

Monday, October 19, 2020 6:15 PM
CITY OF MINNETONKA BEACH
PARK COMMISSION SPECIAL MEETING MINUTES
Livingston Strong Playground Donation Proposal Information and Public Input Session
In-Person at Lafayette Club and Teleconference via Zoom

Roll Call: Park Commissioner Chris Dovolis, Livingstonstrong Presenters Lauren Livingston and Jodi Schwendimann

Staff Present: City Administrator Pat Melvin, City Clerk Heidi Honey (via zoom), Administrative Assistant Jane Burgess

Attendees signed in, in person or were noted on the Zoom call.

1. Welcome Comments – Chris Dovolis

Dovolis thanked the LMCC for televising and making remote participation possible, the Lafayette Club for hosting the input session, the Park Commission for helping to coordinate additional public input, and City Staff for all the time and effort in scheduling this meeting. Input can be submitted via the chat function on Zoom. Jane Burgess will read Zoom chat input.

2. General Housekeeping

3. COVID 19 Precautions

The Lafayette Club, city staff and the LMCC worked together on COVID-19 precautions for this meeting including requiring masks at all times and seating spaced for social distancing.

Dovolis stated that tonight's input session concludes the work of the Park Commission with regards to the Livingstonstrong donation. Over the past year the Park Commission has been thorough and deliberate in researching this matter. They have worked with the donor, the city engineer, and the task force, all in an effort to gather relevant information. The commission sought and gathered resident input both formally and informally on multiple occasions. In doing these things, Park Commission has completed all of Council's directives regarding the Livingstonstrong Playground proposal including: compliance with the Minnetonka Beach Comprehensive Plan and the Park Commissions 5 Year Plan; recommendations about the playground equipment, surface materials, playground contours, etc.; financial considerations including maintenance costs; donation all-encompassing without city monies; and gathering of concerns of adjoining neighbors, property owners and the community. Dovolis then explained that the city attorney advised that the Park Commission should not give a recommendation to accept the proposal which was explained at the Sept. 29, 2020 Park Commission meeting. Nevertheless, the Park Commission reviewed the proposal at that meeting and provided four recommendations to the Livingston team to consider in their final proposal. The Park Commission has taken this as far as they can and now it is up to the City's elected officials to consider. Tonight's comments will be forwarded to City Council for their consideration in deciding to accept or reject the donation.

The next step will be for council to review the final proposal at a special meeting on November 2, 2020. As determined by the city attorney, naming rights are beyond the scope of the Park Commission and will be on the agenda of this special meeting with public input specifically about naming rights.

4. Livingston Donation – Lauren Livingston and Jodi Schwendimann

Livingston stated that her husband Doug passed away from cancer. The family raised over \$130,000 of funds to build a playground. The idea behind the playground was to be a thank you to give back to the community who supported the Livingston family. The Livingstonstrong team listened to the Task Force and resident feedback and made significant changes to their proposal. Livingston then referred to their presentation, reviewed all the modifications to the proposal, and explained this is a playground replacement because it was too contentious to solve the drainage concerns and appease the entire community.

5. Public Input –

Melvin stated previously provided input and information is on the city website.

Laura Inglis – 2120 Huntington Pt Rd E – Inglis has lived across from Half Moon Park for 30 years and served on the Park Commission. She stated that Half Moon Park was meant to be green space but in the 1990's the Comprehensive Plan was changed to allow a small backyard swing set which was later replaced by the city. Inglis expressed concerns that proposed donation changes the use of the park and is not compatible with the Comprehensive Plan. She added that the equipment is more obtrusive, and the gaga pit presents problems. Inglis then stated the park receives runoff from surrounding properties. She thinks a donation should fill an existing want or need of a city and the city would need to rewrite the Comprehensive Plan and Donation Policy to accept the donation. She added that the city respects its history, and its policies were written with respect to its history.

Vibhu Sharma – 2505 Lafayette Road. Sharma has lived there since 2004. He stated homeowners adjacent and adjoining Half Moon Park experience drainage issues during rain events and precipitation rates have increased over the years. Sharma expressed concerns that the proposal does not include environmental and engineering studies and discussed risks if drainage affects surrounding properties. Sharma stated drainage is not a new issue and it is not being properly addressed. He then reviewed city zoning ordinances, stating that a grading sediment control plan needs to be submitted for this work, and that no grading or filling shall result in runoff or increased volume to adjacent properties. Sharma then discussed stormwater ordinance changes being reviewed by the Planning Commission regarding restricting runoff and requiring engineering for some projects. He supported the Park Commission recommendation for a general contractor to oversee the Livingston project for removal, installation, and grading. Sharma requested a proper engineering and environmental study subject to peer review, and requested that the city receive three bids from general contractors should the project move forward. He added these costs should be part of the proposal.

Bob & Kathy Gillum – (read by Jane Burgess, added to public input on website) – Gillum's letter stated that questions regarding the appropriate use of Half Moon Park, its existing playground, and the appropriateness of a memorial donation and its demands have not been addressed. These are: following city guidelines for recognition, considering neighbors wishes, considering other locations, take up green space, accommodate toddlers, and address drainage issues. She went on to write that existing equipment was carefully chosen for young children and is in great shape. She expressed concerns about the look and unsupervised noise of the gaga pit, and stated it is suited for an active park (Ray Peters). She stated they do not want to look at poured in place surface or signage instead of a plaque. She recommended the equipment be at Ray Peters Park or City Hall Park and wrote that a donation with strings attached should not dictate the use of any public space.

Jill Bartel – 2106 Lake Road – Bartel asked where the funds will come from that are needed above the \$130,000 raised by GoFundMe. She thought a site plan showing streets and surrounding properties would be helpful in reviewing this. She expressed concerns that the playground is ages 5-12 but gaga pits are used by all ages, which may make the park less friendly for younger children. She feels it conflicts with the park designation and residents' desires. Bartel then expressed concerns about the costs the city is incurring for this project including Lafayette Club room rental, printed materials, staff time, spec writing by the city, a general contractor, and legal costs for drafting a contract.

Jodi Schwedimann responded to questions raised. In addressing costs, she stated that the process is inefficient, and they can learn from that. The additional \$15,000 came from additional donations. Regarding drainage, she stated this is a playground replacing an existing playground and that is why drainage is not being considered. Schwendimann also said a gaga pit interests children up to 5th grade.

Bridget Wortman asked the dimension change between the playgrounds. Davida Suiter responded that the playground is going from 2,484 to 3,007 sq ft but hardcover is going from 1,207 to 1,062 sq ft.

Helen Lindsay – 50 year resident of Minnetonka Beach. Lindsay asked the Livingston team what entitles them to take this piece of land that people want to be left alone, why would they put the name of a person on it as a memorial, and why does the village have to become a recipient of this memorial. Lindsay suggested it go to a resident vote. She stated a lot of residents have spent a lot of time researching, writing letters and agonizing over the environment and believes this is wrong. She stated there are environmental consequences of paving the land. She expressed concerns about children being entitled to have this playground and asked what they have done for the village and the world's environment.

Dennis and Kathy Klohs – (read by Jane Burgess, added to public input on website) Klohs wrote that Half Moon Park is designated as open green space. Technically, the present installation is inconsistent with the Guide Plan. Intensifying this area is inappropriate.

Julia Sharma – 2505 Lafayette Road – Sharma shares the northernly lot line with the park. At the last input session, she stated she was disappointed that the Livingston group had not reached out to them, and she thanked Lauren Livingston for now reaching out to them after the July meeting. Sharma was happy to see the changes to the initial proposal based on input. She thinks the new proposal is a better fit with the natural theme and wood chips. She was disappointed that the Park Commission recommended poured in place rubber. She appreciated that this surface was not added to the proposal. She stated the gaga pit diminishes green space and would be the first thing people see when they turn on to the road and she feels it is better suited for Ray Peters Park. She stated this situation has called a lot of dissention, name calling, and disparaging comments. She does not know how to remedy that but she pledged to do her part to foster a more welcoming, friendly, and inclusive community.

Steve Inglis – 2120 Huntington Point Road East – Inglis has lived across from the park for 30 years. He stated there is no argument that parks are an asset to neighborhoods and increase property values, but he stated that it is the green space, trees and tranquility that provide value, not playgrounds. He went on to say that playgrounds may decrease property values if they are noisy, unattractive and busy. Half Moon is the smallest park in Minnetonka Beach which features green space and a properly sized playground in the background. He expressed concerns that the donation will detract from the park and would be better served elsewhere. He requested that council not turn a beautiful gem of a park into a playground.

Alan Carlson – (read by Jane Burgess) - Carlson expressed concerns about the legal inappropriateness of the sign. He wrote that the donation is playground equipment placed on city land and the sign names the area Livingston Strong Playground. The name Livingston Strong Playground includes all that is part of the playground (equipment and land) which gives recognition that exceeds the donation. Carlson then wrote that the sign is inappropriate under the Donation Policy and that special recognition leaves out outstanding people who preceded the donor and outstanding people that will follow. He expressed concerns that with GoFundMe people who are not from a community can get special recognition for someone. Carlson wrote that the current Donation Policy treats all residents equally by requiring that the donation be without significant recognition while permitting a plaque. He then wrote that the city attorney advised that the donation would not be consistent with the current Donation Policy in an opinion to council dated September 29, 2020. Carlson wrote that the present Donation Policy applies to a donation of equipment that is to sit on public property which allows for an unobtrusive plaque which may sit on the equipment, but there is no provision for calling the land the equipment sits on the Livingston Strong Playground or erection of a large sign. Carlson went on to write that no one wants to deny Doug Livingston’s family an appropriate memorial, but the donation should not be accepted due to the signage conditions placed on the donation.

Diane Rogers – 2208 Huntington Point Road E – Rogers stated that in the packet she was quoted out of context and incorrectly given credit for designing the welcome sign. Rogers then told the story of how the welcome sign came to be there. It was a memorial for Brian Borne who was killed while moving the boom of his sailboat to his dock when it hit an overhead electrical wire. His son Ryan was injured in the accident also. Rogers discussed that the community supported the family. The community wanted to do a memorial and the Borne family wanted to thank the community for the support they received. They decided that a welcome sign was needed, and the community helped finance the sign. She stated there is a reason people are opposed to this park.

Kristin Ainsworth - (read by Jane Burgess, received via Zoom Chat) – Ainsworth sent a letter prior to the meeting to provide comment. Ainsworth suggested being cautious to turn away meaningful donations from those not from Minnetonka Beach as it sets a challenging precedence that only those born and raised in the city matter. She also wrote that families new to the area are a gift for future generations to come and to welcome them, their ideas, and the gift.

Jodi Schwendimann – Schwendimann commented to Diane Rogers on the beautiful story about how the community surrounded a family going through a tragedy. She described the ways the community supported the Livingston family. She then stated that this is not a memorial. It is a thank you from the Livingston family. It is an offer for new playground equipment that will be replaced in a couple of years with taxpayer dollars.

Heather and John Ellis – 2327 Lafayette Road (read by Jane Burgess, received via Zoom Chat) – Ellis supports the replacement of the playground at Half Moon Park and can’t understand why there is so much debate about equipment that is specified to be replaced in the next few years. She suggested that specific areas of concern should be voiced objectively and then ideally, they would come together on a solution. Ellis wrote that the mean-spirited comments should not be tolerated and added that if they had pooled all the time and energy debating this, they could have taken significant steps in support of issues plaguing the broader community.

DJ Burgess – 3111 Old County Road – Burgess has been a resident of 30 years. He stated that there are no words to describe what it has been like to be part of this community, to raise children here, and to

have the privilege to meet and grow with the residents. It saddens him to see how this has dragged on and divided the community. He stated that a decision needs to be made and not everyone will be happy with it. Burgess then stated he has never heard anyone say this is a nice area, but that park makes us not want to live there. Burgess stated that if one child or two gets to play in the park, or parents and children spend time in the park, or grandparents with grandchildren get to spend time there, it is a memory in a world that is full of evil right now and it needs an uplift. The gift is really something and they have lost sight of this. He added that the park will be a place that will draw nothing but good. It is not a memorial but a place to create memories. Burgess then stated that once a decision is made, those opposing it will eventually forgive, forget, or move away and it will not be an issue. He thanked the family giving the gift. Burgess expressed concerns that council is getting too caught up in this and a decision needs to be made. He also stated that its the residents that make the community so special.

The meeting adjourned at 7:35 pm.

PUBLIC IN ATTENDANCE – The following people were noted on the zoom call: Tyler Rabe, Colby Skelton, Katie Norman, Nell Mathews, Jaci Lindstrom, Chip & Joanna Zawislak, Joe, Judy Soukup, Alan Carlson, Kim Petersen, Susan Carlson, Jennifer Halverson, Patty Rezabek, Lisa Melamed, Dan Forbes, Kristin Ainsworth, Kathy Klohs, Davida Suiter, Dee Burton, Robert, Galaxy, Gerald Anderson, Nathan Arnold, Lori Dovolis, Kramers, Liz Grabeck, Heather and John Ellis

List for people who attended the meeting in person are archived with the meeting packet.

Respectfully submitted,

Heidi Honey, City Clerk