

Minutes of the Minnetonka Park Board
October 1, 2008

1. Roll Call

Park Board members in attendance included Jahn Anderson, Kyle Gallagher, Tim Goodyear, Denny Lambert, and Patrick Robben. Staff members in attendance included Geralyn Barone, Ann Davy, Dave Johnson, and Perry Vetter.

2. Approval of Minutes

Lambert moved and Anderson seconded a motion to approve the Minutes of September 3, 2008 as submitted. All voted "Yes." Motion carried.

3. Citizens Wishing to Discuss Items Not on the Agenda

None.

4. Business Items

A. Consideration of changes to Park Regulations (Chapter 11/Section 1135 of the City Code)

Parks and Trails Division Manager Perry Vetter provided a summary of park board discussion conducted to date related to the updating of park regulations. Goodyear suggested, due to the extent of information to review, that the park board break the evening's discussion into four areas of review to include:

- 1) Review and consideration of proposed changes to general park regulations;
- 2) Review and consideration of off-leash requirements;
- 3) Consideration of an off-leash dog park at Lone Lake Park; and
- 4) Fees related to any recommended changes.

Vetter opened by reviewing staff recommendations for general changes to the park regulations. Primary changes reviewed included:

- A change in the definition of a "Park Facility" to include indoor recreation centers and marinas.
- A requirement of horses to be ridden in designated areas only and for owners to pick up and dispose of feces in a proper manner.
- Language related to disturbing natural resources and other public property.
- A requirement for recreational fire permits in designated areas.
- Prohibition of electric or motorized scooters designated for recreational use in park facilities
- A requirement that sledding be permitted only in areas of the park system designated by the city

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- A requirement for recreational camping permits in designated areas.
- An allowance for persons engaged in disorderly conduct to be removed from a park facility
- Requirements for geocaching and the placement of caches within the park system
- Prohibition of fishing from boardwalks, trails or bridges designed for pedestrian use.

Goodyear asked for park board feedback or member comments.

Anderson questioned if the requirement for a recreational fire permit was an annual or per event request. Vetter responded that permits would be issued by the fire department on an annual basis.

Goodyear opened the floor to public comments.

Rich Hass, 5641 Scenic Drive, voiced concerns over not allowing informal sledding in the park system and questioned why the city would eliminate this activity for children. Vetter responded that this reasoning was an issue of liability. Lambert asked for a further explanation. Recreation Services Director Dave Johnson explained that according to the State's recreational immunity law, participants assume a degree of risk when participating in a recreational activity; however the city can still be found negligent if unsafe conditions are provided or maintained. Johnson added that any areas designated for sledding would need to be monitored and maintained by the city to provide reasonably safe conditions. Vetter added that park crews regularly remove unsafe sledding areas in the parks where jumps and other objects of concern have been erected.

JoAnn Bennett, 11833 Shady Oak Lane, voiced a concern over the elimination of casual sledding in the parks noting that this activity provides an opportunity for kids to stay active in the winter time.

Richard Owen, 16615 Jealam Road, asked if the ordinance could read that there are no designated areas for sledding and that anyone sledding is doing so at their own risk. Johnson mentioned that the language as written is consistent with swimming regulations in the city that allow swimming in city lakes only when a lifeguard is provided by the city. In the case of swimming, Johnson noted that swimming is prohibited due to unknown safety concerns that exist such as deep water drop offs and that drowning in other cities where lifeguards were not present have been well chronicled. He added that he recalled at least two significant injuries that have occurred in city parks as a result of sledding.

Hearing no further requests for public comment, Goodyear closed the floor to public comments.

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Robben moved and Gallagher seconded a motion to recommend to the city council changes in the general park regulations as presented by staff. All voted "Yes". Motion carried.

The evening's discussion continued with Vetter providing a review of recommended changes to the off-leash and voice/sight command sections of the park regulations. Vetter reviewed suggested language that pertained to the definition of "voice command", including:

- Dogs are off leash but must stay within sight and under control
- Only two dogs per handler may be off leash at any given time
- Handler must have a leash for each dog they are walking
- All dogs in designated voice command areas must be registered with the city
- Recommended designated off leash areas include Big Willow Park, Purgatory Park, Victoria-Evergreen Park and Jidana Park

Vetter proceeded to review specific questions that had been raised by residents over the past weeks including revoking of licenses for misuse, testing and certification requirements, and American Kennel Club Canine exams and certification. He noted that dogs would not be required to be certified under any program unless they are found to be in violation of the regulations

Goodyear asked for park board member feedback or questions.

Lambert asked if dogs that were deemed aggressive were documented as breeds or individual dogs. Vetter responded that this designation was based on documented behavior concerns of individual dogs, not an entire breed.

Lambert asked Vetter to explain staff's expectations of the owner's responsibility to remove dog waste from the park as opposed to placing it in a trash receptacle. Vetter indicated that staff's concern was that a trash receptacle may not always be available and the desire was to not have owner's discarding their bags in alternative locations within the park. Lambert suggested language that indicated that owners needed to place bags either in a trash receptacle or take it with them for disposal.

Goodyear opened the floor to public comments.

JoAnn Bennett, 11833 Shady Oak Lane, questioned why Lone Lake was not included in the parks designated as off-leash areas. Vetter explained that staff was trying to maintain a balance of community parks where off-leash dog access was permitted and not permitted so that park users who were not dog owners had options. He noted that if recommended by the park board, Lone Lake would have a

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designated fenced in off-leash area, or dog owners could use the natural areas of the park for on-leash dog walking.

Ed Freeman, 2700 Crestwood Circle, asked when the designated off-leash area in Lone Lake Park would be developed. He indicated that the language included in the staff recommendation for off-leash regulations was excellent and complimented staff for the job they did in preparing the material. Freeman closed by saying he liked the language included related to electronic collars and felt that all dogs using city parks and trails should require a permit, noting that the issue of dog waste left in the parks is a problem created by dogs on-leash as much as it is dogs off-leash.

Christine Riley, 5901 Bell Circle, expressed appreciation for the work done to revise the off-leash portion of the ordinance and suggested one change. She asked that the word "chase" be removed from the description of an aggressive dog noting that friendly chasing is part of the positive interaction dogs have with each other.

Peter Stangass, 3865 Lowell St., was concerned about the requirements to keep his dog within sight at all times and the chasing of wildlife as being a sign of aggression. He noted that he trains his dog for pheasant hunting and may at times lose sight of his dog when the dog is after a pheasant.

John Brooks, 5704 Highpark Drive, voiced support for the suggestion to eliminate the word "chasing" as a description of aggression, unless the other owner has a complaint about the situation. He further requested that a permit for allowing off-leash access be transferrable to other handlers for cases when the owner is not available to handle the dog.

Ed Freeman, 2700 Crestwood Circle, also voiced support for eliminating the word "chasing" from the description of aggression.

Rich Hass, 5641 Scenic Drive, voiced concern for not allowing disposal bags to be discarded in park receptacles. He requested that the city's schedule for picking up all garbage containers be monitored to assure that this is completed in a timely manner. He further suggested that the location of all receptacles be placed closer to access points within the parks.

Richard Owen, 16615 Jealam Road, noted that he agreed with the comments of park board member Anderson from a few meetings back that fewer regulations are better. He indicated that he felt the problem was not as severe as it has been made out to be and felt that the city was being over reactive. Owen suggested that containers be placed throughout the park system that includes business sized cards that define concerns and provide a friendly reminder as opposed to increased enforcement tactics.

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Hearing no further requests for public comment, Goodyear closed the floor to public comments.

Vetter responded to questions and comments provided by the public in the following manner:

- He agreed that the issue of cleaning up dog waste needed to be a requirement of all dog owners, on and off leash.
- The requirement for owners to keep dogs within their sight was a staff response due to a primary complaint received from users of the park system.
- Vetter indicated staff support for removing the word “chasing” from the aggressive dog description.
- Regarding aggression towards wildlife, Vetter asked for park board feedback on the issue of dog training. Johnson suggested that any language be consistent with DNR regulations.
- Vetter noted staff support for allowing the owner to transfer responsibilities to an alternative handler, provided the owner is still accountable for any violations of the permit. He reiterated that the total number of dogs permitted in a household should remain at three.
- Vetter indicated that the location of waste receptacles will be reviewed, noting that all locations have been entered into a GIS database. He informed the park board that the city contracts with a non-profit organization benefitting those with special needs to conduct garbage collection in the parks and he would review schedules with them to ensure this is being completed in a timely manner.
- Regarding the use of a card system to get information out to park users, Vetter indicated that the permit system proposed by staff is intended to reward those park users who follow stated rules.

Goodyear asked for park board member feedback or questions.

Lambert indicated support for allowing permits to be transferable. He further indicated support for removing the word “chasing” of another dog from the description of an aggressive dog, and felt that language related to the training of dogs for hunting should be consistent with DNR regulations. Lambert closed by requesting that disposal of dog waste be worded in such a manner that allows for placement in a receptacle or taken away from the park by the owner.

Lambert moved and Anderson seconded motion to adopt the off-leash regulations as recommended by staff with changes to include allowing permits to be transferable, removing the chasing of other dogs as a sign of aggression unless a complaint is received, dog interaction with wildlife to be consistent with Department of Natural Resources regulations; and allowances for dog waste bags to be placed in receptacles or taken with the owner. All voted “Yes”. Motion carried.

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Goodyear asked Vetter to introduce the next item of discussion related to the development of a designated dog park in the city.

Vetter provided a review of a staff recommendation to develop a designated dog park on a 14 plus acre parcel in the southeast portion of Lone Lake Park. Vetter added that the park would initially be available only for Minnetonka residents and would require a permit for use. He explained that under staff's recommendation, anyone who purchased a permit of off-leash areas would also have access to the designated Lone Lake area as well.

Vetter reviewed some initial staff recommendations for use of the designated dog park, including:

- No dogs in heat would be allowed
- Handler must have a leash for each dog as well as a method for disposing of dog waste
- No food would be permitted
- Operating hours would be established
- Minimum age and size requirements would need to be established for use of the designated area.

Goodyear asked for park board member comments and questions.

Lambert asked why staff was recommending resident use only. Vetter responded that this was staff's initial recommendation so that the amount of use the park receives can be evaluated.

Hearing no further questions from park board members, Goodyear opened the floor to public comments.

John Brooks, 5704 Highpark Drive, questioned why non-residents would be permitted to use designated off-leash areas but not the dedicated dog park. He further asked if Lone Lake would be considered as an off-leash area if the designated dog park was not approved.

Ed Freeman, 2700 Crestwood Circle, commented that, if approved, Minnetonka would have one of the premier facilities in the metro area. Freeman added that he was in agreement with the requirement for no food in the park, adding that this should include both people and dog foods.

Joann Bennett, 11833 Shady Oak Lane, indicated that she was affiliated with an animal rescue program and at times has multiple dogs in her home. She asked if each would require a permit.

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Christine Riley, 5901 Bell Circle, voiced support for the designated dog park by saying it was a fabulous idea and hoped it would be built soon. She asked that in the meantime, Lone Lake Park be considered for use as a designated off leash park.

Hearing no further requests, Goodyear closed the discussion to public comments.

Vetter responded to questions asked by providing the following:

- He noted that if a non-resident purchased a pass for the off-leash areas, they would be permitted to use the designated dog park, however staff was recommending that dog park only permits be available only to residents
- Responding to those who adopt dogs through a rescue program, Vetter noted that by ordinance, a maximum of three dogs are permitted in a household.
- He noted that Lone Lake Park was not being considered for off leash designation due to staff's effort to balance areas in the city for such use. Vetter added that staff felt it was important to provide areas where residents who do not want to encounter off leashed dogs could go and feel comfortable.

Goodyear asked how a 14 acre park might compare to other existing dog parks in the area. Vetter responded that the recommended site would be larger than most, adding that the size is important to the success of such a facility.

Anderson asked what the trail system in the dog park would consist of. Vetter explained that a past use of the site was for cross country skiing. He explained that the city mowed trails for skiing and the site also contains informal trails, all of which could be used for the dog park.

Goodyear noted that questions still remain related to operating hours and requirements for dog sizes and asked for park board member input.

Lambert noted that he initially supports the addition of a dog park in Lone Lake Park but felt more information was needed. He recommended that staff proceed with a master plan for the site that could be presented to the park board at a later meeting along with staff recommendations for operation policies. The rest of the park board agreed with Lambert's suggestions.

Goodyear asked Vetter to review the final item for discussion related to licensing fees.

Vetter provided examples of permits that could be issued for the owner to wear in a visible manner. He also reviewed licensing costs noting that the cost to administer the program would be approximately \$10 per application. Vetter provided a matrix

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showing projected revenues for fees ranging from \$10 to \$40 per permit. As an example, Vetter provided a summary of revenues received ranging from \$23,760 at \$10 to \$71,280 at \$40 assuming an estimated 45% of dog owners purchased a permit. Vetter noted that the fees recommended were for bi-annual permits.

Vetter closed by indicating that there have been some requests for licensing to be required for all dogs using city facilities, both on and off-leash. Vetter indicated that he was concerned that this would prohibit visitors to the city to walk their dogs in the park even if they were on leash.

Goodyear opened the floor to public comments.

Joann Bennett, 11833 Shady Oak Lane, questioned why Minnetonka would charge for a dog area permit when Eden Prairie does not. Vetter responded that he did not know why Eden Prairie did not charge but indicated that several cities do charge to cover the cost of maintenance and administration.

Rich Hass, 5641 Scenic Drive, indicated that he was not opposed to a small fee of \$10 to cover administrative costs.

Ed Freeman, 2700 Crestwood Circle, indicated that he did not have an issue with the charging of a fee. He suggested that a fee for the off-leash areas be tied to the dog and not the owner so that others can exercise the dog when the owner is not available. Vetter indicated that the licensing of a dog for off-leash areas would be acceptable as long as the responsibilities that the owner signed off on transferred to any other handlers.

Hearing no further requests for comment, Goodyear closed the floor to public comment and asked for park board member questions or feedback.

Lambert indicated that he liked the bi-annual permit fee and preferred a cost of \$10 to cover administrative expenses.

Goodyear indicated that he would like to see the rate structure included in the overall master plan for a dog park and indicated that he was still confused over the issue of licensing the dog versus the handler. Vetter responded that he felt the owner should be licensed for the off-leash area; however additional handlers could be added to the application with the responsibility remaining with the owner. He added that each dog should be licensed when using the dog park. Goodyear indicated that he was not in favor of requiring a permit for all dogs using Minnetonka Parks.

Johnson noted that the fees Vetter introduced represented resident use only and asked if the park board was in favor of charging a non-resident rate for the sale of off-leash area permits. Goodyear asked if non-resident rates applied in other

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programs offered throughout the city. Johnson said the best comparison would be Shady Oak Beach where rates for non-residents were increased approximately 50%. The park board expressed favor for a similar rate structure.

Vetter indicated that additional efforts were in place to address the issue of pet waste in the park. These efforts included volunteer programs, signage and education.

Vetter closed with a review of the next steps. He indicated that the park regulations would be forwarded to the city council, noting that this would require two public hearings due to the changes recommended to the park ordinance. He encouraged those interested to register on My Minnetonka, located on the city of Minnetonka's Website. Vetter indicated that a master plan for the proposed dog park at Lone Lake, along with related permit fees and regulations would be brought back to the park board for review at a later meeting.

B. Review of outdoor ice rink scheduling policies for youth hockey

Recreation Services Programming Division Manager Ann Davy introduced the item and reviewed existing practices in place for reserving outdoor ice time to area youth hockey associations. Davy explained that there are three associations that serve Minnetonka residents, however only Minnetonka (MYHA) and Hopkins (HYHA) have used ice time in the past and currently only MYHA reserves any time. Davy explained that ice time is contingent upon weather conditions, but ideally ice is maintained from mid-December through mid-February.

Davy noted that ice rinks are maintained at six Minnetonka park locations (Gro-Tonka, Meadow, McKenzie, Spring Hill, Covington and Boulder Creek), as well as two Hopkins School District locations (Gatewood and Glen Lake Elementary Schools. She indicated that MYHA currently reserves Monday through Thursday evenings from 6:00 – 8:30p.m. at all park locations with the exception of Meadow Park. She added that there is currently no charge for use of the hockey rinks, and that schedules for use are posted at each rink site to inform users.

Goodyear noted that this item was included in the park board's action steps to address past concerns that the hockey rinks are dominated by youth hockey associations and not available enough for general resident use. He asked what time the rinks are open. Davy indicated that the rinks are open weekdays from 4:30 – 9:00 p.m., and Saturdays and Sundays Noon – 5:00 p.m.

Goodyear suggested moving the time available for hockey use to 7:00 – 9:00p.m. He also asked if a tracking system could be put in place this upcoming season to monitor how many sites are actually being used. Davey indicated that both requests are possible.

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Lambert indicated support for the change in time.

Goodyear requested that staff draft recommended policy changes for reserving outdoor ice time and report back to the park board at the November meeting. Davy indicated that she would do so.

Rich Hass, 5641 Scenic Drive, was in attendance and reported that he felt Boulder Creek Park is very seldom used and asked if the lights could be turned down when the site is not being used. He further requested that the staff rink attendants monitor and record actual use of the site. Davy indicated that attendance reports are currently submitted but added she would strive to ensure they are accurate.

5. Park Board Member Reports

None provided

6. Information Items

The park board reviewed information included in their meeting packet related to Gypsy Moth inspections being conducted within the city.

Rich Hass, 5641 Scenic Drive, acknowledged that Gypsy Moth's were a concern, but questioned why the city had not addressed a problem with Japanese beetles that are causing even more of a problem. Staff indicated that Mr. Hass's concern would be shared with the appropriate staff.

7. Upcoming Park Board Agenda Items

The park board reviewed the tentative upcoming meeting schedule included in the meeting packet. Johnson noted the annual City Wide Open House was scheduled for Tuesday, October 7.

8. Adjournment

The meeting was adjourned at 9:52 p.m.