

Monday, September 29, 2020 5:15 PM
CITY OF MINNETONKA BEACH
PARK COMMISSION MEETING MINUTES

Roll Call: Chair Joe Pagano, Vice Chair Katie Norman, Chris Dovolis, Dan Forbes-arrived 5:20pm, Harlan Lehman, Kim Petersen, and Patty Rezabek. Absent: none

Staff Present: City Clerk Heidi Honey, Council Member Tracey Breazeale, Mayor Jaci Lindstrom

Call to Order: Chair Pagano called the meeting to order at 5:15 pm

1. Roll Call/Approve Agenda

Rezabek motion, Norman second to approve the September 29, 2020 Special Meeting agenda. All ayes, the motion carried.

Pagano stated the second resident input session is scheduled for October 19, 2020 at 6:15 pm at the Lafayette Club. He reflected on the past 14 months and recognized the commissioners, task force, Livingstonstrong team, and staff for their dedication, commitment, and good work. He stated that everyone has gone beyond any expectation as volunteers.

Pagano stated that preparation for tonight's meeting has required an understanding of Mrs. Livingston's proposal; reading and appreciating resident input; consulting with the city engineer, attorney, and public works superintendent; and understanding documents, process, and Council directives. Pagano expressed appreciation for the commissioners' insights and explained that they will review the proposal and collectively craft and vote on their recommendations for Mrs. Livingston to consider. Tonight they will only deal with recommendations and a vote to recommend or not recommend will be after the October 19 public input session. He then stated that a letter received today from the city attorney indicated that Parks may not be able to give a recommendation to accept but they will still proceed with gathering insights tonight.

Task Force Lead Davida Suiter provided a summary of the donation proposal by stating the following. The Livingstonstrong proposal contains the details of a heavily residential influenced replacement playground at Halfmoon Park. The cash donation increased from \$130,000 to \$145,400 to ensure no city funding and no incremental maintenance expenses, and added upgrades to minimize as much plastic as possible. The replacement calls for building the new playground at surface level and replacement of current drain tiling. City Engineer Amundsen has reviewed the site plan and has found it "acceptable from a grading and stormwater review" and also points out "the planned reduction of impervious area will reduce the amount of water runoff leaving the site". The equipment plan is to refurbish the existing swing set, replace the 17 year old climbing and slide equipment with a nature design fitting its current surroundings, increasing active play options, adding a passive play area, and adding gaga ball; all while embracing Minnetonka Beach's current character and delivering an experience for the targeted 5-12 year old children in the neighborhood.

2. Review and Discuss Livingston Proposal and Make Recommendations

2.1. Compliance Team - Forbes, Rezabek

Forbes stated that he and Rezabek each independently reviewed the 5 Year Plan and Comprehensive Plan and provided their collective thoughts. He discussed the fit of the proposal with the 5 Year Plan and the Comprehensive Plan but not compliance with the Donation Policy. Forbes explained that the 5 Year Plan is a shorter action based document that is consistent with the Comprehensive Plan. The Comprehensive Plan is large document that is rarely updated.

5 Year Plan (5YP) - The 5 Year Plan reiterates the Park Commission Mission which is to “Protect, maintain, and improve the Minnetonka Beach parks and recreational system for the safe usage and enjoyment of residents and visitors”. The 5YP indicates that the Park Commission is to annually review the city’s inventory of parks and equipment for safety, functionality, and ambiance. In the 2019 5YP, no specific improvements at Half Moon Park were contemplated but maintenance was noted. In the 2019 5YP, Parks identified that City Hall Park needed improvements beginning with \$30,000 of Capital Improvement Program (CIP) Funds in 2021. All parks and equipment are reviewed annually and in 2020 the Half Moon Park playground was identified as needing eventual replacement and recommended for replacement in the years 2024-2026 at the cost of \$50,000 from CIP funds. Forbes stated that initially the Park Commission assessed that City Hall Park was in more urgent need of repairs so Half Moon Park was not considered to be as time sensitive. Half Moon playground is on the radar for eventual replacement and it is a matter of judgement as to when that needs to be done. It was brought to Park’s attention in early 2020 that the playground is older and closer to needing replacement than they realized in 2019 which is why they requested to add it to the CIP. Harlan Lehman works in the playground industry and he brings knowledge of playgrounds the commission did not have prior to him serving on the Park Commission. Parks has learned that the typical lifespan of equipment is 15 to 20 years. Half Moon Park equipment is 16-17 years old and nearing the end of its lifespan. Equipment should be replaced as it nears its lifespan for improved safety, usability/trends, and esthetics. Forbes supports the Park Commission assessment in 2020 to replace Half Moon Park equipment.

Comprehensive Plan – Forbes stated that the Comp Plan identifies high level goals for the park system and park specific considerations that the commission should attend to in making decisions about Half Moon Park. The goals in the plan have to do with the kind of character the city aspires to have and wishes to retain. Forbes referred to elements of Chapter 3 of the Plan which are instructive to Parks. The Plan supports functional goals of park users and also ambiance goals of adjacent neighbors. The Comp Plan charges the city to pay attention to features of parks to make sure they provide adequate opportunities for recreation for park users. Parks should provide safe recreational experiences for users of all ages and community parks are designed for use by entire community including passive recreation and more intense active recreation. The Comp Plan later identifies some strategies for maintaining and improving the parks which includes providing accessible park areas and recreational facilities for residents of all ages. It also says the city should maintain and ensure playground and recreational safety in all of the parks and public spaces. The Comp Plan says that one strategy for maintaining the parks is to increase private financial donations for park and recreation system improvements. Forbes stated these features of the Comp Plan seem to be consistent with what this Livingston proposal seeks to advance. He went on to say it is his sense that the Livingston proposal seeks to replace the current structure with structures with increased appeal, and in particular, structures with more varied and elaborate recreational opportunities across a wider range of ages. Forbes believes those supporting the proposal are correct in that the current structure appeals more to younger children than older elementary age children and their intent is to provide more variety and appeal for those ages. He went on to say that intent has some basis in the Comp Plan and those are principles that should guide their decision making. The city wants to ensure safe recreation, but it also wants to provide recreational opportunities for people of all ages.

Forbes stated there are elements of the Comp Plan that speak to the concerns brought up about the proposal, in particular the concerns of the adjacent neighbors. Their experience of park changes should be given very careful consideration. The Plan says that both aesthetics and function should be satisfied, and that particular attention should be paid to each park’s “relationship to the adjacent neighbors”. Forbes summarized adjacent neighbors’ concerns as having to do with ambiance and explained that ambiance encompasses a few components dealing with the appearance of the structure as well as noise. In the Plan, ambiance means things like Minnetonka Beach should be a “tranquil, well maintained, residential community surrounded by Lake Minnetonka and characterized by quiet neighborhoods”. On page 24, the Plan identifies “strategies” for “maintaining residential tranquility” and some of those elements include minimizing disruptions related to traffic, noise, excessive light, construction parking, and water runoff among other factors. These are the

types of things the plan envisions as disruptions to the desired ambiance of the city. They can consider how this compares with the specific concerns of the neighbors when they review the proposal.

Forbes discussed park specific considerations in the Comp Plan. Half Moon Park is specified as a neighborhood park whose intended users are nearby neighbors. This differs from parks that are designated as community parks and the intended users are the community. The Comp Plan does not identify specific improvements except for additional street trees. The Plan indicates that Half Moon Park is meant to provide active recreation for young and elementary age children, and especially nearby neighbors. Forbes added that nearby seems to suggest a broader group than adjacent neighbors and their input matters also. Nearby neighbor interests also matter. There are elements of the proposal that are consistent with what the Plan instructs in terms of how the commissioners ought to attend to the needs of users of all ages and to the types of uses it facilitates. He went on to say there are also pieces of the Comp Plan that support concerns of adjacent neighbors living near the park. Forbes stated that concerns on both sides are legitimate. The Comp Plan and 5 Year Plan do not give a clear road map in how to prioritize or reconcile the concerns. A reconciliation will need to be reached at some point because the equipment will need to be replaced.

Forbes personally thinks striking the balance between the two sides is impossible to do without considering elements of the donation policy. He also thinks this is a public policy decision and City Council will have to decide to accept or reject the proposal. As volunteers, he does not think Parks should advance or reject the proposal, but they can provide information to Council for consideration.

Rezabek added that the Comp Plan speaks to improve, maintain, and protect; and it talks about open spaces and green spaces. Green space at Half Moon Park is only a little over a half-acre. She thinks they are all neighbors, and Half Moon is a community park. She strongly believes that green space be maintained. Rezabek expressed concerns about safety with the proposal. She stated the proposal is for children age 5-12 but it also recommends that users have sufficient strength and coordination and it strongly recommends it be used with adult supervision. She referred to the photos in the proposal and expressed concerns about equipment going from platform to platform. She then discussed that children ages four and under would be left out. She agrees there would be improved safety with new equipment. She agrees with Forbes that it is a policy decision for Council.

Pagano thanked them for their research and opinion. Pagano discussed the Comp Plan design standards and that it lists Half Moon as a neighborhood park and adjoining (not adjacent in the design standards) neighbors are specifically noted to consider their input. He and Suiter then reviewed the proposal with the Comp Plan design standards for Half Moon Park:

- provides accessible walkway from westside to play area - yes
- maintains setback of 20 ft from the edge of the property - it is same setback as current structure
- Provides limited screening and a buffer such that children's activity can be observed - No additional screening has been added.
- Provides benches near the play equipment such that play activities of younger children can be monitored - benches will remain
- Provides grass area for informal play - yes

Pagano asked if there were additional design standard concerns besides children age four and under being left out.

Forbes discussed the scope of the project and Half Moon Park is ½ acre and they are supposed to keep green space. He suggested determining if new equipment has the same scope of ages or expands the scope of ages. For esthetics, he stated the proposal has evolved in response to resident input and he thinks it is a much more acceptable proposal in size, fit with environment and character of the park, color, and design. Forbes recommended a temporary gaga pit on a provisional basis for 6 to 12 months so its use can be monitored.

Lehman stated the existing equipment appeals to ages 2 to 12, and the proposed is ages 5 to 12.

Rezabek likes green space and although not adjacent to the park, she can see it from 5 rooms of her house. She expressed concerns that the playground structure area is increased which reduces green space and the gaga pit pushed in front of that area takes up a lot of green space visually. The gaga pit is a concern for her.

Suiter stated the current equipment does not have passive play, which is something for younger children to use their imagination. Based on input, passive play was added to the proposal. Under one of the sets is a store front and a cave. To get to the double slide, kids only need to go up steps so younger kids can access.

Pagano asked commissioners for additional thoughts. Norman asked what material would be used for flooring in a temporary gaga pit. Lehman stated it can be placed on grass and thought a portable gaga pit is a great idea.

Rezabek expressed safety concerns about the ball going outside the pit and being unsafe for kids on swings.

Pagano summarized that the focus of the recommendations to the Livingstonstrong team centers on the gaga pit. He noted a temporary gaga pit with a grass surface. The actual position of the gaga pit was mentioned twice by Rezabek: one was from the visual aspect of green space availability, the other was safety of the adjacency of the gaga pit to the swing set. Pagano asked if he captured everyone's points of view on this. Forbes, Rezabek replied yes. Pagano asked for additional recommendations to forward to the Livingstonstrong team to consider based on their review of the Comp Plan and 5YP with the proposal. Dovolis expressed concerns about having enough for younger children to do.

2.2. Surface Team – Dovolis, Petersen

Dovolis stated all playground surfaces have a downside but nothing about the amount of hardcover or materials being proposed went against the Comp Plan or the 5 Year Plan. He was unable to find any other surface that seems better than what is proposed, and he did not find any substantive evidence of the toxicity or longevity concerns regarding poured rubber. The longevity of the proposed surface is in line with the life span of the equipment. Maintenance of poured rubber may be required after 10 years but that is offset by no maintenance for years 0-10. He had no issues with surfaces proposed.

Pagano summarized the commissioner recommendations as:

1. Ensure younger kids are included and consider an offering for ages 2-12
2. Gaga pit – remove concrete, temporary location on grass, install on provisional basis to track impact of gaga pit.
3. General concerns about preserving green space

Pagano asked if he correctly captured their points. Forbes stated their thoughts are conveyed in the discussion. Honey and Pagano will summarize the recommendations and forward to Livingstonstrong.

Rezabek wanted to be very clear regarding green space and stated that if there is no gaga pit, there is more green space. She would like to promote more green space. Pagano stated he will check with Rezabek before submitting the recommendations to Honey.

Lehman stated that the purpose of a resilient surface is to reduce head injury. He recommended that they consider 100% turf or 100% rubber surface to make it accessible to all and to reduce head injury. There is no cost to maintain and it lasts 15 – 20 years. It is the surface of choice for Three Rivers parks.

Dovolis agreed with Lehman but was concerned that all poured in place surface may not be supported by neighbors. The proposed surface was a concession based on neighbor input. Dovolis likes the idea of a movable gaga pit without concrete and it helps address the green space issue.

Rezabek recommended removing the gaga pit for increased green space.

Petersen stated that hardcover is reduced by 145 sq. ft. in the proposal and green space is being reconfigured. A portable gaga pit on grass gains almost 200 sq ft of green space.

Forbes thinks all poured in place surface would be esthetically less appealing for neighbors.

Rezabek stated neighbors have elevated rooms and they would see the poured rubber materials.

Norman thinks safety and accessibility is more important than esthetics. Poured surface is appealing to her for accessibility and safety. She prefers a surface color that blends with the ground or grass.

Dovolis stated this is a mixed message of a poured surface and preserving green space.

Forbes motion to recommend that the proposal team retain the existing surface (wood chips) and not adopt an expansion of the poured in place rubber surface. He withdrew his motion.

The current proposal has poured in place coming off sidewalk to swings (200+ sq ft), rubber mats laid on top of engineered wood fiber chips under the swings, and the rest of the playground is engineered wood fiber chips.

Lehman motion, Norman second to recommend a synthetic surface, either turf or poured in place, which both are permeable under the play area. Norman- aye, Dovolis – nay, Forbes – nay, Lehman – aye, Petersen – aye, Rezabek – nay, Pagano – aye. The motion passes.

Dovolis explained that although he thinks the poured in place is a better surface, in an effort to get to “yes” on the proposal, he needed to vote no.

2.3. Financial Compliance – Lehman, Norman

Norman and Lehman reported on finances. All costs of the proposal are fully funded by the donor. Multiple bids were not provided for equipment and they recommend multiple bids are provided. Multiple bids were provided for the other aspects of the project.

Lehman discussed project oversight and the city’s role in the project. He recommended the city write detailed specs and bid the project to contractors, so the project is run by one general contractor working with one point person from the city. Norman and Lehman recommended the city get multiple bids on each aspect of the proposal. Norman provided a cost benefit analysis:

Surface: wood chips cost approximately \$800 per year, poured surface has no annual maintenance cost until it needs to be replaced.

Equipment Replacement: In the 2024-2026 CIP, \$50,000 is marked for equipment replacement. This proposal would save the city at least \$42,800 if wood chips are used.

Lehman again recommended that the city put out bids with specific details on grading, equipment and installation so the city has one point person responsible for the overall project including specifying equipment that would be low maintenance to the city. Dovolis asked if the general contractor would use the sub-contractors who provided bids already or would they start over. Multiple bids were received but they are unsure if specs were uniform. Lehman explained that detailed specs and one contractor will eliminate overruns or delays in competition. Dovolis expressed concerns about how this would work. Rezabek asked if money is allocated for a project manager and engineering costs. Rezabek also asked if the donated soil would work well with turf.

Pagano summarized the concerns as: potential exposure the city may have if a contractor is not identified and there is no provision for one and aligning this with Mrs. Livingston’s thoughts on the concept. He went

on to say before the October 19 input session, the benefits that Lehman believes a general contractor provides should be articulated to the Livingstonstrong team. Mrs. Livingston should hear the details to decide if she wants to talk about the recommendation or not. Forbes stated it may be too complicated to summarize in a recommendation and may make sense to have one or more commissioners follow up with her. He supports the general idea of having an individual responsible for implementing and overseeing the installation because it is a complex project. He also stated they anticipate renovations at City Hall Park at the same time and it is hard to manage these projects. The city has very limited staff and a volunteer Park Commission. Forbes discussed difficulty working with Flagship in the past. Dovolis stated there is \$10,000 overage in the proposal but it may not be enough for a general contractor. A general contractor may save them money being in charge of the entire project. Lehman stated with good specs, it will not be a difficult process for a professional. Lehman stated the contractor would oversee and integrate all components.

Lehman motion that the recommendation is to work with the Livingston group to pull together specifics with drainage, equipment, rubber, and overall project, so all three contractors are bidding on the same thing. Once they receive bids, they can select which contractor would be the best fit.

Honey asked that he repeat it and Lehman summarized the recommendation is to put it out to bid and select one general contractor overseeing the project in conjunction with Mrs. Livingston.

Forbes stated that Mrs. Livingston noted in the Zoom chat that has already been done. Davida Suiter stated that a general contractor has not be selected and they can take this recommendation back to the Livingston group. She then explained that three bids were received for equipment but not included in the proposal because this specific equipment proposed is a stipulation of Livingstonstrong for the donation.

Forbes stated that the recommendation is that there be a single contractor overseeing the project.

Pagano stated that Norman and Lehman have intelligence on the mechanics of orchestrating a project of this size that they would like to share with Mrs. Livingston to make sure it is considered. He noted the most significant was the need for a contractor and there were red flags from Rezabek and Forbes on the selection of Flagship. Pagano suggested that a couple of commissioners (Lehman and another) meet with Livingstonstrong team to flush a reconciliation of the two thoughts (current and issues that were identified) and communicate this line of thinking with Mrs. Livingston and the Livingstonstrong team before they craft a final recommendation.

Forbes agreed with this approach. He feels the gist of the recommendation has been put on the table and he did not think it would be improved by trying to vote on a proposal at this point. Pagano asked for someone to summarize elements discussed – some reconciliation, strong recommendation for a contractor, concern about Flagship (city’s past experience with them) that needs to be included in discussion. After the equipment is installed, the city will have 20 years of responsibility for managing it will one staff person. They better be sure they are doing it right and consider all of the facts.

Jody Schwendimann stated they completed the process of getting three bids for equipment. She explained that the drainage scope has changed to fixing the drain tile that is already there and the project has changed in scope quite a bit. Through the process, the specs have been determined and she does not think they should spend money on a general contractor and those specs can be given to the contractor. She also stated they were not aware of an issue with Flagship, and if they had been, they may have looked at something different.

Norman asked Schwendimann who will supervise the project. Schwendimann hoped someone from Parks would volunteer to do it. Pagano asked to get back on topic of a motion for what Parks wants to recommend.

Lehman recommended that this be put out to bid with specifics so one person is overseeing the whole project.

Forbes thinks there is another piece of the recommendation that is on the table which is that there needs to be a more detailed implementation plan, specifically who in Minnetonka Beach is going to oversee the project on behalf of the city. City staff would not be able to do this with their workload. Forbes also discussed that the park commissioners' current workload is matched to the number of commissioners and it is difficult to complete ongoing work. Jody Schwendimann offered to oversee the project. Forbes suggested that Lehman make the recommendation but suggested that it include a more detailed implementation plan that perhaps includes a solicitation of multiple bids. Schwendimann stated that they received multiple bids.

Breazeale stated that multiple bids were not presented in materials shown so there is a desire for people to see them. They may need to decide what multiple bids means and how the city ensures that the playground outlined is the best playground that can be gotten for the money and that there won't be overruns and other factors. Not everyone is privy to everything that has been done. Schwendimann stated that professionally, Suiter is more than qualified than anyone to do this and they should look at what she did do instead of assuming she did not do it. Pagano stated there is no challenge to what was done and these are just questions the commission, in reviewing the proposal, is raising in specifically identifying recommendations for consideration. He went on to say Lehman still has a motion on the table. Pagano recommended that the motion contain the names of those commissioners that would work with Suiter to reconcile the facts of the bids so everyone knows what transpired and layer on to that the need for a contractor because there is no one on Parks who has the capability to do this. Schwendimann has offered to oversee this but they need to understand the requirements for the contractor to manage a project of this scope. Pagano asked Lehman to include these other components in the recommendation.

Lauren Livingston asked for clarification on the bidding process because her understanding was that bids were provided Flagship, Midwest Playscapes, and Impact Builders. Lehman explained that the overall project should have one contractor and that includes the equipment, surface and everything. Lehman explained that he recused himself from the bids. It was a direct facilitate from the factory and he recused himself. He then stated that his recommendation is to go with a general contractor to oversee the entire project. His recommendation is that the general contractor is not a volunteer, but they would connect with a volunteer. Hiring Flagship for the install does not constitute a general contractor. Lehman stated there are plenty of general contractors who could do this work.

Pagano stated the point of this discussion is a need for a general contractor. Lehman stated that after general contractor bids are received, the city reviews them to compare what is actually included and then go with the lowest responsible bidder. Pagano asked if it would make sense for Suiter and Lehman to reconcile what has already happened and determine where we are at with the intention of determining a contractor who would do all things: minimal grading, equipment and installation. Lehman said that is acceptable. Pagano asked that Lehman add these items to his recommendation: Suiter and Lehman merge their information with the intention of identifying a contractor who will do everything from start to finish. Lehman stated he understands that to mean that the City of Minnetonka Beach should hire one contractor to oversee the entire project from grading, to playground equipment, to equipment installation. Pagano added they are trying to craft the recommendation, but Council will make the decision.

Forbes suggested they phrase the recommendation more generally and expressed concerns about who is overseeing the project from Minnetonka Beach. He recommended a detailed implementation plan so the city can be represented effectively in the installation process. The plan should specify who will be responsible for communicating with the individual(s) or company that will be responsible for doing various things on the project. They will need to have integration and there will likely be back and forth between the Park Commission, City Council, engineer, attorney, or others to talk through details of exactly what is being done when. This needs to be thought through and they need to be specific of who those people are and what they are going to do.

Suiter asked that GameTime, the manufacturer that Lehman's company represents, be recused from conversations. She also stated this has all been done. They have consistently followed Parks lead and this

playground is a stipulation of the donation. She then stated this is prolonging the process and will add cost if it is not ordered and installed in 2020.

Pagano stated the recommendation is that the City of Minnetonka Beach ensure there is a contractor to oversee the project. Norman stated they have shared their perspective and expressed their concerns. She added that someone needs to be identified to oversee this who is not a park commissioner. She thinks they have made the spirit of their recommendation known and it is up to City Council. Parks served their role in making recommendations. Norman believes the recommendation has been articulated by Lehman and would like to leave it at that.

Lehman motion, Norman second that the recommendation is to bid this with specifics with one general contractor overseeing the project. Roll call vote: Forbes - abstain, Lehman – aye, Norman - aye, Petersen – aye, Rezabek -aye, Pagano – aye. Dovolis – left meeting early. The motion carried.

3. Chair Wrap Up and Adjournment

Breazeale commended the park commissioners on all their work, research and preparation of materials. She also recognized the Livingstonstrong group for their work incorporating community input into the proposal. Everyone went way above and beyond as volunteers.

Forbes motion, Lehman second to adjourn the September 29, 2020 Park Commission Special meeting. Roll call vote: Forbes - aye, Lehman – aye, Norman -aye, Petersen – aye, Rezabek -aye. Dovolis – left early. The motion carried.

The meeting adjourned at 7:52 pm.

PUBLIC IN ATTENDANCE – Susan Carlson, Kathy Gillum, Alan Carlson, Mayor Jaci Lindstrom, Dave & Diane Rogers, Vibhu & Julia Sharma, Davida Suiter, Nell Mathews, Judy Soukup, Jill Bartel, Lauren Livingston, Council Member Susan Enlow, Laura Inglis, Jennifer Halverson, Liz Grabeck, Emily Harder, Amber Arnold, Jillian Moriarity, Marnie Johnson, Jodi Schwendimann,

Respectfully submitted,

Heidi Honey, City Clerk