



Agenda

Minnetonka Park Board

Wednesday, August 4, 2021 at 7 p.m.
Minnetonka Community Center—Council Chambers

1. Call to Order

2. Roll Call

_____ Elliot Berman

_____ Korey Beyersdorf

_____ James Durbin

_____ Chris Gabler

_____ David Ingraham

_____ Ben Jacobs

_____ Katie Semersky

_____ Chris Walick

3. Reports from Staff

4. Approval of Minutes

A) June 2, 2021

5. Citizens wishing to discuss items not on the agenda

6. Special Matters

7. Business Items

A) Opening of Oric Ave. Right of Way (ROW)

8. Park Board Member Reports

9. Information Items

10. Upcoming Park Board Agenda Items

11. Adjournment

Board Vision:

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

Board Mission:

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

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



**Minutes
Minnetonka Park Board
Wednesday, June 2, 2021**

1. Call to Order

2. Roll Call

Park Board Members Present: Elliot Berman, Korey Beyersdorf, James Durbin, David Ingraham, Ben Jacobs, Katie Semersky and Chris Walick. Excused: Chris Gabler.

Staff members in attendance: Darin Ellingson, Kathy Kline, Kelly O'Dea, Sara Woeste and Leslie Yetka. Information technology staff: Jeff Dulac.

Walick called the meeting to order at 7 p.m.

3. Reports from Staff

Recreation Director, Kelly O'Dea reported that city council and a few other boards and commissions have or will soon start to meet in person. August 4 is the next scheduled park board meeting and he will notify park board members of the plan for that meeting.

Park and Trail Planner, Carol HejlStone accepted a position with Minneapolis. Assistant Recreation Director, Sara Woeste and O'Dea will take over those duties until that position has been hired. One of the projects that HejlStone was working on was the Parks, Open Space and Trail Systems plan (POST). The POST plan public engagement will begin next week. They are planning on rolling out a survey and engagement at the farmers market. Staff and the consultants will continue that engagement through June and July and then hopefully come back with an update to the park board in August.

4. Approval of Minutes

Ingraham moved, Jacobs seconded a motion to approve the meeting minutes of April 7, 2021 as submitted. All voted "yes." Motion carried.

5. Citizens wishing to discuss items not on the agenda

Cindy Eyden, is a member of Friends of Minnetonka Parks. Cindy presented a report called "A View from Nature" that was generated by the group. The interview study included park volunteers, visitors and neighbors of Big Willow, Jidana, Kinsel, Lake Rose, Lone Lake, Meadow, Purgatory and Victoria-Evergreen parks. More than 200 people were interviewed.

Study Purpose and Major Findings:

Purpose: to better understand park issues from the local park perspective and to help them inform the city as they will work this year on an updated Natural Resources Master Plan and a POST plan for the city and our parks.

Findings: Residents love our parks. However, there is a growing concern that the parks' natural characteristics or amenities, especially those that are distinctive and differentiate Minnetonka from other cities, are in significant decline and need attention.

They found there were seven drivers of the decline of the distinctive natural characteristics or amenities of Minnetonka parks.

1. Lack of a unifying vision and plan
2. Overuse
3. Misuse
4. Lack of education, rules and enforcement
5. Neglect and lack of city maintenance of existing park infrastructure
6. Underfunding of natural resources restoration resulting in over-reliance on volunteers
7. Climate change

Recommendations for 2023-2025:

- Vision: the city of Minnetonka manages its parks using a unifying vision for its park system and a plan for each park
- Voice of the community: local emphasis. Each park has its own plan integrated into an overall park system plan
- Value of natural amenities: commensurate weighting of nature-based, more passive recreational activities with more active recreational activities. Budgeting and critical resource alignment
- Nature spaces: Each park and the park system as a whole has plans to restore and protect the park's natural ecology and distinctive features or amenities

Recommendations for 2021-2022:

- Conduct a community-centered, unifying, strategic planning process for each park and the park system as a whole
- Educate neighbors, volunteers and visitors about each park's vision, unique features and plan by developing and using educational policies and "use" signage
- Work with the park board and staff to rewrite descriptions of the parks to include their significant, unique natural features or amenities
- Work with the park board and staff to identify areas of each park that may be vulnerable to the effects of climate change
- Work with the park board and staff to enlist neighbors, volunteers and visitors to volunteer in the parks to restore, preserve, enhance and manage our natural amenities

Eyden invited park board members to take a walk with them to learn more about the parks.

Walick thanked Eyden and said she did a good job giving them a picture of how the public views the parks and what they would like to see moving forward.

Ingraham appreciated their interests with park concerns and also their volunteer effort in the restoration work. There has been an increase in park usage, however, sometimes that comes with overuse. He thinks maintenance is a challenge and that it is a budgeting issue. There is a misperception sometimes about funds that go towards exploring new opportunities and funds for maintenance. They are very different because one comes from an operating budget and that is separate from the capital budget. Ingraham thinks they could look at how they can successfully get more funds for ongoing maintenance. He

believes in a lot of what the Friends of Minnetonka Parks are talking about, however, he thinks they are only representing a portion of our residents perceptions and anticipation for the parks. He wasn't sure how many dog walkers, bikers or people in organized sports were interviewed. The POST plan is looking to be inclusive of all the kinds of expectations our residents would have and he thinks this was a valuable contribution towards that. Ingraham likes the idea of tours, however it creates a challenge when you invite all of the park board members because of the open meeting law.

Eyden forgot about the open meeting law and said she could help arrange a tour individually. This is invaluable, she doesn't know if they can get the same insight without having a tour or spending a little time in each of the parks.

Semersky thanked them for sending the report in advance. She asked how they prioritized what information was called out for each question. Was there a quantitative method that used the most frequent comments?

Eyden responded that they tried to be representative of the information that came in. They couldn't put all of the comments in the report, however, they do have raw data if park board members wanted to look at it. The survey was done in March so users such as tennis players or pickleball players were not interviewed. The Friends of Minnetonka Parks has a passion for these parks and they are trying to look at what the parks need and how to best support the parks in terms of their natural amenities. She doesn't think that the comments were skewed.

Semersky asked if O'Dea has recommendations on next steps.

O'Dea said he would like to read through the report again and connect with other city staff before making any recommendations at this point.

Walick thinks getting all perspectives is very important. He knows the Friends of Minnetonka Parks really care about the parks and their passion comes through in everything they do.

6. Special Matters

There were none.

7. Business Items

A. 2022-2026 Capital Improvement Program

O'Dea gave the report.

Walick asked if the feasibility study for the skate park is funded for 2022.

O'Dea replied that the plan is to fund that project for 2022.

Walick thought it was awesome that it is being funded and we are moving forward with it.

Ingraham asked O'Dea if he can talk about how park maintenance budgeting works for the Capital Improvement Plan (CIP). He sees things that are taking longer to get

maintained and asked if there are things we can do to help support increased maintenance resources if they are appropriate.

O'Dea responded that Ingraham's comments are correct in that, those maintenance type of dollars are in the operational budget and you would not see it in the CIP. Staff is currently starting to work on the 2022 operational budget that gets approved by the city council at the end of the year. Parks and Streets Operations Manager, Darin Ellingson and Public Works Director, Will Manchester will work on park maintenance and Natural Resources Manager, Leslie Yetka will work on natural resources. Each division may or may not have a line item for maintenance, however, recreation has a number of different line items for operations.

Semersky asked what projects were the most debated on the list.

O'Dea answered that they take a close look at the parks investment plan, which, includes parks, playgrounds and tennis courts. Ellingson and the park staff does a good job analyzing the conditions of the parks. Deciding which years to put things in is something that gets debated for a while. Staff meets and discusses this internally across departments before presenting it to the park board.

Walick thought the CIP looked like it had a good agenda and ranking order.

Semersky asked if it is all within budget.

O'Dea replied that it is. Staff consults with the finance director before coming to the park board. If there were additional items, staff would work with the finance director on those.

Jacobs moved, Semersky seconded a motion to accept the Capital Improvement Program as presented. All voted "yes." Motion carried.

8. Park Board Member Reports

Berman reported that he is graduating tomorrow at 10 a.m. from Hopkins High School. His graduation ceremony will be at Mariucci Stadium on the University of Minnesota campus, where he will be attending school next year. He will finish his term on the park board but wanted to thank everyone for having him on the board.

Park board members congratulated Berman.

Walick heard from some community members that there was an inflatable slide left near the swimming area at Libbs Lake. He asked if the city put it in or if it was left by someone. He wondered if was frowned upon if it was left by someone.

O'Dea thought it wasn't a city inflatable. If it was for personal use he thought it was appropriate for it to be pulled out after use.

Ingraham thought it was nice to see the new floating dock at Lone Lake Park. The first sustainability commission meeting will be in July.

Durbin did a walking tour of Big Willow Park about three weeks ago. It is a gem of a park that he never explored to that depth. He went to Purgatory Park and saw brand new signs with dog walking and off-leash instructions. They were nicely made and located in good spots. He thanked Ingraham for the update on the floating dock at Lone Lake Park.

9. Information Items

Ridgedale Commons

O'Dea gave the report.

Eagle to Bryant Lake Master Plan

Woeste gave the report.

Multi-Use Mountain Bike Trail

Woeste gave the report.

Tennis Court Reconstruction

O'Dea gave the report.

Robinwood Park

O'Dea gave the report.

10. Upcoming Park Board Agenda Items

O'Dea gave the report.

Ingraham asked if there were any changes to the Shady Oak Beach rates this year regarding a discounted student rate that Berman suggested the previous year.

O'Dea responded that staff decided not to make changes this year. Staff is looking into it for future membership rates.

11. Adjournment

Ingraham moved, Jacobs seconded a motion to adjourn the meeting at 7:44 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Kathy Kline

Kathy Kline
Recreation Administrative Coordinator

**Minnetonka Park Board Item 7A
Meeting of August 4, 2021**

Subject:	Opening of Oric Ave Right of Way (ROW)
Park Board related goal:	To protect natural resources and open space
Park Board related objective:	Review and provide feedback on strategies to enhance natural resources & open space.
Brief Description:	Open Oric Ave ROW to allow public access to Lake Rose Park.

Background

For many years neighborhood residents have used a dirt footpath to access the north side of Lake Rose Park. The footpath is located within a dedicated but unopened street right of way for Oric Avenue, adjacent to 5700 Lake Rose Drive. In 2018 a tree fell in the right of way area, and after a significant amount of research by city staff it was determined that since the city performed no maintenance in the unused right of way, the right of way was considered “unopened”, and the responsibility of the tree was that of the underlying property owner at 5700 Lake Rose Drive. The owner of that property has blocked the footpath, and neighbors have requested that the city open the footpath to public use.

Summary

When the neighborhood in discussion was developed in 1974, a segment of right of way was designated to be used for a possible future extension of Oric Avenue to the west of Lake Rose Dr. A street was never built, and the right of way has not been used or maintained by the city. A portion of the plat of Lake Rose Estates is shown on the attached document, with the unused right of way highlighted in yellow. When a right of way area is not developed, used, or maintained by the city it is unopened right of way.

What is an underlying property owner? Under Minnesota law, the owner of a lot is presumed to also own the land to the center of the adjacent dedicated right of way, subject to an easement in favor of the public for the dedicated right of way. There is an exception for streets that are located on the edge of a plat; in those instances, the owner of the adjacent lot is presumed to own the entire adjacent street. For example, in the aerial photo in the attached document the properties of 5700, 5708, 5701, and 5705 own the respective portions of property to the center of Lake Rose Dr (underlying property), however the right of way area is an easement given to the city for public street purposes. The property lines of 5700 Lake Rose Dr are highlighted in blue and the other properties in white in the aerial photo.

Although the dedication of right of way in a plat gives the city the right to construct a public street within that easement, the city has no obligation to open any street to public travel. Until the city does open a street to public travel, the owner of the land is responsible for the maintenance of the property. Only when the city opens a street easement to public travel does the city become obligated to maintain the improvements in the right of way.

The city has never constructed or maintained a public path within Oric Avenue, and it is unopened right of way. As a result, the owner of 5700 Lake Rose Dr is responsible for the maintenance of that land. In the spring of 2021 a second tree fell in the unused right of way across the footpath and the property owner at 5700 Lake Rose Dr removed the tree. Concerned about the liability of falling trees and the public's use of the footpath, the owner put logs across the footpath to keep people from using the footpath. Given that the right of way is unopened and 5700 is the underlying property owner, this was within their right to block the path.

Since the footpath has been used by area residents for many years, the city received several phone calls concerned about the blocked path. On June 28, Darin Ellingson, Public Works Street and Park Manager, met with Kristine O'Reilly, homeowner at 5700 Lake Rose Dr, to review the unused right of way and footpath. Ms. O'Reilly's primary concern was her liability of trees falling on the footpath and possible injury to someone.

To address the concerns of the public wanting to use the footpath to access Lake Rose Park and the liability of 5700 Lake Rose Drive for the trees, the city can take the action to open the right of way. If the right of way is opened, the city will be responsible for the trees and vegetation in the right of way and the property owner of 5700 will no longer have any liability for any trees in the right of way. Additional concerns brought to the city regarding opening the right of way are addressed below:

- There would be no changes made to the right of way area and the existing dirt footpath would remain as it is for residents to access the park. As with any dirt footpath in the city, the city does not do active maintenance on a dirt footpath however would address safety concerns as needed such as a sinkhole, deep washout, or being blocked by a tree. The footpath is on level ground and very little to no future maintenance is anticipated for the path.
- There are no plans to convert the footpath to a formal city trail (8' wide gravel or asphalt maintained trail). Lake Rose Park/Oric Ave has not been identified in the city's Trail Improvement Plan for a future trail. Some area residents use this footpath to get to other neighborhoods without having to walk on Excelsior Blvd. The Trail Improvement Plan has identified a need for a trail along Excelsior Blvd and is a trail anticipated to be built between 2027 and 2030 which will likely lessen the amount of use on the footpath.
- There is a combination of hedge and split rail fence currently providing a barrier between the footpath and the yard of 5700 which also would remain. The hedge and fence are the property of 5700 Lake Rose Dr. If so desired the city could install additional split rail fence where there currently is no barrier to try to keep the public off the 5700 property.
- The trees in the right of way have been inspected by the city forester and there are no trees that pose an immediate or future risk to the footpath. The hill from the footpath to the driveway for 15530 was inspected for erosion and no erosion issues were observed which would impact the roots of the trees. There is an asphalt curb along the south edge of the driveway that diverts water to Oric Ave which reduces the risk of erosion on the hill.

If recommended by the Park Board to open the right of way, this item would go to the City Council for approval. If approved by the council, a resolution would be recorded so that future staff would have record of the opened right of way. The homeowner of 5700 Lake Rose Dr would be given a copy of the resolution for their records.

Discussion Points

- Does the Park Board have any questions regarding opening the right of way?

Recommended Park Board Action:

- Motion to approve opening the right of way

Attachment

- Maps of area

**Minnetonka Park Board Item 9
Meeting of August 4, 2021**

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

Eagle to Bryant Lake Master Plan

A resolution for the Three Rivers Park District Eagle Lake and Bryant Lake Regional Trails Master Plan was approved by the Minnetonka City Council at their July 26, 2021 meeting. Three Rivers part district next steps in this process include:

- Seed final master plan approval from other City Councils, Park District Board of Commissioners and the Metropolitan Council
- Work with city staff on regional trail cooperative agreements
- Seek regional trail cooperative agreement approval from City Councils and Park Board of Commissioners
- Seed funding for trail segments
- Conduct preliminary design
- Work with residents to minimize disruption
- Finalize design and construction

POST Plan Update

The park audits, needs assessment and community engagement for the POST plan, including an online survey and mapping tool, listening sessions, workshops and community events, will be complete in early August and move into the visioning stage. To date, over 600 people have participated in the online survey and mapping tool. The visioning phase will include review of the community input, key findings of the park audits and needs assessment, trends and demographic analysis and the creation of a future guiding principles and goals.

Staff will present key findings from the community engagement phase at the September 1, 2021 park board meeting and present the draft vision, guiding principles and goals at the October 6, 2021 park board meeting. Public feedback will be gathered through additional online tools in the next two months as well as at upcoming park board meetings.

**Minnetonka Park Board Item 10
Meeting of August 4, 2021**

Upcoming 6-Month Meeting Schedule				
Day	Date	Meeting Type	Agenda Business Items	Special Notes
Wed	9/1/21	Regular	<ul style="list-style-type: none"> • Minnetonka Historical Society • Lone Lake Park Pollinator Planting and Public Engagement Project • POST Plan community engagement results 	
Wed	10/6/21	Regular	<ul style="list-style-type: none"> • POST Plan future vision and guiding principles 	
Wed	11/3/21	Regular	<ul style="list-style-type: none"> • POST Plan • Lone Lake Park Multi-use Mountain Bike trail metrics 	Joint Meeting w/council (5:30 pm start)
Wed	12/1/21	Regular	<ul style="list-style-type: none"> • Review of 2021 Farmer's Market Operations and recommendations for 2022 	
Wed	1/5/22	Regular	<ul style="list-style-type: none"> • Appointment of chair and vice-chair 	
Wed	2/2/22	Regular	<ul style="list-style-type: none"> • Consideration of 2022 Park Board Strategic Plan 	

Other meetings and activities to note:

Day	Date	Description	Special Notes
Tues	8/10/21	Fall Registration	
Sat	9/11/21	Lone Lake Park Multi-use Mountain Bike Trail Ribbon Cutting	3 pm
Fri	10/29/21	Burwell Spooktacular	

Items to be scheduled: