
Policy Number 11.1 Use of the Burwell Property

Purpose of Policy: This policy establishes conditions for use of and reservations for the Burwell property.

Introduction

This policy applies to the city-owned property known as the Burwell property, consisting of buildings and land generally located at 13209 McGinty Road.

Burwell Park

The property is designated as "City of Minnetonka Parkland" with the additional designation of "National Historic Site." Because of its unique historical nature, the property is not a typical city park and is not a traditional public forum. Public use of the property is limited to uses that do not detract from that historical nature.

Burwell Park Grounds

The Burwell Park grounds will be open and available to the general public for passive recreational activities such as small picnics and the enjoyment of Minnehaha Creek. The grounds are a designated public forum only for those limited purposes. Any other use of the site requires advance permission.

Burwell Structures

The Burwell buildings are non-public forums and may only be used with advance permission. This is necessary to protect the physical and historical integrity of these structures.

Decision-Making

The city recognizes the joint interests in the Burwell property of its city council, community heritage commission (CHC), park board, and the Minnetonka Historical Society (MHS). The city council has designated the CHC as the lead agency for making recommendations to the city council concerning use of this site. In making this designation, the city council likewise charges the CHC to ensure the involvement of MHS and the park board in decisions

related to the site. All significant restoration plans and physical improvements must be approved in advance by the city council. Staff may proceed with emergency or routine maintenance without prior city council approval.

Site Use Policy

The city council places strong emphasis on protection of this site and the safety of visitors and staff. The CHC is responsible for preparing and recommending the site use policy for the Burwell site. A copy of this policy is attached as Appendix A. The council will receive an annual update on site usage .

Rules and Regulations

All other park rules and regulations of the city which are not inconsistent with the above will apply to Burwell Park.

Adopted by Resolution No. 81-6537
Council Meeting of April 20, 1981

Amended by Resolution No. 94-
Council Meeting of August 22, 1994.

Appendix A follows

APPENDIX A
Burwell Site Use Policy

Responsibility

The Minnetonka City Clerk’s office is the primary agency responsible for the use of the Burwell site. They will maintain the site calendar and be responsible for administering this policy.

Public Use

The City of Minnetonka and the Minnetonka Historical Society (MHS) may use the Burwell site for public education, tours, and the staging of events. MHS must contact the City Clerk’s office to reserve the dates for its intended use of the site to ensure there are no scheduling conflicts.

The site will be open for public tours from June 1 through September 30, on days and at times set by the City Clerk’s office each year.

Private Uses

Permits are available for private use of the Burwell site for events such as weddings and receptions. Permits grant the user *non-exclusive* use of the site. Permits are required for groups of 25 or more. Users must understand that the site is a public park with multiple access points, including Minnehaha Creek, so there may be other users of the park at any time.

- **Written Applications for Permits** – Applications for private uses must be made in writing, on forms provided by the city, and be received by the city at least three weeks in advance of the desired date of use. Residents may apply 18 months in advance of their event; non-residents within 12 months.

- **Fees** – Fees for private use of the site are:

1.	Non-refundable reservation fee	\$100
2.	Damage deposit	200
3.	User Fee:	
	Minnetonka Resident	200
	Non-resident	275

(For example, a Minnetonka resident would pay \$300 and post a damage deposit.) In addition, permit holders must reimburse the city at the rate of \$25/hour for a staff person to be present at the site when the interior of the cottage will be accessed. Permit holders must also hire off-duty Minnetonka police staff to direct traffic when off-site parking is used. The officers must be present one-half hour before and one-half hour after guests are scheduled to arrive. Additional fees will apply if liquor will be served (see below).

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Application Review Criteria – The City Clerk’s office will use the following criteria to evaluate applications for private use:

- The permitted use may not interfere with the public tour program or conflict with any other scheduled use.
- No more than one event may be scheduled within any one calendar week in order to minimize negative impacts to the site.
- The intended use must not negatively impact the site.
- Because the site offers only minimal parking, the permit holder must have written permission for alternative parking.
- The site may not be used for fundraising or profit making enterprises by organizations other than the City and MHS.

If the proposed use is deemed appropriate by the City Clerk, a permit will be issued. In any case, the applicant will be notified within 10 business days of receipt of the application of the application’s disposition.

- **Rules** – In addition to the standard rules for Minnetonka parks, the following rules and provisions apply to private use of the Burwell site:
 - Use of the site will not extend beyond 10 hours, and must occur between 10 a.m. and 8 p.m.
 - Use of tents, canopies, tables, and chairs is subject to prior review and approval by city staff. Staff will consider the following criteria in this review: size, means by which the items will be secured to the ground, and potential damage to the site. No overnight storage is available or allowed. All equipment, including tents or canopies, must be brought in and set up during the permit time period. The city will not be responsible for any damage to or loss of equipment brought to the site by others.
 - Private uses must be limited to 100 people or less.
 - Permit holders may only use the interior of the cottage for permitted uses. The house, workshop and woodshed are not available for private use. Parties wishing interior tours of the house as part of their event must make specific pre-arrangements. With prior approval from the city, the southeast porch may have limited use.
 - Users must not cut or trim plantings, nor may they use paint, tape, nails, staples or screws to affix items to the structure or trees.

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- Running water and a handicapped accessible restroom are available in the cottage.
- Electric power is available on site. Applicants must provide a list of appliances and/or equipment for which power is needed. These items are subject to staff review and approval.
- Applicants must submit a site plan with their permit application describing where food and beverages will be served, as well as the placement of tables, chairs, and other equipment.
- Motor vehicles may not be operated in any area outside the driveway and parking lot surfaces.
- Arrangements for approval of PA systems must be made through the City's Recreation Services Department.
- Birdseed may be thrown at weddings, but no other substances may be thrown.
- There are no indoor alternatives at this site. Permit holders are responsible for their own alternate plans.
- If food will be served, the responsible party or the caterer must provide a current catering license to the City. If a non-licensed caterer will be used, a certificate of liability insurance as proof of liability coverage in the amount of \$500,000 or more must be provided. This documentation must be received no later than 10 business days prior to the event.
- The use and/or serving of alcoholic beverages is allowed only under the approval of the City by special permit, with an additional fee of \$100 and a proof of liability insurance acceptable to the City. Permits will be granted only for beer, or white or blush wine in non-glass containers. Permits will be issued only to groups of 25 or more people. Alcoholic beverages may be possessed and consumed only in areas designated on the site plan. The person responsible for the gathering must remain on the premises at all times that alcohol is being served, must have the special permit in possession, and must display it upon the request of authorized City personnel. Alcohol may not be sold on the site, and servers may not accept gratuities.
- Applicants for permits must provide a signed waiver of liability of the City for damage or injury, and an acceptance of responsibility for any damage to the property occurring as a result of the use of the site. The

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waiver must be on the city's form and must be received by the City within ten business days of the intended use.

- The damage deposit will be refunded within 30 days of the event, provided the permit holder causes no damage to the site or structures, and leaves the site and structures in the same condition as when the permit holder arrived at the site (for example, the cottage and site must be clean and the garbage removed).
- **Variations** – The City Clerk has discretion to grant variations to this policy provided such variations are in keeping with the spirit of the policy and pose no threat to the historical integrity of the site.