential development of other land not protected by this Easement, except for the reasonable widening of adjacent Oakland Road.
- 2.5. **Mining.** No mining, drilling, exploring for or removing of any minerals from the Protected Property is allowed.
- 2.6. **Subdivision.** The Protected Property may not be divided, subdivided, or partitioned. The Protected Property may be conveyed only in its entirety as a single parcel, regardless of whether it consists of or was acquired as separate parcels or is treated as separate parcels for property tax or other purposes.
- 2.7. **Density.** No portion of the Protected Property may be used to satisfy land area requirements for other property not subject to this Easement for purposes of calculating building density, lot coverage or open space under otherwise applicable laws, regulations or ordinances controlling land use. No development rights that have been encumbered or extinguished by this Easement may be transferred to any other property.
- 2.8. **Structures and Improvements.** No temporary or permanent buildings, structures, roads or other improvements of any kind may be placed or constructed on the Protected Property except as specifically authorized in paragraph 3 or as set forth below:
- a. **Utilities.** Utility systems and facilities may be installed, maintained, repaired, extended and replaced only to serve uses and activities specifically permitted by this Easement. This includes, without limitation, all systems and facilities necessary to provide power, fuel, water, waste disposal and communication. No communications towers, wind turbines, or similar structures may be installed.
- Utility systems and facilities shall be installed or constructed with minimal grading and disturbance to vegetation. Following installation or construction, the surface shall be restored to a condition consistent with the conservation purposes of this Easement.
- No toilet facilities may be constructed or installed outside of the structures described in paragraph 3.3 below.
- b. **Signs.** No billboards or other signs may be placed or erected on the Protected Property except for small, unlighted signs for informational or interpretive purposes.

- c. Roads, Trails, and Parking. Existing roads may be maintained, improved and reasonably widened. Paths and pedestrian trails may be established on the Protected Property for passive recreational and educational uses. These paths and trails may not be paved, except where necessary to prevent erosion, or if required by law. Horses, bicycles and motorized recreational vehicles are prohibited.

A driveway and parking lot may be installed to serve the passive recreational and educational uses allowed by paragraph 3.4 of this Easement. If a current structure is removed, a parking area for general parking may be constructed within the footprint of that structure. No driveway or general parking lot may be located outside of the areas currently developed for structures and driveway. If the structures remain, any parking lot constructed on the Protected Property must be limited to handicapped parking only.

No other roads, driveways, parking lots or other rights of way may be established or constructed on the Protected Property without the prior written approval of the Trust.

- d. Fences. Existing fences may be maintained, improved, replaced or removed. Additional fences may be constructed and maintained, improved, replaced or removed to mark boundaries, to secure the Protected Property, or as needed in carrying out activities permitted by this Easement.

- 2.9. Topography and Surface Alteration. No alteration or change in the topography of the surface of the Protected Property is allowed. This includes no ditching, draining or filling and no excavation or removal of soil, sand, gravel, rock or other materials, except as incidental to activities or uses specifically permitted by this Easement.

- 2.10. Vegetation Management. No removal, cutting, pruning, trimming or mowing of any trees or other vegetation, living or dead, and no introduction of non-native species is allowed except as follows:

- a. In conjunction with activities specifically permitted in paragraph 3 below.
- b. As reasonably required to construct and maintain permitted buildings, structures, road and other improvements and provided that vegetation shall be restored following any construction to a condition consistent with the conservation purposes of this Easement.
- c. Landscaping in areas immediately adjacent to permitted buildings.
- d. As reasonably required to prevent or control insects, noxious weeds, invasive vegetation, disease, fire, personal injury or property damage. The use of

herbicides and pesticides will be kept to a minimum and will be used only when the benefit to the natural resources is greater than the detriment.

e. To remove downed or dead timber. Removal of downed or dead timber will be kept to a minimum. Downed or dead timber that are a benefit to the natural resources or serve as wildlife habitat will be removed only when necessary.

2.11. Water. No alteration or manipulation of natural watercourses, lakes, shorelines, wetlands or other surface or subsurface bodies of water is allowed except to restore or enhance wildlife habitat or native biological communities or to improve or enhance the function and quality of existing wetlands.

No activities on or uses of the Protected Property that cause erosion or are detrimental to water quality or purity are allowed.

2.12. Dumping. No trash, non-compostable garbage, hazardous or toxic substances or unsightly material may be dumped or accumulated on the Protected Property. This does not prohibit burning or composting of excess brush or other plant material resulting from activities permitted by this Easement.

2.13. Vehicles. Except for Oakland Road and on the parking lot and driveway permitted under paragraph 2.8(c) above, only motorized vehicles for permitted construction, maintenance, or enforcement may be operated on the Protected Property.

3. **RESERVED RIGHTS**. The Owner retains all rights associated with ownership and use of the Protected Property that are not expressly restricted or prohibited by this Easement. The Owner may not, however, exercise these rights in a manner that would adversely impact the Conservation Values of the Protected Property. Additionally, the Owner must give notice to the Trust before exercising any reserved right that might have an adverse impact on the Conservation Values associated with the Protected Property.

Without limiting the generality of the above, the following rights are expressly reserved and the Owner may use and allow others to use the Protected Property as follows:

3.1. Right to Convey. The Owner may sell, give, lease, bequeath, devise, mortgage or otherwise encumber or convey the Protected Property.

a. Any conveyance or encumbrance of the Protected Property is subject to this Easement.

b. The Owner will reference or insert the terms of this Easement in any deed or other document by which the Owner conveys title to the Protected Property.

- c. The Owner will notify the Trust of any conveyance within fifteen (15) days after closing and will provide the Trust with the name and address of the new owner and a copy of the deed transferring title.

The enforceability or validity of this Easement will not be impaired or limited by any failure of the Owner to comply with this subparagraph.

- 3.2. **Forest and Animal Management:** The Owner may remove timber and other wood products and otherwise use land stewardship techniques to manage the vegetation on the Protected Property in accordance with the City of Minnetonka Natural Resources Management Plan, POST Plan, or another management plan approved by the Trust. The removal of any animals such as deer may only occur pursuant to a management plan approved by the Trust.
  - 3.3. **Residential Use.** The Protected Property may be used for residential purposes by a single family, a caretaker or caretakers retained by the Owner as follows:
    - a. Existing structures. The existing residential dwelling and related accessory buildings and structures may be maintained, repaired, remodeled, improved, expanded and replaced in substantially their same location. Any expansion or replacement of an existing building or structure shall not substantially alter its character or function and shall not exceed its current total covered ground area or footprint by more than twenty-five percent.
    - b. Notice. The Owner will give the Trust notice as set out in paragraph 7.8 of this Easement before beginning construction permitted under this paragraph.
  - 3.4. **Recreational and Educational Uses.** The structures identified in paragraph 3.3 may also be used for passive recreational and educational uses. A parking lot and related driveway may be erected in conjunction with those structures as provided in paragraph 2.8 above. The Protected Property may also be used for hiking, cross-country skiing, educational camping, nature observation or study, and other similar low impact, passive recreational and educational programs or activities. Minor rustic structures such as tents, trail barriers, wooden benches, and informational kiosks may be placed on the Protected Property in conjunction with these activities. A few rustic-appearing picnic tables may be located on the developed areas of the property near the structures and parking. The Protected Property may not be used for more than minimal, passive recreational purposes.
  - 3.5. **Habitat.** The Protected Property may be used to maintain, restore or enhance habitat for wildlife and native biological communities
4. **TRUST'S RIGHTS AND REMEDIES.** In order to accomplish the purposes of this Easement, the Trust has the following rights and remedies:

- 4.1. Right to Enter. The Trust has the right to enter the Protected Property at reasonable times and in a reasonable manner for the following purposes:
- a. To inspect the Protected Property and to monitor compliance with the terms of this Easement.
  - b. To obtain evidence for use in seeking judicial or other enforcement of this Easement.
  - c. To survey or otherwise mark the boundaries of all or part of the Protected Property if necessary to determine whether there has been or may be a violation of this Easement. Any survey or boundary demarcation completed under this provision will be at the Owner's expense.
  - d. To otherwise exercise its rights under this Easement.

- 4.2. Right of Enforcement. The Trust has the right to prevent or remedy violations of this Easement through appropriate judicial action brought against the Owner or other responsible party in any court of competent jurisdiction.

- a. Notice. The Trust may not initiate judicial action until the Owner has been given notice of the violation, or threatened violation, of this Easement and a reasonable opportunity to correct the situation. This provision shall not apply if, in the sole discretion of the Trust, immediate judicial action is necessary to prevent or mitigate significant damage to the Protected Property or if reasonable, good faith efforts to notify the Owner are unsuccessful.
- b. Remedies. Remedies available to the Trust in enforcing this Easement include the right to request temporary or permanent injunctive relief for any violation or threatened violation of this Easement, to require restoration of the Protected Property to its condition at the time of this conveyance or as otherwise necessitated by a violation of this Easement, to seek specific performance or declaratory relief and to recover damages resulting from a violation of this Easement or injury to any Conservation Values protected by this Easement.

These remedies are cumulative and are available without requiring the Trust to prove actual damage to the Conservation Values protected by this Easement. The Trust and the Owner also recognize that restoration, regardless of cost, may be the only adequate remedy for certain violations of this Easement.

The Trust is entitled to seek expedited relief, *ex parte* if necessary, and shall not be required to post any bond applicable to a petition for such relief.

- c. Costs of Enforcement. The Owner shall be responsible for all reasonable costs incurred by the Trust in enforcing this Easement, including without

limitation costs of suit, attorneys' fees, and expenses related to restoration of the Protected Property. If, however, the Owner ultimately prevails in a judicial enforcement action, each party shall be responsible for its own costs and attorneys' fees.

- d. **Discretionary Enforcement.** Enforcement of the terms of this Easement is solely at the discretion of the Trust. The Trust does not waive or forfeit the right to take any action necessary to assure compliance with the terms of this Easement by any delay or prior failure of the Trust in discovering a violation or initiating enforcement proceedings.
  - e. **Acts Beyond Owner's Control.** The Trust may not bring any action against the Owner for any change to the Protected Property resulting from causes beyond the Owner's control, such as changes caused by fire, flood, storm, natural deterioration or the unauthorized acts of persons other than the Owner or the Owner's agents, employees or contractors or resulting from reasonable actions taken in good faith under emergency conditions to prevent or mitigate damage resulting from such causes.
  - f. **Right to Report.** In addition to other remedies, the Trust has the right to report any environmental concerns or conditions or any actual or potential violations of any environmental laws to appropriate regulatory agencies.
- 4.3. **Signs.** The Trust has the right to place on the Protected Property signs that identify the land as protected by this Easement. The number and location of any signs are subject to the Owner's approval and must comply with local ordinances.
- 4.4. **Limitation on Rights.** Nothing in this Easement gives the Trust the right or ability to exercise physical control over day-to-day operations on the Protected Property or to become involved in management decisions involving the use, handling or disposal of hazardous substances or to otherwise become an operator of the Protected Property within the meaning of the Comprehensive Environmental Response, Compensation and Liability Act.
5. **PUBLIC ACCESS.** Nothing in this Easement gives the general public a right to enter upon or use the Protected Property where no such right existed prior to the conveyance of this Easement.
6. **DOCUMENTATION.** The current uses of the Protected Property, the state of any existing improvements, and the specific Conservation Values of the Protected Property that are briefly described in this Easement are more fully described in a property report on file at the office of the Trust. The Owner and the Trust acknowledge that this property report accurately represents the condition of the Protected Property at the time of this conveyance and may be used by the Trust in monitoring future uses of the Protected Property, in documenting compliance with the terms of this Easement and in any enforcement proceeding. This property report, however, is not intended to preclude the



use of other information and evidence to establish the present condition of the Protected Property in the event of a future controversy.

**7. GENERAL PROVISIONS.**

- 7.1. Assignment. This Easement may be assigned or transferred by the Trust only to a conservation organization which is a qualified organization under Section 170(h) of the Internal Revenue Code and related regulations and which is authorized to hold conservation easements under Minnesota law. Any future holder of this Easement shall have all of the rights conveyed to the Trust by this Easement. As a condition of any assignment or transfer, the Trust shall require any future holder of this Easement to continue to carry out the conservation purposes of this Easement in perpetuity.

The Trust will notify the Owner of any assignment within fifteen (15) days of the assignment and will provide the Owner with the name and address of the new holder.

- 7.2. Amendment. Under appropriate circumstances, this Easement may be modified or amended. However, no amendment or modification will be allowed if, in the sole and exclusive judgment of the Trust, it (i) does not further the purposes of this Easement, (ii) will adversely impact the Conservation Values protected by this Easement, (iii) affects the perpetual duration of the Easement, or (iv) affects the validity of the Easement under Minnesota law or the status of the Trust under Sections 501(c) (3) and 170(h) of the Internal Revenue Code.

Any amendment or modification must be in writing and recorded in the same manner as this Easement.

- 7.3. Extinguishment. This Easement may be extinguished only through judicial proceedings and only under the following circumstances:
- a. This Easement may be extinguished only (i) if unexpected change in the conditions of or surrounding the Protected Property makes the continued use of the Protected Property for the conservation purposes set out above impossible or impractical or (ii) pursuant to the proper exercise of the power of eminent domain.
  - b. The Owner recognizes that uses of the Protected Property prohibited by this Easement may, in the future, become more economically viable than those uses permitted by the Easement. The Owner also recognizes that neighboring properties may, in the future, be put entirely to uses not permitted on the Protected Property by this Easement.

The Owner and the Trust believe that such changes will increase the public benefit provided by this Easement. Therefore, such changes are not

considered unexpected changes and shall not be deemed to be circumstances justifying the extinguishment of this Easement as otherwise set forth above.

- 7.4. Proceeds. If this Easement is extinguished or terminated in whole or in part, the Trust is entitled to a portion of any proceeds of a sale, exchange or involuntary conversion in an amount that is equal to the fair market value of this Easement at the time of the extinguishment but that is not less than an amount equal to the proportionate value that this Easement bears to the value of the Protected Property as a whole at the time of this conveyance. The Trust shall use its share of any proceeds in a manner consistent with the conservation purposes of this Easement.
- 7.5. Warranties. The Owner represents and warrants as follows:
- a. The Owner is the sole owner of the Protected Property in fee simple and has the right and ability to convey this Easement to the Trust.
  - b. The Protected Property is free and clear of all encumbrances other than those subordinated to this Easement, except for existing easements of record and any deferred special assessments.
  - c. The Owner has no actual knowledge of any use or release of hazardous waste or toxic substances on the Protected Property that is in violation of a federal, state or local environmental law and will defend, indemnify and hold the Trust harmless against any claims of contamination from such substances.
- 7.6. Real Estate Taxes. The Owner shall pay all real estate taxes and assessments levied against the Protected Property, including any levied against the interest of the Trust created by this Easement. The Trust may, at its discretion, pay any outstanding taxes or assessments and shall then be entitled to reimbursement from the Owner.
- 7.7. Ownership Costs and Liabilities. The Owner retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Protected Property. The Owner agrees to defend, indemnify and hold the Trust harmless from any and all costs or liability for any personal injury or property damage occurring on or related to the Protected Property or the existence of this Easement. If the Owner is a government agency, this obligation to indemnify is limited by the limitations on liability granted to the governmental agency by Minnesota law.
- 7.8. Notice and Approval. Any notice or request for approval required by this Easement must be written and is subject to the following:
- a. Delivery. Any required notice or request for approval must be delivered personally or sent by first class mail or other nationally recognized delivery

service to the appropriate party at the following addresses (or other address specified in writing):

To the Owner:

Ann Cullen Smith  
2510 Oakland Road  
Minnetonka, MN 55305

To the Trust:

Minnesota Land Trust  
2356 University Avenue West  
St. Paul, MN 55114

- b. **Timing.** Unless otherwise specified in this Easement, any required notice or request for approval must be delivered at least 30 days prior to the date proposed for initiating the activity in question.
- c. **Content.** The notice or request for approval must include sufficient information to allow the Trust to make an informed decision on whether any proposed activity is consistent with the terms and purposes of this Easement. At a minimum this would include (i) the location, nature and scope of the proposed activity, (ii) the proposed use, design and location of any building, structure or improvement and (iii) the potential impact on the Conservation Values of the Protected Property.
- d. **Approval.** The Trust may withhold its approval if it determines that the proposal is inconsistent with the terms or purposes of this Easement or lacks sufficient information to allow the Trust to reach an informed decision. The Trust may condition its approval on the Owner's acceptance of modifications, which would, in the Trust's judgment, make the proposed activity consistent with the Easement or otherwise meet any concerns.
- 7.9. **Binding Effect.** This Easement shall run with and burden the Protected Property in perpetuity. The terms of this Easement are binding and enforceable against the current Owner of the Protected Property, all successors in title to the Protected Property and all other parties entitled to possess or use the Protected Property.
- This Easement creates a property right immediately vested in the Trust and its successors and assigns that cannot be terminated or extinguished except as set out herein.
- 7.10. **Definitions.** Unless the context requires otherwise, the term "Owner" includes, jointly and severally, the current owner or owners of the Protected Property identified above and their personal representatives, heirs, successors and assigns in title to the Protected Property. The term "Trust" includes the Minnesota Land Trust and its successors or assigns to its interest in this Easement.
- 7.11. **Termination of Rights and Obligations.** A party's rights and obligations under this Easement terminate upon the transfer or termination of that party's interest in this Easement or the Protected Property, provided, however, that any liability for

acts or omissions occurring prior to the transfer or termination will survive that transfer or termination.

7.12. Recording. The Trust will record this Easement in a timely manner in the official records for the county in which the Protected Property is located. The Trust may re-record this Easement or any other documents necessary to protect its rights under this Easement or to assure the perpetual enforceability of this Easement.

7.13. Controlling Law and Construction. This Easement shall be governed by the laws of the State of Minnesota and construed to resolve any ambiguities or questions of validity of specific provisions in favor of giving maximum effect to its conservation purposes and to the policies and purposes of Minnesota Statutes Chapter 84C.

7.14. Severability. A determination that any provision or specific application of this Easement is invalid shall not affect the validity of the remaining provisions or any future application.

7.15. Additional Documents. The Owner agrees to execute or provide any additional documents reasonably needed by the Trust to carry out in perpetuity the provisions and the intent of this Easement, including, but not limited to any documents needed to correct any legal description or title matter or to comply with any federal, state, or local law, rule or regulation.

7.16. Entire Agreement. This document sets forth the entire agreement of the parties with respect this Easement and supercedes all prior discussions or understandings.

IN WITNESS WHEREOF, the Owner has voluntarily executed this Conservation Easement on the 26 day of May, 2004.

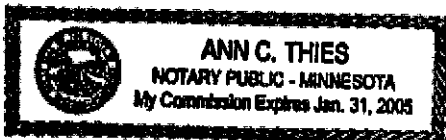
OWNER:

Ann Cullen Smith  
Ann Cullen Smith

STATE OF MINNESOTA )  
 ) ss  
COUNTY OF Hennepin )

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of May, 2004, by Ann Cullen Smith, f/k/a Ann Jewett Cullen, widowed and unmarried.

Ann C. Thies  
Notary Public  
My Commission Expires:



ACCEPTANCE

The Minnesota Land Trust hereby accepts the foregoing Conservation Easement this 1 day of JUNE, 2004.

MINNESOTA LAND TRUST

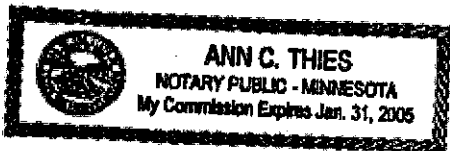
By: Peter C. Welles

Title: Vice President

STATE OF MINNESOTA )  
  ) ss  
COUNTY OF Hennepin )

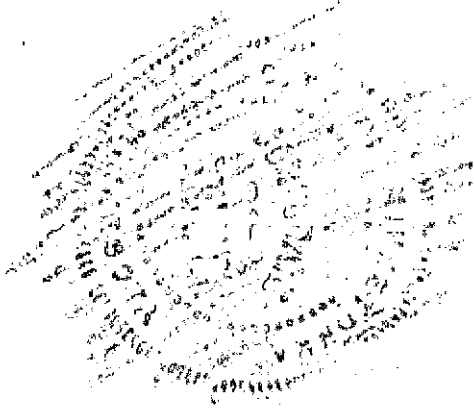
The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of June 2004, by Peter C. Welles, the Vice President of the Minnesota Land Trust, a non-profit corporation under the laws of the State of Minnesota, on behalf of said corporation.

Ann C. Thies  
Notary Public  
My Commission Expires:



CONSENT  
OF  
CITY OF MINNETONKA

The CITY OF MINNETONKA, a Minnesota municipal corporation, hereby consents to and approves of all of the terms of the foregoing Conservation Easement this 7th day of June, 2004.



CITY OF MINNETONKA

By: Karen J. Anderson  
Its Mayor

By: John Bunyon  
Its City Manager

STATE OF MINNESOTA )  
) ss  
COUNTY OF Wenona

The foregoing instrument was acknowledged before me this 7th day of June 2004 by Karen J. Anderson, and John Bunyon, the Mayor and City Manager, respectively, of the City of Minnetonka, a Minnesota municipal corporation, on behalf of said municipal corporation.

Desyl L. Peterson  
Notary Public  
My Commission Expires: 1-31-2005

This document drafted by:

Minnetonka City Attorney  
14600 Minnetonka Blvd.  
Minnetonka MN 55345

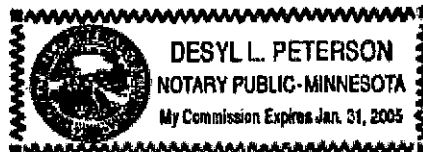


EXHIBIT A  
Legal Description of Protected Property

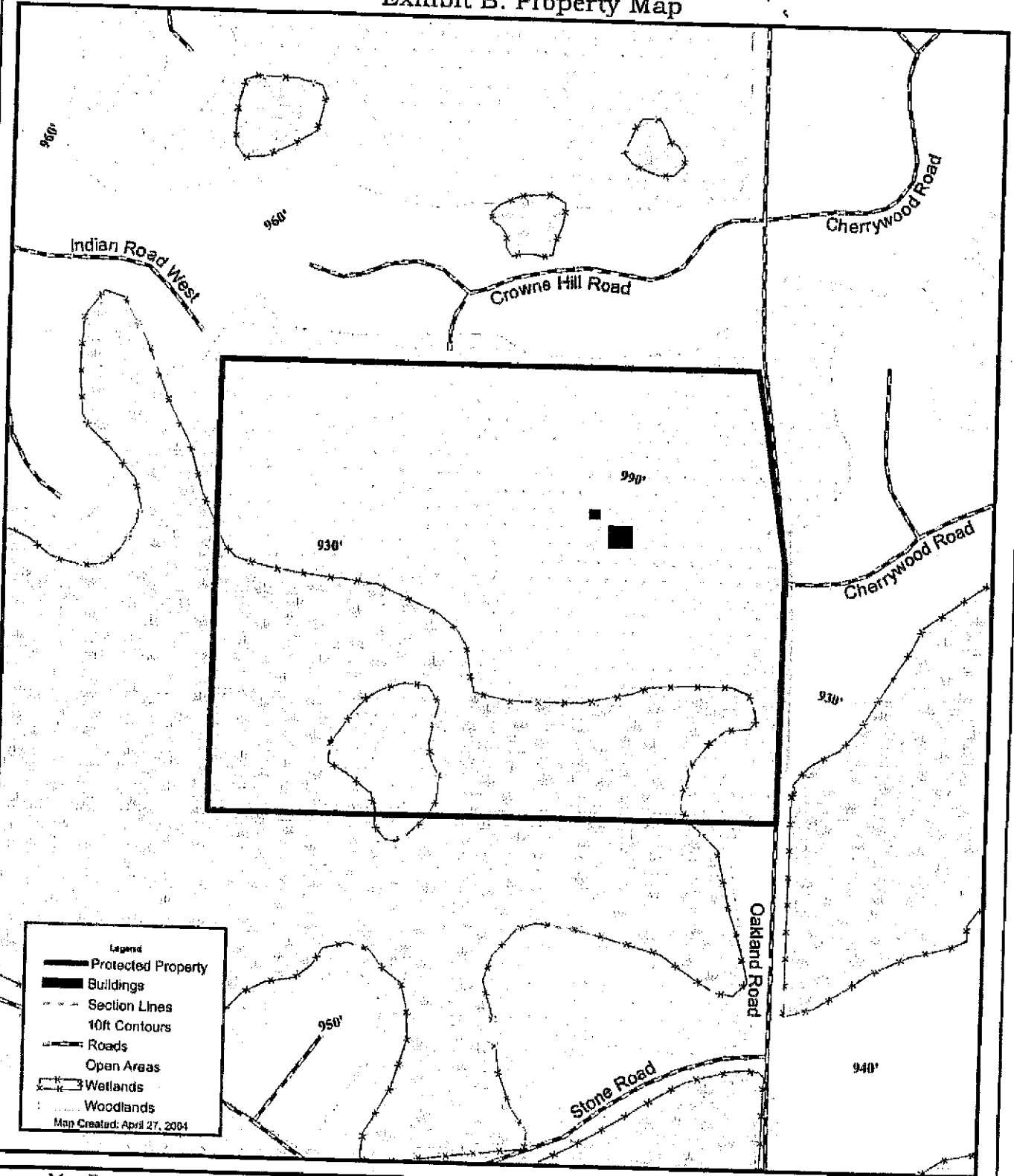
Commencing at a point in the West line of the East One-half (E1/2) of the West One-half (W1/2) of Section Ten (10), Township One hundred seventeen (117), Range Twenty-two (22), according to the United States Government survey thereof, which is 50.5 feet North of the Southwest corner of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of said Section Ten (10); thence East at right angles 1312.8 feet more or less to the East line of the East One-half (E1/2) of the West One-half (W1/2) of said Section Ten (10); thence South along said East line 798.85 feet; thence West 1309.15 feet, more or less, to a point in the West line of the East One-half (E1/2) of the West One-half (W1/2) of said Section Ten (10) distant 800 feet South of the point of beginning; thence North along said West line of the East One-half (E1/2) of the West One-half (W1/2) of said Section Ten (10) 800 feet to the point of beginning; lying West of the center line of the public highway as laid out and traveled across the premises prior to November 8, 1935, and formerly known as County Road No. 74, now vacated, according to the United States Government Survey thereof and situate in Hennepin County, Minnesota.

And

That part of the East One-half (E1/2) of the Southwest One-Quarter (SW1/4) of Section Ten (10), Township One hundred seventeen (117), Range Twenty-two (22), described as follows:

Beginning at a point in the West line of the East One-half (E1/2) of the Southwest One-Quarter (SW1/4) of said Section Ten (10), distant 749.5 feet South of the Northwest corner of said tract; thence South along the West line of the East One-half (E1/2) of the Southwest Quarter (SW1/4) a distance of 250 feet; thence at a right angle East to the center line of County Road Number 74, now vacated; thence Northerly along the center of said vacated County Road 250 feet more or less to a point in a line drawn Easterly from the point of beginning, and at a right angle to the West line of the East One-half (E1/2) of the Southwest One-Quarter (SW1/4) of said Section Ten (10); thence Westerly to the point of beginning, according to the United States Government Survey thereof and situate in Hennepin County, Minnesota.

# Exhibit B: Property Map



**Legend**

- Protected Property
- Buildings
- Section Lines
- 10ft Contours
- Roads
- Open Areas
- Wetlands
- Woodlands

Map Created: April 27, 2004

## Map Resource Information

Section Lines obtained from USGS Topographic Maps, Protected Property, 10-Foot Contours, Open Areas, Woodlands, and Wetlands created by Community GIS Services Inc.

Users of this map agree and acknowledge that Community GIS Services Inc and the Minnesota Land Trust cannot be held liable for accuracy of GIS material provided. GIS materials should not be relied upon to establish legal title, boundary lines, or locations of improvements.

**Cullen Smith Project**  
Hennepin County - Twp. 117 N Rng. 22 W Sec. 10



Scale  
1" = 300'





**Minnetonka Park Board Item 7  
Meeting of September 5, 2018**

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

### **Pickleball**

Pickleball court construction is nearing completion. Infiltration basins have been constructed, storm sewer installation is complete, perimeter concrete and fence posts have been installed, the first lift of asphalt has been paved, bases for net posts have been installed, and sidewalk has been installed. During the week of 8/27, the final lift of asphalt will be placed, the new segment of trail will be installed, and final site grading will occur. The coatings for the court surface cannot be installed for 28 days after the final asphalt is paved, so that will take place towards the end of September. The courts are anticipated to be put into service near the beginning of October.

### **Sunrise Ridge Park**

A building permit application has been submitted to build a home on a vacant lot directly south of the basketball court at Sunrise Ridge Park. When the park was built in 2003, an existing street was removed which would have served this lot. Now that a home will be built the city must provide access to the lot, which will use the entrance to the park. This will require the basketball court to be relocated. An informational meeting will be held in September to inform the residents of the Sunrise neighborhood of the changes coming to the park.

### **Mountain Biking**

At the June 6 Park Board meeting, the board motioned to advance the mountain bike project to the city council. The city council was schedule to review the mountain bike report and concept plan at its July 9 meeting, but it was postponed due to the city receiving a petition for an Environmental Assessment Worksheet (EAW). The city council is required to make a determination on the EAW before reviewing the project.

At the August 6 city council meeting, the council voted to not complete the discretionary EAW. The mountain bike project is schedule to be presented to the city council on October 22.

### **Ridgedale Park**

As part of the ongoing revitalization and reimagining of the Ridgedale area, the City of Minnetonka will develop a new, two-acre community park adjacent to Ridgedale Center. This park will be a signature community gathering space that will serve as a catalyst for the transformation of the Ridgedale area into a mixed use community with enhanced natural features. The city desires that placemaking efforts for this new park creates vibrant, unique and cohesive space where people want to live, work, visit and recreate.

This process to develop this new park will have a robust community outreach and engagement effort to identify preferences and values in park space. This effort is supported in part through a grant from Hennepin County to help us reach out directly to traditionally underrepresented groups including seniors, youth and non-residents. An online survey and complementary outreach has begun and will continue through the end of September, culminating with the Rock at Ridgedale event. The results of this outreach will be included in a report and presentation to the community in October and used to inform concept design of the new park. An online survey and complementary outreach has begun and will last through the end of September.

# Sunrise Ridge Park Basketball Court Relocation



**Minnetonka Park Board Item 8  
Meeting of September 5, 2018**

<b>Upcoming 6-Month Meeting Schedule</b>				
<b>Day</b>	<b>Date</b>	<b>Meeting Type</b>	<b>Agenda Business Items</b>	<b>Special Notes</b>
<b>Wed</b>	10/3/18	Regular	<ul style="list-style-type: none"> <li>• Summer programming report</li> <li>• Shady Oak Beach operations report</li> </ul>	
<b>Wed</b>	11/14/18	Regular	<ul style="list-style-type: none"> <li>• Facility &amp; Programming Space Study</li> </ul>	Joint meeting w/council
<b>Wed</b>	12/5/18	Regular	<ul style="list-style-type: none"> <li>• Review of 2018 Farmer's Market Operations and staff recommendations for 2019 operations</li> </ul>	
<b>Wed</b>	1/2/19	Regular	<ul style="list-style-type: none"> <li>• Consideration of 2019 Park Board Strategic Plan</li> </ul>	
<b>Wed</b>	2/6/19	Regular	<ul style="list-style-type: none"> <li>• </li> </ul>	
<b>Wed</b>	3/6/19	Regular	<ul style="list-style-type: none"> <li>• Consideration of projects for the 2020-2024 Capital Improvement Program</li> </ul>	

**Other meetings and activities to note:**

<b>Day</b>	<b>Date</b>	<b>Description</b>	<b>Special Notes</b>
<b>Sat</b>	9/22/18	Rock at Ridgedale	Ridgedale Center (south parking lot)
<b>Tues</b>	10/9/18	Fire Dept. & City Wide Open House	Minnetonka Community Center

**Items to be scheduled:**