

**League of Women Voters Edina**

**Private Access To and Use Of Public Facilities  
In Edina**

**Report Appendices**

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## Appendix A

### August 4, 2009 Memo from Director Jennifer Bennerotte

Aug. 4, 2009

League of Women Voters of Edina  
Study Committee  
Andy Otness  
Canny Wright  
Dianne Plunkett Latham

Dear Leaguers:

Thank you for your continued interest in the City of Edina's Communications & Marketing Department. Below, I have provided answers to your most recent 15 written questions. I look forward to meeting with you on Monday, Aug. 10, to answer any follow-up questions you might have.

**1. What year did cable access fees cease going into the General Fund and begin going into Communications & Marketing. What was the basis for this policy change and who approved it?**

To my knowledge, the City has always (i.e. since inception in the late 1970s) accounted for cable franchise fees as a "special revenue fund" similar to community development block grants and some police revenues. I do not believe it has ever been a part of the general fund for accounting and budgeting purposes. There has been no recent policy change in this regard. As a matter of practice, the City has always utilized this special revenue fund (and only this fund) for funding communications efforts, but is not obligated to do so. In addition to ongoing efforts, the fund was used to outfit the Council Chambers with cameras and broadcast equipment and this fund will be used for ongoing maintenance and replacement of this equipment.

The City prepares "business plans" for its enterprise facilities such as Edina Liquor and Braemar Golf Course. Last year, the City Manager directed that the Communications & Marketing Department also have a section in our business plans in that 1) communications and marketing efforts are often interlinked with the business plans of our enterprises and 2) the City budget for communications and marketing is directly related to the finite revenues received from franchise fees and therefore our future communications and marketing efforts must be consciously tied to this revenue source.

**2. Please define “broad community appeal” as it is used for editorial decisions for print and video productions.**

First, it is important to note that the first priority of print publications, video productions and all other projects of the Communications & Marketing Department is sharing news of City programs, services and events. Additional *About Town* content, for example, is included only as space and time allow. Video production for other non-profit organizations is not considered if we do not have staff available for such jobs.

Content is chosen for production and broadcast based on the interest and value it may have to residents of Edina. All content is meant to promote the goal of making Edina the premiere place for living, learning, raising families and doing business. My criteria for making editorial decisions for non-City of Edina stories and videos are based on reasonableness of the request and benefit to the community. The City Manager sets an example of saying “yes” whenever a request is not at odds with public purposes or perception.

**3. Please provide the most recent 12 months of web hits reports.**

Reports are attached for November and December 2008 and January, February, March, April, May, June and July 2009. Reports were not generated for the other months in the 12-month period.

**4. If fees are reduced for video production and/or advertising, what is the policy and who has been charged reduced fees?**

Since formal video production policies were established in early 2008, the Communications & Marketing Department has completed just one new contractual project – a 30-second promotional video for the Edina Morningside Rotary Club’s “Edina Bike Parade.” The Club was charged \$500, per the policy.

Several organizations have inquired about the possibility of EDINA 16 taping their event or program, but have not moved forward with contracts after being made aware of the associated costs for our services.

The Rotary Club of Edina has paid the Communications & Marketing Department for production of its weekly meeting for over a year. The program length typically ranges between 20 and 30 minutes. The Club had been charged \$50 per week until July 1, 2009. The new weekly rate is \$75, since a Production Assistant is typically at the meeting for over an hour. Note that the City of Bloomington films and broadcasts a weekly Rotary meeting in that community at no charge.

Discounts of 10 percent are given to those print advertisers who sign multi-issue contracts for *About Town* (and formerly the *Park & Recreation Insider*) or place ads in multiple City publications.

Those businesses/organization receiving the 10 percent discount in the past 12 months for making a four-issue commitment include: Mathias K. Builders, Coldwell Banker Burnet Realty - Stephane Cattelin; Coldwell Banker Burnet Realty - Team Edina; Abbott Bros. Tree Care; Adult Help and Companion and Care; Arete Healthfit; Dr. Martha Baker, DDS; Edina Realty Senior Services; Jessen Press; Smiles@France; Southdale-YMCA; UBS Financial; Washburn McReavy; Abdo, Eick & Meyers; English Rose Suites; Home Instead Senior Care; New Horizon Academy; Scoopy Poo; Western Bank; Westgate Pet Clinic; Williamson Orthodontics; Olson Brothers Pharmacy; Science

Museum of Minnesota; United Properties; Skip Thomas - RE/Max; Claire Killen - Counselor Realty; Gentle Transitions; Dentistry for Children & Adolescents; MA Peterson; Normandale Community College; Right Way Painting; and Donnelly Development.

Edina Realty was given a 10 percent discount and another \$200 discount per ad for making a four-issue commitment for placing a two-page ad in *About Town*.

Coldwell Banker Burnet Realty - Stephane Cattelin; Abbott Bros. Tree Care; Clutter Control; Mathias K. Builders; Adult Help and Companion and Care; Washburn McReavy Funeral Chapels and Southdale YMCA were given a 10 percent discount for placing an ad in the 2009 community street map.

From my experience as a former newspaper editor and my current responsibilities of placing display advertising for the City, I know such discounts to be standard in the industry and expected by our customers.

Due to the recession and lessening dependence on print media, advertising nationwide is in a slump. Because we rely on advertising revenue for the production of *About Town*, we might consider giving a discount to non-profit agencies should we fail to meet our advertising goals in the future.

**5. If there is a cost (not including production costs) to running programming on EDINA 16, what is it?**

Besides production and wear and tear on equipment, the costs of running programming on the government-access channel equates to the staff time necessary to encode the media and schedule the video for playback. Staff time varies depending on the length of the video and original video format.

**6. How do citizens access the Outdoor Sign Request and what is the policy for deciding who has access to the request and whose request is granted?**

The first priority for messages on the City Hall message board is publicity for City-sponsored events, programs and activities. The second priority for messages on the message board is community events. Messages will be placed on a first-come, first-served basis. Messages run for one week, from Monday to Monday. The City reserves the right to suspend scheduled notices to promote its own activities and programs.

Because the outdoor message board at City Hall is limited to just five messages per week, there are some weeks when space is not available for non-City messages. To the best of my knowledge, no one has been denied a request for any other reason.

An "Outdoor Sign Request" form is available for any City staff member to fill out or is made available to the public upon request. Because the sign board is not widely available, we do not advertise its use to the public. That said, more than 60 community events were advertised by community organizations in 2008.

**7. What is the policy regarding private use of the City's seal? What does the City do when the policy is violated?**

The City's practice is to prohibit private use of the copyrighted City seal.

Some community organizations, including the Edina Morningside Rotary Club and Edina Crime Prevention Fund, have used all or part of the City seal in their own logos or branding efforts. Those logos or brands were established before I joined the City staff and copyrighted the seal.

Since being named Communications & Marketing Director, I have been made aware of just a few cases in which the City seal was being used for private use. A political candidate used the seal on his/her website and a committee of the Edina Chamber of Commerce included the seal on an application or form. In both cases, the responsible person was contacted and asked to remove the seal. The seal was promptly removed each time.

**8. How many residents are signed up to receive information from the City via Twitter and Facebook? What guidelines are used to determine the frequency and content of communications via Twitter and Facebook?**

Recognizing the importance of social media in today's society, the Communications & Marketing Department uses Twitter and YouTube to share information with the public. The department does not, nor has it ever had, a Facebook account as reported in a *Star-Tribune* article earlier this year.

As of this writing, the City has 382 followers on Twitter. We have sent out 122 "tweets" since beginning use of Twitter in March 2009.

We have posted original EDINA 16 programming – episodes of "In Edina," "Agenda: Edina," "Beyond the Badge," July 4 parade and public service announcements – on YouTube for more than a year. Meetings are not streamed on YouTube.

No new content is generated for use on social media sites. Instead, information from press releases, "City Extra" messages, the website, video bulletin board messages and the like is repackaged for use on Twitter.

The Edina Police Department also has a Twitter account. As of this writing, the Department had 139 followers.

**9. What is the policy for playing back and/or streaming meetings of private non-profit organizations on EDINA 16 and the City's website?**

This answer is provided in the City's video production policies, found online at <http://www.ci.edina.mn.us/Departments/VideoProductionPolicies.htm>.

**10. What guidelines are used or what process is followed to approve a non-profit organization for video production services and playback or streaming? How has this opportunity been publicized?**

When contacted by a non-profit organization for video production services, we explain and/or provide copies of the video production policies to the representatives. If the topic has broad community appeal in our opinion and the organization is willing to pay the fees associated with such a production, the Cable Coordinator develops a contract, which must be signed before work begins.

Complete video production policies and procedures can be found online at <http://www.ci.edina.mn.us/Departments/VideoProductionPolicies.htm>.

**11. Which Communications & Marketing Department policies are available on the City's website? Please provide URLs.**

The City's website links policy and application is available online at <http://www.ci.edina.mn.us/aboutthissite.htm>.

The City's website privacy policy is available online at <http://www.ci.edina.mn.us/PrivacyPolicy.htm>.

Complete video production policies and procedures can be found online at <http://www.ci.edina.mn.us/Departments/VideoProductionPolicies.htm>.

**12. Will fees defined by policy be incorporated into Edina ordinances 185 Fees and Charges and 185.01 Fees and Charges Schedule A? Why or why not?**

There is no reason why fees charged for marketing and communications shouldn't be included in Section 185 or resolutions adopted pursuant to 185. This can be done for 2010 if the City Council so desires.

**13. What is the EDINA 16 broadcast schedule? Where is the schedule published?**

The current EDINA 16 broadcast schedule is as follows:

Edina City Council (shown until the next scheduled meeting):

- Wednesdays 10 a.m. and 7 p.m.
- Sundays 7 p.m.

Planning Commission (shown for two weeks following meeting):

- Thursdays 10 a.m. and 7 p.m.
- Sundays 3 p.m.

Transportation Commission (shown for two weeks following meeting):

- Fridays 10 a.m. and 7 p.m.
- Saturdays 3 p.m.

Park Board (shown for two weeks following meeting):

- Saturdays 10 a.m. and 7 p.m.
- Mondays 8 p.m.

Agenda: Edina (begins playing at the scheduled playback date closest to the first of the month - plays for a month):

- Tuesdays 10 a.m.
- Wednesdays 6 p.m.
- Fridays 6 p.m.
- Saturdays 6 p.m.

In Edina (begins playing at the scheduled playback date after the 15<sup>th</sup> of each month – plays for a month):

- Mondays 10 a.m. and 7 p.m.
- Fridays 5 p.m.
- Saturdays Noon
- Sundays Noon

Beyond the Badge (begins playing at the scheduled playback date closest to the first of the month – plays for two months):

- Saturdays 5:30 p.m.
- Tuesdays Noon and 7:30 p.m.
- Fridays 10 p.m.

Rotary Club of Edina Meetings (new episode weekly):

- Mondays Noon
- Tuesdays 7 p.m.
- Saturdays 5 p.m.

Special City Council (or other special commission) meetings are broadcast immediately preceding the regularly scheduled meeting. Broadcast start time is dictated by length of the special meeting.

Playback of other programming is determined by the Cable Coordinator, in consultation with the Communications & Marketing Director.

The playback schedule is included on the City's website. Several programs are also advertised on the EDINA 16 video bulletin board. As space allows, the schedule is included in *About Town*.

**14. Please provide copies of the Communications & Marketing Department's detailed budget for 2009, 2008 and 2007.**

Attached.

**15. Please provide a copy of the job description for the Communications & Marketing Director.**

Attached.

Again, I look forward to meeting with you Aug. 10. If you need anything else in advance of the meeting, please contact me by calling 952-833-9520 or sending an email to [jbennerotte@ci.edina.mn.us](mailto:jbennerotte@ci.edina.mn.us).

Sincerely,

Jennifer L. Bennerotte  
Communications & Marketing Director

ENC



## Appendix B

### September 25, 2009 Interview Notes (Jamie Zwilling)

Interview conducted by Jennifer Janovy, Andy Otness, and Canny Wright

**Question:** What are the core communications functions of your city?

**Answer:** St. Louis Park went through a reorganization that created Jamie's position. Technology and communications were merged, creating an Information Resources department. Jamie oversees all marketing, publications, website, cable TV, media relations, and is the Public Information Officer for the Police and Fire Departments.

The City operates four cable TV stations. Channels 15 and 96 are community TV. Anyone has access to this channel. Residents may produce their own videos (after taking a video production class) or City staff can help them produce a video. There are six employees in the City's cable TV area.

Channel 16 is "on location" programming. The City took on this channel in 2007 and uses a mobile unit to record and broadcast high school sports, plays, concerts, etc. The City does not charge for this service. The only charge is for DVD copies of programming. On location programming can be streamed live on the website if the technology they are using for recording the event allows it. They do about three or four productions per week (6-10 new hours of programming). Channel 16 is also the NASA channel, airing NASA content as required by law.

Channel 17 is the civic channel, which airs City Council, Planning Commission, and Telecommunications Commission meetings. It also airs a monthly news magazine program, and forums. Programming that is 10 minutes in length or less may also be posted on YouTube.

The news magazine is ½ hour in length. Jamie hosts. The production team includes a full-time producer/videographer. The estimated cost is \$1,500 per month.

The 10-minute news program is produced in the St. Louis Park High School studio. Three people work on the show (no students at this time). The cost is about \$600 per week.

Channel 14 is the school district channel. The City will be assuming responsibilities for this channel. In exchange, the City will have more access to the studio at the High School.

The City did a community survey last year (2008). Results showed that about 85% of households subscribe to cable TV. 5% watch community TV and 4% watch it regularly.

All channels are web streamed live (same programming on web as on TV at the same time) and a lot of programming is also available on demand. Jamie has directed staff to make as much programming available on demand as possible.

Live streaming is provided by an outside company, Implex.

**Question:** How is your department funded?

**Answer:** It is funded by cable franchise fees. Fees are 5% of a customer’s cable TV bill. These fees bring in over \$500,000 per year. About \$100,000 of that is transferred into the general fund, which supports communications.

**Question:** If your budget were cut in half, what functions or services would you cut?

**Answer:** He would keep the newly combined Park & Recreation catalog/city newsletter. This is “need to know” information, with not a lot of features. The combined publication is published three times/year and supplemented with email updates and notices on Twitter and Facebook. There is no legal requirement to send this publication.

He would keep civic TV—which airs City Council and other city meetings.

He would keep the combined city/school district calendar. This calendar costs \$40,000 per year to produce/distribute but most of that amount (\$30,000) is paid through advertising (with \$5,000 from the city and \$5,000 from the school district).

He would continue performing media relations and public information officer functions.

“We would certainly keep the website. The community guide would likely go (currently only printed on demand and available online).

**Question:** Do you use a concept such as “broad community appeal” when making editorial decisions?

**Answer:** No. Jamie uses his “news” judgment—what’s happening now, what are people talking about, what do people need to know? He uses the concept of “refrigerator journalism”—is the information something someone would cut out and post on his or her refrigerator? He also looks to tell the story of what the city does and how they do it, and covers seasonal and cyclical events and notices.

**Question:** How do you inform your understanding of what the community wants or needs with regard to communications?

**Answer:** The city did a survey in 2008, as part of its visioning process. The department also worked with a consultant on the city’s brand and values were identified in that process. Jamie formed a communications production group that consists of representatives from every city department. Most representatives are front-line staff (administrative assistants) because these are the people who have frequent direct contact with residents. They know what questions are being asked, what people are wanting to know. This group meets three times annually and communicates more often via email.

**Question:** Do you have written communications policies? If yes, in which areas?

**Answer:** There is an advertising policy for the calendar and community guide. There is the brand manual (branding study done in 2007). There is a communications plan developed by consultants three years ago, which will be redone in 2010 and may be redone annually thereafter. They are working on a social media policy.

**Other:** It is very unusual that communications is not under Administration, but the move was the result of the reorganization. The City culture is very open. The department looks at how it can collaborate with residents, bring them the news. The City copies neighborhood association newsletters for free and often provides stories for these newsletters. The department gets a lot of requests to include stories in its newsletter or other publications but as a rule it does not take outside content, unless it comes from a strategic partner. The department does not publish many features.

Jamie provided copies of the combined Park & Recreation/City newsletter publication, the city/school district calendar, the branding guide, an organizational chart, and media kit.

## Appendix C

### December 10, 2009 Memo from Director Jennifer Bennerotte

Dec. 10, 2009

League of Women Voters of Edina Study Committee  
Jennifer Janovy  
Andy Otness  
Canny Wright  
Dianne Plunkett Latham

Dear Leaguers:

Thank you for your continued interest in the City of Edina's Communications & Marketing Department. Below, I have provided answers to your most recent written questions posed by Jennifer Janovy via email Dec. 9.

**1. First, below is a list of policies/guidelines that we are aware of. Please let us know if we are missing anything and, if possible, direct us to where we can get a copy of anything that we have left out.**

- **Communications & Marketing Department Video Production Policies**
- **Contract for Video Production**
- **Website Links Policy**
- **Outdoor Sign Request**
- **Have You Heard?**
- ***About Town* advertising specifications**
- **Advertising rack card**

Above, you have listed "Contract for Video Production," "Have you Heard?," advertising specifications and advertising rack card as policies/guidelines. I would not define any of those documents as policies.

Also note that the "Have You Heard?" document is nearly five years old and not something currently used by our department. For the past several years, we have not actively tried to sell any bulletin board messages on Edina Community Channel 16. However, it is something we may consider again in the future.

Since the League of Women Voters of Edina began this study, a Submitted Photo & Original Artwork Use Policy has been implemented. It is attached.

For several years, the City of Edina has had a Media Contact Policy. It is attached.

2. Second, below is a list of web hit reports that we are aware of. Please let us know if we are missing any and, if possible, send copies if you have those readily available.

November 2008  
December 2008  
January 2009  
March 2009  
April 2009  
May 2009  
June 2009  
July 2009  
November 2009

Attached are reports for February, August, September and October 2009.

Web reports have been created since 2000. If you would like any of those copies, please let me know.

3. Lastly, is it possible to get a copy of the report (analysis) from the October Survey Monkey survey on Park and Recreation Insider preferences?

The summary report is attached. If you would like to review the summary with the open-ended responses, visit

[http://www.surveymonkey.com/sr.aspx?sm=gSnEuofOt8\\_2f0yOIMc7Yv3tIPSEtr7NrvDvZ\\_2bnxH2Ero\\_3d](http://www.surveymonkey.com/sr.aspx?sm=gSnEuofOt8_2f0yOIMc7Yv3tIPSEtr7NrvDvZ_2bnxH2Ero_3d).

If you need anything else, please contact me by calling 952-833-9520 or sending an email to [jbennerotte@ci.edina.mn.us](mailto:jbennerotte@ci.edina.mn.us).

Sincerely,

Jennifer L. Bennerotte  
Communications & Marketing Director

ENC

## Appendix D

### August 10, 2009 Interview Notes (Director Jennifer Bennerotte)

Conducted by Jennifer Janovy, Dianne Plunkett-Latham, Andy Otness, and Canny Wright

#### Follow-Up Questions to Written Answers

1. The 2008 audit report shows the city collected \$697,400 in franchise fees. Your budget for 2008 shows \$550,000 in anticipated revenue from franchise fees. How is the remaining \$147,400 used?

100% of cable franchise fees went into Communications & Marketing in 2008. Total revenues in 2008 were \$808,573, the majority of which was derived from cable franchise fees. Expenses totaled \$661,803. The difference of \$146,770 was carried over.

The department was over budget that year but also had more revenue than anticipated. Cable franchise fees are received quarterly and the exact amount is not known in advance.

Does the City set the franchise fee? Since it is passed on to consumers, can the City lower or raise it?

Edina is a member of the SW Cable Commission (along with Eden Prairie, Hopkins, Richfield and Minnetonka). Gordon is the representative. Jennifer will ask Gordon the question.

Note: this answer was provided to Andy Otness following our interview.

2. What data (such as informal or formal processes to request/get feedback from residents) do you use to inform your understanding of “broad community appeal”?

Jennifer is very open to feedback. There is no formal process for soliciting feedback but the department regularly gets emails and letters from residents commenting on publications and video productions.

Residents frequently request that the city publish City Hall phone numbers/contact information for staff in *About Town*. This is by far the most frequent request. Contact information is published if/when there is space available.

Each page of *About Town* costs approximately \$1,400. The cost of *About Town* has been brought down significantly over the years because production has gradually been moved in-house and the City now buys paper in bulk. Advertisement makes up 20% of the publication and ad sales have been consistent.

*About Town* is “sort of our sacred cow. It is a very well-read publication.”

3. Do you have data to indicate how long those who access “In Edina” or “Agenda: Edina” spend watching each program on the website?

No. Granicus provides web streaming statistics and their report does not include length of time people spend watching a program. The department uses a “Web Trends” software application to generate web use reports. Generating these reports is time-intensive so they are generated as needed, though staff strives to produce one each month.

4. If an organization pays for video production service is there an expectation that the production can be broadcast on Edina Community Channel 16 or streamed on the website? Or are there other criteria for determining whether a production will be broadcast or streamed?

All video productions for outside organizations must fit the department’s mission and have broad community appeal. Per the video services contract, all productions will be aired on EDINA 16 and streamed on the website.

5. What percentage of the budget goes toward producing In Edina, Agenda Edina and PSAs?

“In Edina” costs approximately \$1,000-\$1,500 per episode (\$500 for the host). “Agenda: Edina” costs approximately \$500-\$750 per episode. The budget for PSAs is \$500 per spot. Almost all “actors” in PSAs have been staff or volunteers, drawn from personal and professional circles of friends.

13. Do you have any way of determining, or getting a general idea, of how many residents watch programming on EDINA 16?

No. Comcast provides viewership reports for Channel 16 but this includes other cities’ programming on Channel 16 as well. Jennifer believes what people watch on the website is a good indication of what people watch on Edina 16.

The most requested programming for Edina 16 is high school sports. Jennifer would be happy to partner with the district to broadcast high school sports, but there hasn’t been interest at the district. The second most-requested programming is to broadcast concerts in the park, but there is a lack of resources to make this happen.

Most cities either broadcast all of their board and commission meetings or only City Council and Planning. Edina broadcasts City Council, Planning Commission, Transportation Commission, and Park Board, so is a hybrid of other cities.

14. Where is the Communications & Marketing budget or financial statement published?

It is not published. The department is financed by a special revenue fund from cable franchise fees.

#### Other Questions

- The budget shows \$400-\$600 per year (past three years) budgeted for contest entries. What productions/publications have been entered into contests?

The department enters video productions or print materials in contests, such as those sponsored by the MN Association of Government Communicators, National Association of Government Communicators and City-County Communications &

Marketing Association to get feedback from peers and to show work the department is really proud of.

- What do you think is the impact of the redundancy of documents on the website on residents' ability to access information from the website in a clear and helpful way?

It can be confusing. Jennifer is not really happy with the search feature on the website in that it currently accesses "includes" files on the site. When someone does a search, the software will show all pages that include the searched term, even duplicate pages.

- The first job of the Communications & Marketing Department according to the website is to "help other City departments and facilities identify what information and messages need to be conveyed to Edina's diverse audiences." What resources are dedicated to fulfilling this function?

Second job is to "find opportunities to promote what makes Edina the great community that it is and the successes of City government." What resources are dedicated to fulfilling this function?

Jennifer provided a document titled City of Edina Communications & Marketing Department Current and Future and Future Work Plan.

Jennifer noted she tries to meet with each department head and facility manager at least once each year.

The Marketing & Communications Department is closely tied to enterprise facilities. Department services can have the biggest impact on saving these enterprises money by being consistent with marketing/branding messages, doing things in-house, and using new technology.

Jennifer expressed the need to market her department's services internally to department heads and facility managers.



# Appendix E – Submitted Photo and Original Artwork Use Policy



## CITY OF EDINA SUBMITTED PHOTO & ORIGINAL ARTWORK USE POLICY

To ensure consistency and fairness, the City of Edina prefers not to use submitted photographs in any publication for news, advertising or promotion purposes; in videos produced for Edina Community Channel 16; on its website(s); or in any other media. Instead, staff will attempt to take its own photographs whenever necessary. Photos appearing with the historical column in *About Town* or other printed historic accounts and of original artwork are exceptions.\*

When the use of a submitted photograph is necessary, the signed release form below is required from the photographer. A photo for which a signed release is not obtained will not be used. The photographer will not receive credit for his or her work in the project for which the photograph is used. Submitted photos used in printed publications will be marked "Submitted Photograph" alongside the artwork.

If the subject of a submitted photograph is a minor, a media release form signed by the child's parent or guardian must also be secured by the photographer.

### \*Historic Accounts and Original Artwork

Whenever possible, source and photographer credit will be given in printed publications that include a historic account, such as that in the quarterly newsletter *About Town*. The credit will appear vertically, alongside the submitted photo. When both source and photographer name are available, the credit will read "[Source]/[Photographer Name]." In cases where only the source can be fairly determined in a reasonable amount of time, only a source credit will be given.

"Original artwork" is defined as paintings, drawings, prints and sculptures existing in single copy or in limited edition. Additional permission from the artist will be obtained before additional reprint in publications, advertising, promotional materials, videos or websites or in other media.

### SUBMITTED PHOTO RELEASE FORM

I, \_\_\_\_\_, hereby authorize the City of Edina to use the photograph(s) of \_\_\_\_\_, I hereby authorize the City of Edina, its agents and employees to use these photographs in any current or future publication for news, advertising, or promotion purposes; in videos produced for Edina Community Channel 16; on its website(s); or in any other media. I understand I will not be credited or compensated for use of the photographs.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

### SUBMITTED ORIGINAL ARTWORK RELEASE FORM

I, \_\_\_\_\_, hereby authorize the City of Edina to use the photograph(s) of \_\_\_\_\_, I understand the City of Edina, its agents and employees will seek additional permission to use these photographs in any current or future publication for news, advertising or promotion purposes; in videos produced for Edina Community Channel 16; on its website(s); or in any other media.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

*Effective: Sept. 27, 2009*

## Appendix F

### July 29, 2009 Email from City Manager Gordon Hughes

**From:** Gordon Hughes  
**Sent:** Wednesday, July 29, 2009 11:38 AM  
**To:** Sandy  
**Subject:** ELWV Study

My answers to your follow up questions are as follows:

1) What's the policy for waiving or reducing fees set by [city ordinances and fee schedule.] Does city staff have discretion to waive or reduce fees set by ordinance? What criteria are used when waivers are granted?

Generally speaking, staff does not waive or reduce fees set by ordinance or resolution. On occasion, I have probably photocopied something for a resident without charging the fee required by schedule A. I've also occasionally waived the rental fee for a city facility for a community-wide event such as the Connecting with Kids breakfast. In my opinion, making those judgment calls is part of my job as City Manager and my criteria are based on reasonableness of the request and benefit to the community. Also, my facility managers have my authority to use good business practices when dealing with their customers. For example, if a wedding rental at Centennial Lakes has an unfavorable experience due to us, staff is authorized to make an adjustment to the fee. Our golf course manager has authority to negotiate rates for a large golf outing or charity event by a business or organization.

2) What is the philosophy behind City enterprise facilities and services and why was a core service such as communications made into an enterprise?

All of the City's enterprise funds were created prior to my appointment as city manager and therefore I cannot comment on the specific thought process of the council or my predecessors. In general, however, enterprises have a goal of self sufficiency without reliance on tax revenues. In addition, the accounting standards for such enterprises require typical business standards such as depreciation of assets. From a management perspective, designation as an enterprise also carries with it an obligation for the city manager and facility managers to manage them in a more business-like manner while recognizing that each enterprise is unique. For example, our goals and practices for the liquor enterprise is quite different from say our aquatic center or our utility department. Yet all have a common goal of self sufficiency.

As to communications, it is not an "enterprise." To my knowledge, the City has always (i.e. since inception in the late '70's) accounted for cable franchise fees as a "special revenue fund" similar to community development block grants and some police revenues. I do not believe it has ever been a part of the general fund for accounting and budgeting purposes and similarly it is not an enterprise fund. There has been no policy change in this regard. As a matter of practice, the City has always utilized this special revenue fund (and only this fund) for funding communications efforts but is not obligated to do so. In addition to ongoing communications efforts, the fund was used to outfit the council chambers with

cameras and broadcast equipment and this fund will be used for ongoing updates to this equipment.

The City prepares "business plans" for its enterprises. Last year, I directed that the Communications and Marketing department also have a section in our business plans in that 1) communications and marketing efforts are often interlinked with the business plans of our enterprises and 2) the city budget for communications and marketing is directly related to the finite revenues received from franchise fees and therefore our future communications and marketing efforts must be consciously tied to this revenue source. No accounting changes were made in 2006 when the Communications and Marketing Department was established or in 2008 when the department's work was added to our business plans.

3) The City receives many requests for use of City facilities that are not addressed by written policy. Our understanding is the practice to be accommodating whenever possible. What criteria are used to say yes or no?

As noted in question 1, my criteria are based on reasonableness of the request and benefit to the community. I attempt to say "yes" whenever possible and "no" when I believe the request is at odds with public purposes or perception. Sometimes I say "maybe" and bring such issues forward to our policy makers. The YEA Corps proposal for a garden at Chowen Park is one such example.

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**Appendix G**  
**March 3, 2009 Interview Notes**  
**(City Manager Gordon Hughes and Director John Keprios)**

Interviewers: Sandy Fox, Carol Frisch and Andy Otness

Purpose: To explain the philosophy and goals behind the use of public facilities in Edina

1. What does the city consider the appropriate balance between revenue generation and taxpayers' free use of facilities? What is considered reasonable?

Gordon expressed he uses the term "practices" to refer to informal or unwritten policy. "I wouldn't use the phrase "revenue generation". I'd use "cost recovery". Our enterprise facilities have a different mission. They run more like a business. The city has a user fee philosophy. Generally for the most part, facilities have, as a matter of fact, a fee associated with them."

"With the building of the new City Hall, we established written policies for use of it for community groups. We don't allow businesses to use City Hall. We redirect them to enterprise facilities. As a matter of practice, we encourage city hall's use weekday evening and weekends, not during business hours."

When legislators hold town meetings it is made available but not political parties after the Independence Party held their convention here several years ago.

John Keprios interjected, "Former Mayor Fred Richards 'philosophy was *'wherever it is effective and efficient we should charge a fee.'* If we can have someone pay, we will. Edina is the most fees oriented community of any." We were one of the first cities to charge fees for use; such as, a \$9 fee for gyms/fields.

GH: For things or facilities that are definable we charge fees.  
The fees and schedule are approved by Council as a source of user fees.  
Priority of use, more than cost of use, has been an issue.

John Keprios is in the process of preparing a policy manual. The Park Board will first approve and he will present it to the Council.

2. How does access to public facilities work?

GH: There is a web links policy available online or people call City Hall and are directed to Jennifer Bennerotte. Access is available either way.  
We get into that fine line related to what is on our website, and what do we link to.  
Athletic associations are linked. The 4<sup>th</sup> of July Parade is now run by Edina Foundation. It is on the website.

There are 11,000 pages currently on the website. Jennifer gets 1,000 emails a week, often about specific pages. Management is daunting.

People call Parks & Rec front office staff if it is not online. Calls are then referred to John Keprios if there is an issue.

Susan Heiberg handles the schedule for City Hall. All others go through John Keprios.

JK: "It is hard to create a policy that applies to all unforeseen requests. Ultimately, I have to make a call. We serve Edina residents first. Some are just Edina-resident-only facilities. Some we want to keep pristine like the athletic fields. We've put in a lot of money, especially into fields and outdoor rinks. "

(The following written policies were given to Carol Frisch for Parks & Recreation facilities: Priority Use of Edina's Scheduled Outdoor Athletic Facilities Policy, August 2007; Priority Use of the Edina School District's Gymnasiums Policy, 12/12/2006; Appendix I, Youth Athletic Associations' Relationship with the Edina Park Board and the Park and Recreation Staff; and Park Department Rentals [2009 rates]).

GH: We have plenty of demand for these.

Phone is the access point for Arneson Acres and Park Centrum. If you look at our enterprises, plus above, the website has this information and virtual tours. We do more online now.

GH: "The idea of e commerce applications, via the website, is increasing and evolves each month. "

3. How can an average citizen find out how to access these facilities? Where are the policies and rules to be found by the public?

We have a written web policy and Channel 16 rules passed by Council. I don't know about *About Town*, as we author it. When ideas are pitched, he was unsure if a written policy exists. " It is one of the few city publications that does advertising. As for *About Town* and *Park and Rec Insider* this is going to change. With *About Town*, advertising generates the funds to publish. Sometimes we'll get questions about the appropriateness of ads so it is handled on a case-by-case basis.

4. Considering the rate of growth of facilities and staff in the last 10 years, how have the policies changed? How can the public have access to these council rules and policies if they are changed or modified?

GH: "There hasn't been much growth in facilities in the last ten years. The newest are the shelter buildings. Edinborough and Centennial Lakes were built 15 and 20 years ago."

JK: "More things have been codified. We are more transparent."

GH: Regarding City Hall spaces, earlier this year Geoff Michel had a contract for a town hall meeting. He was charged \$50 for videography and a 3-hour charge for a one-hour program. There is judgment involved for 'political' events at city hall.

A rare situation occurred when there were three public meetings on a Friday morning which created parking issues.

5. Do you have a policy manual? If so, is it kept up to date as changes are made?

JK: Donna Tilsner is in charge of creating a Parks & Recreation policy manual as we can get to it. "It is more for the staff than public where we want consistency."

GH: I think Susan Heiberg and I created a City Hall manual when we moved in. I'll check."

GH: "John and I got a haircut recently relating to Edinborough Park and Sweetheart Dance photography." Large photography groups are no longer allowed at Edinborough since the dance is not held there. One resident called and were given permission to use City Hall at no charge; however, they left trash and debris behind. There have been problems with numbers wanting to use Edinborough Park and competing with users of the Adventure Peak kids area.

6. How is the priority for use decided? Are there different criteria for different types of facilities? Explain.

GH: For priority of use, Edina residents come first, and then a system for local associations and organizations is in Park & Recreation's written policies.

JK: "Anybody can use, not all can privatize."

Lewis Park is one thing; fields are separate. The rectangular fields are in such high demand. As to City Hall facilities there have been no competing groups up to now. First come first served is the informal policy.

GH: Discussion on Media and Websites should be deferred to Jennifer Bennerotte. *About Town* and the website, are all different.

7. Who makes the use decisions and how can citizens have input? How are cost/benefits analyzed?

GH: "The Park Board is John's sounding board; formal written policies have gone through the process of Park Board recommendations, then going to City Council. For media facilities, Jennifer is the key contact; then an issue may get resolved by the City Manager, and folks seem to know how to contact City Council in this city."

8. What are the issues and challenges that you deal with on an ongoing basis surrounding access to the facilities?

GH: Regarding enterprise: “Those things get looked at on a macro basis. Market strategies are used with Edinborough as a wedding venue and/or Adventure Peak. They are decided by market forces.”

“More difficult are the park shelter issues. We are going to deal in pretty general terms, use, and ‘Cost recovery.’ ”

Regarding the wedding business: When the park was first opened, we closed it on weekend nights. When we put in Adventure Peak, it was so successful that the Park Board re-evaluated use and went through the process to City Council to make a change. The second thing that drove this was the Edina Park Plaza ongoing complaints about noise.

JK: They redid glazing and were still disturbed by loud high decibel music. The other analysis showed that of the weddings only one involved an Edina resident.

There are considerably more non-residents that use Edinborough and Centennial Lakes. We have good data on patron use of Art Center, but the Ice arena is a little different program. Non-resident teams look on Rink Finder and come there.

JK: “The Aquatic Center is among a few facilities which we rely on non-residents to pay the bills. Residents sometimes complain that no one goes there because it is too crowded.”

“Non-enterprise facilities, like the ball fields, are more problematic.”

There is the issue of residents and non-residency at Lewis Park. Out-of-city teams come to practice during general use times published. Sometimes JK has to come to the park and enforce the use rules himself.

The Abigail Taylor Foundation requested Aquatic Center for Fundraiser. This example used to describe unique requests received by JK and GH. The most difficult are the “I’m special” requests.

JK: The ongoing biggest challenge is getting requests from those who request special preferential treatment, such as reduced or a reduction in fees because of whom or what they are (Edina LWV admitted to having been guilty of that same request on a number of occasions). *Editors’ note: This paragraph is a staff addition to the original interview notes. LWVE members at this meeting did not state that LWVE had requested or received special treatment in the past.*

#### 9. What discretion do managers have in implementing policies?

If there is an administrative accommodation, that involves more staff or other costs, the decision goes through the process to the Park Board and then City Council.

GH: “Managers have a lot of discretion, you bet.”

JK: “I deal with this every day. We try to do everything we can to say yes.”  
As there are more special events, there is an ordinance that has evolved.

10. What does the city do to make these policies and rules user friendly so that residents know where to find them and what they are?

We have marketing pieces for enterprises, online or as hard copy. In terms of parks/fields there are on hold messages on the phone line for when residents are on hold. This was cited as a marketing effort to help residents understand access. Color brochures have been found ineffective and expensive.

JK: "We are trying to train our customers to use online resources. People pick up the phone or go online."

11. Are written contracts required for the public to use the facilities?

There is the park permit process. Each enterprise facility have their own contracts/permits. Schools now have to fill out a Park Permit. We have advertising contracts, Channel 16 use, City Hall that is all contracted through Jennifer Bennerotte.

JK: "Groups with knowledge use the parks without permits, such as at Weber and [Edina nonprofit Cool Planet] that had a big event and paid no fees. It is two fold: access is a good thing, but there is an issue of some who circumvent the park permit process and take advantage of the system."

12. When facilities are run as enterprise facilities how does that affect access?

GH: "Philosophically, enterprise facilities are run more like businesses compared to our fields and parks."



## Appendix H

### August 5, 2009 Interview Notes (Director John Keprios)

Conducted by Sandy Fox, Carol Frisch, Jennifer Janovy, Andy Otness

John Keprios handed out hard copies of written answers to our emailed questions. Document is dated AUGUST 3, 2009.

He also provided hard copies of the following:

- *Priority Use of Edina's Scheduled Outdoor Athletic Facilities Policy*
- *Priority Use of the Edina School District's Gymnasiums Policy*
- *Donations/Memorials Policy*

Questions

**Please define “enterprise,” as used to describe a city facility:**

An “enterprise facility” is a facility that is supposed to rely on fees and charges to meet expenses, including debt service. Examples are Edina Liquor stores, the Aquatic Center, the Art Center, Braemar, and Edinborough/Centennial Lakes. Enterprise facilities “are a creative way of getting the job done without having to rely on tax dollars.” This doesn’t always occur, but it is the goal. The Art Center, for instance, will never cover its costs, but no art center does.

“The arena [Braemar] used to make money, then it was the golf course, now it’s the pool [that is making money].”

Enterprise operations are run in a business-like manner. Facilities need to have a business plan and be run professionally and ethically. Operations are managed by City employees. Outside concessions have been “a loss for us”—loss of revenue, loss of control.

The City’s philosophy is to serve the residents. City Hall, for instance, is not an enterprise facility but a governmental operation. As a facility, its use is open to residents and is not fee-based.

**Questions on the Parks and Recreation Budget:**

John Keprios provided an electronic copy of the budget in advance of the meeting.

Regarding page 111, which shows a budgeted increase. This increase was attributed to money needing to be allocated to conduct the needs assessment survey.

Regarding page 111, which shows an increase in amount budgeted for payroll in 2008. This was the result of changing the way staffing appears in the budget. “I changed the way we did budgeting.... What does it cost to have this number of staff?” All jobs were formerly allocated to each job done (a separate section of the budget), but because staff works on several things in one day John Keprios

was more interested in how much maintenance costs in a year (macro level).

**Regarding written question #1**

*Edina has an ordinance 1230.06 which gives the park director discretion to change park rules and regulations. In the last couple of years how has this been used? What additional rules have been adopted? How does this public know about this?*

He rarely uses discretion allowed by ordinance 1230.06 as a management tool. When he has, it has usually been at the urging of the City Council. For example, he was directed to use his authority under ordinance 1230.06 to make a dog park, rather than change an ordinance to create a dog park.

He has also used authority of ordinance 1230.06 to limit use of outdoor athletic fields by organized groups. Under the rule, organized groups are required to get a permit to use scheduled athletic fields. Signs saying this have been posted at the fields. Initial signs were not clear. They seemed to disallow neighborhood use. The intent is not to disallow neighborhood use, only use by organized groups. The new signs are clearer.

Sandy Fox asked why the City Council doesn't change the code? John Keprios responded that adopting a rule or regulation is quicker.

John continued speaking about his use or reluctance to use discretion: Although he hasn't done it yet, he might use it to limit hours at parks or the dog park.

**Regarding written question #2:**

*Are your budgets available electronically? If so can you get us detailed 2007, 2008 and 2009 Parks and Recreation Department budgets?*

As noted, the budget was sent electronically prior to the meeting.

**Regarding written question #3:**

*What are the number of hours each of the youth sports associations have for scheduled City fields, rinks, and gyms in 2006, 2007 and 2008?*

Staff compiled hours/year figures for youth sports organizations' use of athletic facilities. The figures did not note for which year of use they refer to. John Keprios did not know which year or whether they were an average of years requested.

In a follow up email, received September 11, 2009, John Keprios provided the following clarification:

I am told that the number of scheduled hours are an average and do not vary much from year to year. The hours are mostly representative of 2008. To research an exact count would be extremely time consuming and problematic for both staff and the volunteers who also do scheduling; plus, in the end some of the data may not even be available.

**Regarding written question #4:**

*What are the fees paid by individual youth sports associations for scheduled use of City fields, rinks, and gyms in 2006, 2007 and 2008?*

Youth sports associations pay \$9 per participant per season to the City for use of City athletic fields.

Soccer, because of the number of participants, pays the most, even though soccer fields are easier to maintain. Baseball pays less in total because they have fewer participants, however, baseball fields are more expensive to maintain. The decision was made to charge all sports the same fee, rather than different fees tied to the cost of maintaining the field for each sport.

**Regarding written question #5:**

*Is it a city policy to subsidize recognized youth sports associations' use of City fields, rinks, and gyms? Is this a fixed fee per participant or a fixed fee per sport that is reevaluated on a regular basis?*

The City does not have a policy on subsidizing youth sports associations. Some parks and recreation facilities are 100% subsidized—such as playgrounds and tennis courts. Residents are not charged at all to use these facilities.

John Keprios noted that the City Council has been increasing the field use fees over the past several years for use of scheduled facilities. He noted there has been push-back from youth sports associations regarding fee increases.

**Regarding written question #6:**

*What is a “scheduled field” and “game only field” and where are these fields? What are the policies regarding scheduled and game only fields? Where is this information available to the public?*

Scheduled fields require a permit for athletic groups to use for practice and/or games. Game only fields also require a permit for use and cannot be used for practice because of the additional wear-and-tear practices put on the field and because user groups demand premier quality game venues.

The high school does not have enough facilities to facilitate their own games and practices and so high school and middle school teams use City facilities. The school district does not pay a fee for this use. The City has talked with the school district about collecting fees for use of City athletic facilities but no agreement has been finalized.

When a youth sports association uses both City and school district facilities, the City does not pass any of the \$9/participant fee onto the school district because the independently incorporated youth athletic associations and City administered programs are not charged by the School District to use the School District's natural grass athletic fields.

**Regarding written question #7:**

*What is the priority scheduling of Athletic Fields policy?*

As noted, John Keprios provided a hard copy of scheduling policies.

The City believes “It is in the best interest of the community” to have only one youth sports association per sport. Criteria are set for recognizing youth sports associations. If another association can meet the criteria for that sport, the City will also recognize that association. One way additional sports associations are discouraged is by charging these groups an hourly fee, rather than the lower per participant fee, for use of a city facility.

Permits: John Keprios explained it was an ongoing problem....” The City can’t have a policy that they can’t control/enforce.”

**Regarding written question #8:**

*What is the priority scheduling of gyms policy?*

City programs use the school gyms and they pay \$10 per hour for the use.

**Regarding written question #9:**

*Has the City entered into contracts with any private organizations/individuals which define and allow a specific use or uses of Parks and Recreation facilities (excluding use generally available to anyone, such as warming house rental)? Is there a policy governing this? If yes, are these contracts available for public viewing?*

John Keprios noted that he enters into contracts with private individuals/organizations “ten times a day” to use facilities such as warming houses, picnic areas, and Arneson Acres. He noted, “Each enterprise facility keeps their own contracts.” Regarding the contract allowing Calvin Christian School unrestricted use of the parking lot at Weber Park, he noted that the contract should have, technically, been voted on by the City Council; however, it was a requirement included in the Conditional Use Permit approved by City Council. As part of the contract, the City received money from the school to upgrade the parking lot road.

John Keprios explained that the restroom facility at Garden Park was paid for by a cable company, in exchange for that facility also housing cable equipment. He noted that cell phone towers exist in Highlands, Garden and Braemar and soon to be in Pamela Park. The City is required to take these towers. The towers themselves are not obtrusive, generally, but the equipment boxes next to them are. These agreements go through Administration and not through him—he has very little say as to whether they go in a park setting or not. The money generated from cell phone towers goes into the general fund and not directly into Parks and Recreation.

John Keprios cited the golf dome at Braemar as an example of privatization of parkland. The golf dome was built by a private party and later sold to the City. The dome was profitable until competition from other domes reduced revenue. Revenues are now back up. He noted that the golf dome could be seen as a precedent for future privatization.

**Regarding written question #10:**

*What is the City’s policy on co-hosting, sponsoring, or otherwise subsidizing private fundraisers or special events in City parks or facilities?*

The City does not have a policy on fundraisers in City parks. John Keprios noted that he gets many requests every month. He does not think more policies will help. If requesters are told no, they go to the Mayor or City Council and the Council decides. John Keprios requested the League recommend a policy if the League believes a policy would be helpful.

**Regarding written question #11:**

*Does the City have a policy on non-park use of parks or open spaces in Edina? Are there any current non-park uses?*

Park areas can be reserved for \$46/hour or \$135/day. John Keprios noted that he gets many requests for reserved use of park space and, when he tells the individual/group the fee, they hang

up. Later he finds that the group has gone ahead and used the space without a permit. If this kind of use is discovered while it is going on, the police may tell the individual/group to leave. As a rule, John Keprios does not want to cite residents for use of park spaces without a permit.

The YEA Corps proposal for a vegetable garden at Chowen Park was discussed. John Keprios noted that he was not in favor of the request because it was privatization of a small area within a small neighborhood park for the purpose of a non-profit organization that planned to sell vegetables at a farmers market and the space would not be available to the general public. He felt he needed to take the question to the Park Board and residents. When facing this kind of decision, he asks himself, "Am I really empowered to make this decision, or is this a policy change or does it set precedent?" He noted that "when it's a gray area, [he leads] them through the process and on a case-by-case basis," and relies the policy makers to make the decision. He noted that gardening is a leisure activity and could fit within the definition of "park use."

**Regarding written question #12:**

*Does the City have a policy on private enterprise on public parkland in Edina? Are there any current private enterprises on public land?*

No policy on privatization of parkland exists. He noted that the City has allowed privatization of parkland before, citing the golf dome as an example.

**Regarding written question #13:**

*What is the City's policy on accepting private donations for existing or new facilities?*

By state law, donations to the City (or any City department) must be approved by the City Council. As noted he provided a hard copy of the City's Donations/Memorial policy. He noted that not everyone is happy with the policy and some want the policy changed. Regarding donations not addressed by the policy (such as Lewis Park warming house/coffee shop), he noted, "Each one has to be considered individually."

John Keprios was asked, "As the council changes, new members elected, how do you deal with change?" He replied: "Policy is direction, not law...." John Keprios stated he "tends to run new policy setting and precedent setting requests through the process for the City Council (the policy makers) to decide."

**Regarding written question #14:**

*Does the City ever waive or reduce fees set by City ordinances 185 Fees and Charges and 185.01 Fees and Charges Schedule A? If yes, what is the policy? Who has the authority to do the waiving? What criterion is used to say yes or no?*

John cautions staff not to reduce fees for wrong reasons. If reduced or waived, it should be for good reason, such as addressing a customer service complaint. Technically, by ordinance, fee waivers and/or reductions are not allowed, but the city manager has granted the department discretion to follow best business practices.

LWVE asked, "Is there consistency in the waiving or reducing of fees, such as for use of the warming houses, or entrance fees for particular groups to Edinborough?" He noted that organizational requests for reduced/adjusted fees are addressed on an individual basis.

Jennifer asked about the possibility of adding language to ordinance 185 to allow for fee waivers/reductions according to written policy. John Keprios asked League to provide that recommendation.

Regarding more policies in general, he noted, “ I don’t think a thicker policy manual will solve anything in Edina.”

**Regarding written question #15:**

*What policies and rules give you the most problems? Any solutions?*

No answer provided.

## Appendix I

### August 3, 2009 Memo from Director John Keprios

To: Sandra Fox, League of Women Voters  
From: John Keprios  
Date: August 3, 2009  
Re: Answers to League of Women Voters Edina Study Questions.

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1. It is extremely rare that I use ordinance 1230.06 which gives the Park Director authority to change park rules and regulations. The last three times that I can even remember having used this ordinance were for:
  - A. At their Tuesday, August 17, 2004, meeting, the City Council voted unanimously to direct the Park Director to establish an additional Regulation, under the authority granted in Code 1230.06, to make all Edina parks tobacco-free. This new regulation prohibits the use of all forms of tobacco in all Edina parks both indoor and outdoor.
  - B. Creation of an off-leash dog park at Van Valkenburg Park.
  - C. Creation of rule to require scheduled athletic fields to be used by permit only; however, permits are not required for neighborhood use.

The tobacco-free and off-leash dog policies were the result of a very open public process. The creation of the scheduled athletic field permit rule was a management decision to address an ongoing problem of non-resident unauthorized use of athletic fields. The permit only scheduled athletic field rule is posted at each schedule field site where it applies.

2. I have forwarded an electronic of the 2007, 2008 and 2009 Parks and Recreation Department budgets as you requested.
3. The number of hours each youth sports association have for scheduled fields, rinks and gyms for 2006, 2007 and 2008 are as follows:

<u>Association</u>	<u>Hours/year</u>
• Edina Baseball Association	2,718
• Edina Basketball Association	1,644
• Edina Soccer Association	1,020
• Edina Soccer Club	2,212
• Edina Football Association	600
• Edina Lacrosse Association	500
• Edina Boys Flag Football	14
• Edina Hockey Association	2,200
• EGAA Flag Football	84
• EGAA Basketball	126
• EGAA Volleyball	216
• EYSA	152
• Girls Fastpitch Association	130

4. Each youth athletic association pays a \$9.00 per individual player per sport per season, which includes field sports, gym and outdoor hockey rinks. It is listed in the annual proposed fees and charges scheduled approved by City Council.
5. There is no written policy to subsidize recognized youth sports associations' use of City fields, rinks and gyms. User fees are charged at a level approved by Park Board and City Council.
6. A "scheduled field" is an athletic field that is scheduled for games and/or practices by the Edina Park and Recreation Department. The "game only field" policy was created by management staff for the purpose of avoiding over-scheduling and deterioration of premier athletic fields. Game only fields include Courtney Fields, Van Valkenburg Park, Braemar Arena Athletic Field and all three fields at Lewis Park. The public and athletic associations become aware of this policy when they contact the Park and Recreation Department to reserve an athletic field.
7. I have included a copy of the "Priority Use of Edina's Scheduled Outdoor Athletic Facilities Policy."
8. I have included a copy of the "Priority Use of Edina School District's Gymnasiums Policy."
9. The Edina Park and Recreation Department enters into agreement with individuals and organizations on a daily basis to use Edina's public parks and facilities. Copies of permits are kept in the Park and Recreation Department administrative office at City Hall. Each enterprise facility keeps its own permits on site.
10. There is no policy regarding fundraising organizations and individuals requesting sponsorships or special treatment. Does the LWV feel that there should be a policy that addresses these requests? If so, what should it state? How should these be handled?
11. On rare occasions there are requests to use open park areas. In those cases, the cost is \$46/hour or \$135/day.
12. There is no written policy prohibiting private enterprise on public parkland. The Golf Dome is an example of precedence. Does the LWV feel that there should be a written policy? If so, what should it state?
13. By State Law all donations must be approved by the City Council before it can be accepted. There is a donations policy adopted by the City Council (copy included).
14. Technically no staff has the authority to waive or reduce fees and therefore there is no policy that governs waived or reduced fees. Management staff is however expected to use good business sense judgment when a customer is wronged by the organization or due to a situation out of our control. In those cases we rely on professional staff to use good customer service judgment. What does the LWV feel should be the policy and practice?
15. Policies and rules that give us the most problems are always those who want special treatment because they are special. When residents do not agree with an existing policy or practice, they frequently don't accept the answer and will contact their elected officials. What does the LWV feel should be the practice and policy in these cases? What is the LWV position on how elected officials should deal with these special requests?



## Appendix J

### 2010 Park and Recreation Fees and Charges

The City Council approves Park and Recreation Department fees each December for the following year. Below is a partial list of fees approved for 2010. For a complete list, contact the Park and Recreation Department.

AQUATIC CENTER		
	2009	2010
<b>Season Tickets</b>		
Resident Family:		
First 2 members	*\$85.00/\$95.00	*\$85.00/\$95.00
Each additional member	\$45.00	\$45.00
Maximum (8 members)	\$365.00	\$365.00
Resident Individual	*45.00/\$50.00	*45.00/\$50.00
Non-Resident Family:		
First 2 members	*\$100.00/\$110.00	*\$100.00/\$110.00
Each additional member	\$50.00	\$50.00
Maximum (8 members)	\$410.00	\$410.00
Non-Resident Individual	\$55.00/\$60.00	\$55.00/\$60.00
<b>Daily Admissions</b>		
Daily Admission (resident & non-resident)	\$10.00	\$10.00
Admission after 6 pm	\$8.00	\$8.00
<b>Aquatic Instruction</b>		
Aquatic Instruction	Contracted	Contracted

- Early Bird Special if purchased no later than April 30, 2010.
- Prices DO NOT include tax.

ARENA		
	2009	2010
Hourly Rate (as of 9/95)	\$175.00	\$185.00
Open skating (Youth and Adult)	\$4.00	\$4.00
<b>Season Tickets (set first week of September)</b>		
Resident Family:		
First 2 members	\$105.00	\$110.00
Each additional member	\$5.00	\$10.00
Maximum (7 persons)	\$130.00	\$160.00
Resident Individual	\$95.00	\$100.00
Non-Resident Family:		
First 2 members	\$120.00	\$125.00
Each additional member	\$5.00	\$10.00
Maximum (7 persons)	\$145.00	\$175.00
Non-Resident Individual	\$105.00	\$110.00

<b>BRAEMAR GOLF COURSE</b>		
	<b>2009</b>	<b>2010</b>
<b>Green Fees</b>		
18 hole - non-patron	\$37.00	\$37.00
18 hole - patron	\$29.00	\$29.00
9 hole - non-patron	\$19.00	\$19.00
9 hole - patron	\$15.00	\$15.00
GROUP FEES - 18 holes	\$49.00	<b>\$46.00</b>
GROUP FEES - 9 holes	\$20.00	<b>\$22.00</b>
<b>Patron Cards (Before April 1)</b>		
Individual	\$65.00	<b>\$70.00</b>
Non-Resident Patron Card	\$110.00	\$110.00
Executive Course	\$25.00	\$25.00
<b>Patron Cards (After March 31)</b>		
Individual	\$70.00	<b>\$75.00</b>
Executive Course	\$25.00	\$25.00
<b>Braemar Room</b>		
Resident - wedding related	\$900.00	\$900.00
Non-residents - wedding related	\$1,000.00	\$1,000.00
Other events	\$350.00/\$1,000.00	\$350.00/\$1,000.00

<b>BRAEMAR EXECUTIVE COURSE</b>		
	<b>2009</b>	<b>2010</b>
<b>Green Fees</b>		
Adult non-patron	\$13.50	<b>\$14.00</b>
Adult patron	\$10.50	<b>\$11.00</b>
Group Fees	\$16.00	\$16.00
<b>Driving Range</b>		
Large Bucket	\$7.50	\$7.50
Small Bucket	\$5.00	\$5.00
Warm-Up Bucket	\$2.75	<b>\$3.00</b>

<b>FRED RICHARDS GOLF COURSE</b>		
<b>Green Fees</b>		
Adult - non patron	\$13.50	<b>\$14.00</b>
Adult - patron	\$10.50	<b>\$11.00</b>
Group Fees	\$16.00	\$16.00

<b>GOLF DOME</b>		
Large Bucket	\$7.50	\$7.50
Senior Bucket	\$7.00	\$7.00
Time Golf ½ hour	\$10.50	\$10.50
Hourly Field Rental	\$130.00	\$130.00

EDINBOROUGH PARK					
			2009	2010	
<b>“Pool &amp; Track” Daily Passes</b>					
Pool & Track Daily Passes			\$6.00 residents & non-residents	\$6.00 residents & non-residents	
<b>“Pool &amp; Track” Season Passes</b>					
Edina Individual			\$260.00	\$260.00	
Each Additional Member			\$90.00	\$90.00	
Non-Edina Individual			\$290.00	\$290.00	
Each Additional Member			\$100.00	\$100.00	
<b>Birthday Party Packages/2 Hours</b>					
Adventure Package			\$120.00	<b>\$125.00</b>	
Peak Package			\$75.00	\$75.00	
<b>BUILDING RENTALS</b>					
<b>Exclusive Rental</b>			<b>Non-Exclusive Rentals/Hr</b>		
	<b>2009</b>	<b>2010</b>		<b>2009</b>	<b>2010</b>
Friday Evening	\$2,000.00	NA	Great Hall	\$350.00	\$350.00
Saturday Evening	\$2,000.00	NA	Theater	\$250.00	\$250.00
Prom	\$2,700.00	NA	Grotto	\$200.00	\$200.00
			Adventure Peak	\$300.00	\$300.00
			Pool (swim team only)	\$30.00	\$30.00
<b>Commercial Photo Shoot (Hourly)</b>			<b>Domestic Photo Shoot (Hourly)</b>		
Any Park Area Blocked Off	\$250.00	\$250.00	Any Park Area Blocked Off	\$200.00	\$200.00
Grotto	\$250.00	\$250.00	Grotto	\$200.00	\$200.00
Theatre	\$250.00	\$250.00	Theatre	\$200.00	\$200.00
Great Hall	\$350.00	\$350.00	Great Hall	\$350.00	\$350.00

EDINBOROUGH PARK “PLAYPARK”				
		2009	2010	
<b>Playpark Daily Admission</b>				
Resident		\$6.00	\$6.00	
Non-resident		\$6.00	\$6.00	
Children Under 12 Months		FREE	FREE	
Adults		Free w/ paid child	Free w/ paid child	
Edinborough Association Members Daily Pass		\$6.00	\$6.00	
<b>Playpark Punch Pass - 10 Uses</b>				
Resident		\$50.00	\$50.00	
Non-resident		\$50.00	\$50.00	
<b>Resident Season Pass</b>				
First Member		\$85.00	\$85.00	
Each Additional Member		\$65.00	\$65.00	
<b>Non-Resident Season Pass</b>				
First Member		\$110.00	\$110.00	
Each Additional Member		\$90.00	\$90.00	

Total Facility Daily Admission		
Resident	\$10.00	\$10.00
Non-resident	\$10.00	\$10.00

CENTENNIAL LAKES					
Rental Concession Items			Weekend Rental - 6:00 pm - Midnight		
Paddle Boats	2009	2010		2009	2010
4 person boat ½ hr	\$7.00	\$7.00	Friday evening	\$995.00	\$995.00
Winter sled per hr	\$7.00	\$7.00	Saturday evening	\$995.00	\$995.00
Ice Skate	\$5.00	\$5.00			
Building Rentals			Champion Putting		
½ day - Salon M-TH	\$225.00	\$225.00	9 hole	\$5.00	\$5.00
Sunday - ½ day Salon	\$350.00	\$350.00	18 hole	\$8.00	\$8.00
Amphitheater Rental			Lawn Games		
Amphitheater Rental	\$250.00	\$250.00	Per Court	\$15.00/hr	\$15.00/hr
Commercial Photo Shoot	\$50.00/hr	\$50.00/hr			

PARK DEPARTMENT RENTALS					
	2009	2010		2009	2010
General Park Areas			Athletic Fields - Residents Only		
Resident Use/hour	\$46.00	\$48.00	Per field - per day	\$135.00	\$137.00
Resident Use/day	\$135.00	\$137.00	Per field - per hour	\$46.00	\$48.00
Commercial Use (i.e. TV)/hr	\$73.00	\$75.00	Per field - per hour w/lights	\$73.00	\$75.00
Commercial use with light/hr	\$125.00	\$130.00			
Showmobile/day	\$700.00	\$700.00	Edina Athletic Associations		
			Field user fee/participant	\$9.00	\$9.00
Van Valkenburg/Courtney Fields (Residents Only)			Gymnasium user fee/participant	\$9.00	\$9.00
Per field/day includes building	\$160.00	\$160.00	Outdoor hockey rink user fee/participant	\$9.00	\$9.00
Rosland Park Pathway			Utley Park Fire Ring Rental		
Per Hour	\$55.00	\$55.00	Fire Ring - per day	\$26.00	\$26.00
Per Day	\$210.00	\$210.00			
Arneson Acres Park/Terrace Room Only Residents			Arneson Acres Park/Terrace Room Only Non-Residents		
Per hour, first hour	\$52.00	\$65.00	Per hour, first hour	NA	\$78.00
Each additional hour up to 3 hours	\$36.00	\$40.00	Each additional hour up to 3 hours	NA	\$48.00
Per day (4 hours or more)	\$160.00	\$185.00	Per day (4 hours or more)	NA	\$222.00

Arneson Acres Park/Gazebo Only Residents			Arneson Acres Park/Gazebo Only Non-Residents		
½ day (6 hrs or less)	\$52.00	\$65.00	½ day (6 hrs or less)	NA	\$78.00
Full day (over 6 hours)	\$90.00	\$100.00	Full day (over 6 hours)	NA	\$120.00
Arneson Acres Park/Terrace Room & Gazebo: Residents			Arneson Acres Park/Terrace Room & Gazebo: Non-Residents		
Per day (4 hours or more)	\$180.00	\$200.00	Per day (4 hours or more)	NA	\$240.00
Per hour, first hour	\$67.00	\$100.00	Per hour, first hour	NA	\$120.00
Each add'l hour up to 3 hrs	\$36.00	\$40.00	Each add'l hour up to 3 hours	NA	\$48.00
Picnic Shelter Rentals (full day)			Picnic Shelter Rentals (half-day)		
Chowen Park	\$41.00	\$42.00	Chowen Park	\$26.00	\$26.00
Sherwood Park	\$41.00	\$42.00	Sherwood Park	\$26.00	\$26.00
Wooddale Park	\$41.00	\$42.00	Wooddale Park	\$26.00	\$26.00
Rosland Park	\$145.00	\$150.00			
Braemar Park	\$41.00	\$42.00			
Park Shelter Buildings Rentals (full day)			Park Shelter Buildings Rentals (half-day)		
Cornelia School Park	\$100.00	\$100.00	Cornelia School Park	\$65.00	\$65.00
Todd Park	\$100.00	\$100.00	Todd Park	\$65.00	\$65.00
Walnut Ridge Park	\$100.00	\$100.00	Walnut Ridge Park	\$65.00	\$65.00
Weber Park	\$100.00	\$100.00	Weber Park	\$65.00	\$65.00

EDINA SENIOR CENTER		
	2009	2010
<b>Fees</b>		
Edina Senior Center Membership	\$17.00/\$27.00	\$17.00/\$27.00
<b>Room Rental</b>		
Fireside Room & Classrooms per hour - minimum 2 hours	\$40.00	\$42.90
Fireside Room & Classrooms per day	\$140.00	\$150.20
Gathering/GRANDVIEW Room per hour - minimum 2 hrs.	\$50.00	\$53.60
Gathering/GRANDVIEW Room per day	\$190.00	\$203.80

**Appendix K**  
**Morningside Neighborhood Association (MNA)**  
**Warming House Fee Waiver Discussion**

In September 2006 members of the Morningside Neighborhood Association (MNA) steering committee approached the Park Board with a request that the Board waive the fee for warming house rentals by formally organized neighborhood associations for annual meetings and up to two social events per year. The public discussion that resulted gives some insight into how fee waivers may be handled.

As noted in the main body of this Report, fees for warming houses are set by resolution by the City Council.<sup>1</sup> “Generally speaking, staff does not waive or reduce fees set by ordinance or resolution,” wrote Manager Hughes in a July 29, 2009 email.<sup>2</sup> Director Keprios shared a similar statement in his August 3, 2009 memo: “Technically no staff has the authority to waive or reduce fees and therefore there is no policy that governs waived or reduced fees.”<sup>3</sup>

A review of discussion at the September 11, 2006 Park Board meeting shows that fees are waived under certain circumstances. The minutes read:

Mr. Keprios gave the Park Board some background information on how he typically handles these requests to which he usually gets this request once a week. He explained that in cases where groups or individuals get free rentals or discounted rentals it is because they have either donated money or given in-kind services to the city in some other form.

Mr. Keprios cited the Garden Council, Historical Society, and a group of Edina kids who used a facility to raise money for hurricane relief. Mr. Keprios stated “that the Park Board does have authority to grant or not grant a waiver.”<sup>4</sup>

After some Park Board discussion about whether granting the MNA’s request would set a precedent and whether it would be good to have policy, “Mr. Keprios suggested to the Park Board that maybe they approve it this one time and ask staff to study this further and come up with a policy.”<sup>5</sup>

The Park Board revisited the issue at the November 16, 2006 meeting. The minutes read:

Mr. Keprios informed the Park Board that he did some research and talked to the Park and Recreation Director from St. Louis Park and other local park directors regarding a fee waiver policy. He noted that in his findings, St. Louis Park is the only one he talked to that waives the rental fee for this purpose. Mr. Keprios explained that he does support what St. Louis Park is doing which is they give the formal neighborhood associations, ones that have by-laws and are incorporated, free use of the city’s park shelter buildings to conduct their formal neighborhood association board meetings.

After discussion, Park Board member “George Klus moved that they offer the park shelter

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<sup>1</sup> See Appendix J for fees.

<sup>2</sup> See Appendix F.

<sup>3</sup> See Appendix I.

<sup>4</sup> September 11, 2006 Park Board meeting minutes.

<sup>5</sup> September 11, 2006 Park Board meeting minutes.

buildings free of charge for formally organized Edina neighborhood associations to host their formal board meetings.”<sup>6</sup>

Mr. Keprios pointed out that this doesn’t preclude groups from coming to the Park Board in the future to ask for a special one time circumstance waiver of fees.

The motion carried unanimously.

Board meetings that included a social component, or that were open to the entire neighborhood (as was the case with the MNA annual meetings), were specifically disallowed.

Members of the neighborhood association steering committee approached the Park Board the next year with the same request. The Park Board’s decision from the year before was now considered to be *policy*. From the September 5, 2007 memo from Director Keprios to the Park Board:

As the Park Board discusses the appropriate course of action and considers a change in current policy, it is important to know that the \$65 to rent one of the four newer park shelter buildings for a half-day is already set at a subsidized fee intentionally to inspire and support more public use of the park shelter buildings.

My fear is that if we single out and begin to fully subsidize only formally incorporated neighborhood groups, there will be more requests for the same subsidy from other groups or individuals who will challenge the practice and policy.

If the Park Board decides to honor the Morningside Neighborhood Association’s request and change the existing policy, then I would ask that the Park Board include as part of the motion that the general park user fee also be waived for their special events.

It is my recommendation, however, that the Park Board maintains the existing policy in place that was approved unanimously in November of 2006, and denies the request from the Morningside Neighborhood Association.

The Park Board discussed the request at their September 11, 2007 meeting and agreed to stick with the existing *policy*:

Mr. Klus stated that he thinks they need to stay consistent with their current policy.

Mr. Sorem stated that he would support not changing anything and stay with the current policy.<sup>7</sup>

The motion to approve the neighborhood association request was denied; however the City has granted free use of the warming house for the MNA Annual Meeting for the past four years, perhaps in accordance with the above policy.

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<sup>6</sup> November 16, 2006 Park Board meeting minutes.

<sup>7</sup> September 11, 2007 Park Board meeting minutes.

## Appendix L

### Youth Sports Association Fees Discussion

Youth sports associations are charged \$9 per participant per season for use of the City's outdoor athletic fields and the above services.<sup>8</sup>

Past revenues from some youth sports associations is shown in the City's annual General Fund Budget:<sup>9</sup>

<u>Association</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>
Edina Baseball Assoc.	\$16,100	\$18,867	\$22,601
EGAA Flag Football	\$2,096	\$2,628	\$2,610
Edina Youth Softball	\$3,831	\$2,124	\$2,124
Edina Girls Fastpitch	\$776	\$783	\$873
Edina Soccer Assoc. & Edina Soccer Club	\$27,584	\$31,563	\$27,061
Edina Football Assoc.	\$5,944	\$6,309	\$7,326
Edina Lacrosse Assoc.	\$2,576	\$4,500	\$5,400
Totals:	\$58,907	\$66,774	\$67,995

The budget (section 1642) explains how fields are maintained for scheduled use:<sup>10</sup>

All sports fields are specially prepared for scheduled games. These fields are dragged and field lined with a chalk material. A special mixture (agricultural lime) is used each spring for filling holes and regrading is done as needed during the playing season. All of the field areas are fertilized each year and the grass is treated with herbicides. The grassy playing surfaces in all of these parks are aerated, seeded and/or sodded when necessary to maintain safe ground cover.

Actual costs for maintenance of scheduled fields is shown:<sup>11</sup>

<u>1642 Field Maintenance</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>
	\$264,342	\$296,694	\$300,591

The committee asked Director Keprios how many hours youth sports associations scheduled fields, rinks and gyms in 2006, 2007 and 2008. He provided the following answer in his August 3, 2009 memo:<sup>12</sup>

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<sup>8</sup> See Appendix J for fees.

<sup>9</sup> 2010 General Fund Budget, page 112.

<sup>10</sup> 2010 General Fund Budget, page 112.

<sup>11</sup> 2010 General Fund Budget, page 113.

<sup>12</sup> See Appendix I.



<u>Association</u>	<u>Hours/year</u>
• Edina Baseball Association	2,718
• Edina Basketball Association	1,644
• Edina Soccer Association	1,020
• Edina Soccer Club	2,212
• Edina Football Association	600
• Edina Lacrosse Association	500
• Edina Boys Flag Football	14
• Edina Hockey Association	2,200
• EGAA Flag Football	84
• EGAA Basketball	126
• EGAA Volleyball	216
• EYSA	152
• Girls Fastpitch Association	130

The committee asked Director Keprios if the above numbers were from a single year or were an average of the three years requested. Director Keprios responded in a September 11, 2009 email:

I am told that the number of scheduled hours are an average and do not vary much from year to year. The hours are mostly representative of 2008. To research an exact count would be extremely time consuming and problematic for both staff and the volunteers who also do scheduling; plus, in the end some of the data may not even be available.

As stated earlier, recognized youth sports associations are charged \$9 per participant for scheduled use of Edina’s outdoor athletic fields. Unrecognized sports associations or organized teams are charged by the hour. The rate for unrecognized teams/associations is \$48 per hour, \$75 per hour with lights, or \$137 per day.<sup>13</sup>

(Note: The school district is not charged for using the City’s outdoor athletic facilities.)

In our August 5, 2009 interview, Director Keprios “noted the City Council has been increasing the field use fees over the past several years for use of scheduled facilities. He noted there has been push-back from youth sports associations regarding fee increases.”<sup>14</sup>

One “push-back” was relayed in an October 7, 2009 memo from Director Keprios to the Park Board: “EHA [Edina Hockey Association] confirmed they are not interested in a fee increase or paying to keep that rink [Strachauer] open this coming skating season.”

A month earlier, at the September 8, 2009 Park Board meeting, a member had suggested the EHA be charged increased fees. As the minutes read:

Mr. Sorem suggested that possibly they could raise the user fee for the EHA participants from \$9.00 to \$25.00. Mr. Keprios replied that he has been told for the 2009-2010 outdoor skating season the EHA is not planning on using any outdoor ice for any games, just practices. Mr. Sorem commented that most of the young teams have a standing weekly scheduled practice for the entire season and noted that \$9.00 is pretty cheap, it’s a great deal.

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<sup>13</sup> See Appendix J.

<sup>14</sup> See Appendix H.

Mr. Keprios noted in his August 5, 2009 interview that “The decision was made to charge all sports the same fee, rather than different fees tied to the cost of maintaining the field for each sport.” He explained, “Soccer, because of the number of participants, pays the most, even though soccer fields are easier to maintain. Baseball pays less in total because they have fewer participants, however, baseball fields are more expensive to maintain.”<sup>15</sup>

The question, however, had been raised: Were youth sports associations paying a fee that could be considered reasonable under the City’s user fee philosophy?

The committee did a calculation using numbers provided by the City to attempt an answer.

The committee looked at the annual hours of use by youth athletic associations as shown in the August 3, 2009 memo from Director Keprios.<sup>16</sup> Per the Director, these hours were most representative of 2008.

The committee then looked at the revenues from the same youth sports associations as shown for 2008 in the proposed 2010 General Fund budget.

The hours were divided into the revenue to get an idea of what each youth sports association pays per hour to use a scheduled outdoor facility.

The calculations are as follows:

<u>Association</u>	<u>2008 hours</u>	<u>2008 revenue</u>	<u>Rate/Hour</u>
Edina Baseball Assoc.	2,718	\$22,601	\$8.32
EGAA Flag Football	84	\$2,610	\$31.07
Edina Youth Softball	152	\$2,124	\$13.97
Edina Girls Fastpitch	130	\$873	\$6.72
Edina Soccer Assoc. & Soccer Club	3,232	\$27,061	\$8.37
Edina Football Assoc.	600	\$7,326	\$12.21
Edina Lacrosse Assoc.	500	\$5,400	\$10.80

In contrast, unrecognized sports associations/teams, and the general public scheduling exclusive use of outdoor facilities pay \$48 per hour. The committee calculated how much recognized youth sports associations would have paid if they had paid at the \$48 per hour rate:

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<sup>15</sup> See Appendix H.

<sup>16</sup> See Appendix I.

<u>Association</u>	<u>2008 hours</u>	<u>Paid in 2008</u>	<u>At \$48/hr. Rate</u>
Edina Baseball Assoc.	2,718	\$22,601	\$130,464
EGAA Flag Football	84	\$2,610	\$4,032
Edina Youth Softball	152	\$2,124	\$7,296
Edina Girls Fastpitch	130	\$873	\$6,240
Edina Soccer Assoc. & Soccer Club	3,232	\$27,061	\$55,136
Edina Football Assoc.	600	\$7,326	\$28,800
Edina Lacrosse Assoc.	500	\$5,400	\$24,000

To get the next calculation, the committee first had to figure what percentage of field maintenance costs could be attributed to the above youth sports associations. The 2010 General Fund budget shows the actual field maintenance costs attributed to all youth sports associations, certain adult associations, and general field rentals. This cost was \$300,591 in 2008. The committee recognized that the above youth sports associations were not responsible for total maintenance costs, so a percentage of the maintenance costs was calculated based on the percentage of total revenue contributed by youth sports associations. For example, total field revenue for 2008, as expressed in section 1624 of the budget, was \$82,124. Total revenue from the above youth sports associations was \$67,995—or, 83% of total revenue. The percentage of total maintenance costs in section 1642 of the budget that can be attributed to use by youth sports associations in 2008 was therefore assumed to be 83%—or, \$240,473.

The total number of hours scheduled by youth sports associations for field use was then divided into the attributed field maintenance cost to get an idea of what it cost the City to maintain these fields per hour of use by recognized youth sports associations:

\$240,473 divided by 7416 equals \$32.43. The per hour cost is \$32.43.

As already noted, the City charges youth sports associations a per participant rather than per hour fee. Assuming the revenue shown in section 1642 of the budget accounted for a \$9 fee from each participant, the revenue can be divided by nine to calculate the number of participants.

\$67,995 divided by 9 equals 7555. The number of participants is 7555.

Field maintenance costs can then be divided by number of participants to get an idea of what it costs per participant for the City to maintain the fields:

\$240,473 divided by 7555 equals \$31.83. The per participant fee is \$31.83.

## Appendix M

### Edina Golf Dome Discussion

The Edina Golf Dome was constructed in 1982. Today, the Dome is sometimes cited as an example of precedent-setting privatization of public land:

John Keprios cited the golf dome at Braemar as an example of privatization of parkland. The golf dome was built by a private party and later sold to the City. The dome was profitable until competition from other domes reduced revenue. Revenues are now back up. He noted that the golf dome could be seen as a precedent for future privatization.<sup>17</sup>

The following from a City Council discussion on June 21, 1982 provides some background:

[City Manager] Rosland advised the Council of the possibility of constructing a golf dome in Braemar Park, suggesting that it could be located in the parking lot immediately across the road from the Golf Maintenance Building. He explained that this would be a private venture under which the City would take a land lease guaranteeing \$3,000 annually, plus 3% of the gross profit between \$150,000 to \$250,000, 4% of the gross profit from \$250,000 to \$350,000 and 5% of the gross profit of anything over \$350,000. He estimated that Edina would take in approximately \$8,000 to \$10,000 annually. Mr. Rosland explained that a project of this type would provide a type of recreation facility which could be used by senior citizens, for a 16" softball field and for jogging during off hours, along with the use as a driving range. Mr. Rosland also recommended that, because the second tier of the bubble would have to be torn down each year, the developer could afford to pay \$6,000 annually toward the cost of a picnic shelter which could be constructed by the City at an estimated cost of \$60,000. He further suggested that some of the City's seasonal summer help could work during other times of the year.<sup>18</sup>

Discussion continued at the July 12, 1982 City Council meeting:

Mr. Rosland described in detail the conditions of the contract for construction and operating the Golf Dome proposed to be erected at Braemar Park. He advised...that the contract reflects the details previously approved by Council, with the addition of personal guarantees to cover the cost of the building, plus 3% of the gross of concession stands and the golf equipment sales.<sup>19</sup>

The Golf Dome operated for three seasons, then Ronald Flanagan, on behalf of the Golf Dome Associates partners, stated the need for a new arrangement with the City. From his September 26, 1985 letter to the Park Board:

By this letter we are proposing a program that we believe will be beneficial to both the City of Edina and ourselves.

We are proposing to install artificial turf in the area where the dome is operated. We also will furnish a three inch blacktop base under that turn on the prepared site. We also will work with Edina to furnish a fence around the perimeter of the area. Since this is a very expensive investment and one in which we cannot anticipate an increase of revenues to offset it, it is essential that we have cooperation from Edina in making this feasible.

We are asking Edina for permission to leave the dome up for a minimum of our years without

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<sup>17</sup> See Appendix I.

<sup>18</sup> June 21, 1982 City Council meeting minutes.

<sup>19</sup> July 12, 1982 City Council meeting minutes.

having to inflate or deflate it other than in an emergency for repair during our operating season. We are also asking Edina to waive the annual lease charges during the period.

The City entered into a new lease with Golf Dome Associates in October 1986. In the new lease, the City waived rental fees. In exchange, Golf Dome Associates upgraded the Dome as described and gave the City exclusive use of the facility from March 1 to November 30 each year. The term of the lease ran until April 30, 1989.

In 1988, the City was approached by Golf Dome Associates about the possibility of the City purchasing the Dome. Mr. Flanagan wrote to City Manager Rosland, in a letter dated September 16, 1988:

I wish to reiterate what I have told you before, I will be happy to work out a sale with Edina for I have enjoyed working everyone from the City, and since the City is managing the dome, it makes sense that they get the full benefit from it.

The City Council discussed the possible purchase at the September 12, 1988 meeting:

The summary indicated to the appraisers that a fair market value of the Golf Dome is \$620,000. The selling price set by the owners is \$575,000. Manager Rosland explained that one of the key reasons for pursuing the purchase is that it can carry its own cost but also add \$50-\$75,000 to help pay for the bonds that were sold for the Braemar Arena.<sup>20</sup>

The City purchased the Golf Dome in 1988 for \$575,000. With the purchase, the Golf Dome became a publicly owned and operated facility.

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<sup>20</sup> September 12, 1988 City Council meeting minutes.

## **Appendix N**

### **Edina Field House Discussion**

In 2004, the City Council authorized a feasibility study to look into the possibility of developing a new indoor multi-sport facility over the existing Braemar athletic field. The September 7, 2004 City Council minutes state:

Mr. Keprios noted that at the May 11, 2004 Park Board meeting, a concept was discussed to develop an indoor athletic field facility in Edina. Representatives from the Soccer Association, Football Association, Baseball Association, Basketball Association, Girls Basketball Association, Soccer Club and the Lacrosse Association attended the May meeting. There was a strong desire for an indoor athletic field and additional gymnasiums. A permanent facility would be desirable but a bubble would be acceptable. The Associations believed the City should solely fund the facility. The Park Board asked staff to reconsider all park locations, and return with results in June for a recommendation. At the June 8, 2004 meeting, the Park Board recommended a permanent structure at Braemar athletic field because it would impact the least amount of residents. The Park Board recommended the user groups' fund 50% of the construction costs plus an additional \$500,000 to cover operational expenses that exceed revenues.

Discussions continued at the October 12, 2004 Park Board meeting. Staff presented data gathered from youth sports associations regarding each association's likely use of the new facility. Staff also stated the bid for the feasibility study was \$24,000. Park Board members questioned the cost of the feasibility study and stated concern that likely use of the facility would not adequately offset operating costs. The proposal went back to the City Council for discussion on October 19, 2004. Director Keprios presented an overview of the proposed facility, the proposed cost of the feasibility study, and the number of hours each youth sports association had committed to use the proposed facility. He then introduced Park Board members Alice Hulbert and Floyd Gabriel to present the Park Board's views:<sup>21</sup>

Alice Hulbert, Park Board Member, said at the onset of this consideration, the Park Board was told the Athletic Associations were willing to raise one-half of the cost of construction and of operation. At present there was a softening of support for the project by the Athletic Associations. She said the issue needed to be tabled and that the Council not spend the \$24,000 for the consulting fee until there was more support from the community.

Member Housh said he has the impression that this facility was more of a luxury than of a need and he sees no reason to go forward with the project. Member Kelly and Member Hovland concurred.

Member Hovland made a motion to reject the proposal for the feasibility study, based upon the low demand for hours. Member Housh seconded the motion.

Motion carried.

The idea of a new indoor multi-sport facility at Braemar was resurrected in 2005 by private developers who proposed replacing the Edina Golf Dome with a new indoor multi-sport facility, to be called the Edina Field House.

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<sup>21</sup> October 19, 2004 City Council meeting minutes.

As described in an undated response to a February 1, 2006 email from Director Keprios to the Field House development and management team:

Edina Field House will be a 100% privately owned and funded facility and will not require any investment or liability on the part of the City of Edina. Here is our summary land proposal for the property at Braemar:

1. Edina Field House will need a 50 year ground lease on a land parcel sized at approximately 5.5 acres to be located at the current location of the Edina Golf Dome. Annual ground lease payments from Edina Field House to the City would be \$75,000. These payments would be subordinated to our mortgagee.
2. Edina Field House will reimburse the City 100% for its annual debt service payments on the existing debt instrument associated with the Golf Dome property. These payments would be subordinated to our mortgagee.
3. Edina Filed House will own and operated a repositioned indoor golf driving range business inside our new facility.
4. Financing for our project will be provided through a combination of private investment and conventional mortgage financing. We are not contemplating any public or municipal financing assistance with our project.

In an earlier correspondence, dated November 17, 2005, Director Keprios raised a concern about using public land for a private facility. The concern was not related to privatization but to perceived over-programming of Edina youth:

As I shared with Sid [member of private development team] over the phone, our staff also brought up other challenges associated with using public land for this type of facility. Some hurdles to keep in mind include the community's concern about over-programmed children as well as children specializing in one sport year around. Some obviously will argue that over-programmed children are not a government issue; however, there are concerned residents who feel that government should do its part to not further contribute to the problem.

The City Council discussed the proposal at a joint City Council-Park Board meeting on March 21, 2006. The outcome of this meeting was summarized in a March 23, 2006 article in the Edina Sun Current:

At the meeting, all five City Council members agreed that the Braemar Golf Dome is serving the community well and that the proposed Edina Field House would not be appropriate for the site.

Had the developers gotten the indication that their proposal would be something that city officials were interested in, the plan would have gone to the Edina Park Board for consideration and through the appropriate government channels.

## **Appendix O**

### **Lewis Park Warming House and Coffee Shop Discussion**

In October 2007 Edina resident Carolyn Kohrs approached the Park Board with a proposal to replace the existing Lewis Park warming house with a new two-story facility that would be used as a community gathering space and coffee shop. An overview of the proposal is provided in the October 9, 2007 Park Board meeting minutes:

Ms. Kohrs explained that she is proposing to do a joint venture with the City that would be community led. She pointed out that private investors would provide the money to get the project designed, built and run. She stated that [the investors] would run the operations as an entrepreneurial venture with the caveat that all of the revenue goes back to buying the initial investment and recouping operational costs and once that is recouped the investors would donate the building and the revenue source to the city. Ms. Kohrs explained that the worst case scenario is that if it just doesn't work, the city would not be under any obligation to purchase the building and it would be donated to the city at a loss to the investors. She stated that everything would be specified in a legal contract before anything was even started.

A November 14, 2007 article in the Edina Sun Current explained the proposal further:

The proposal calls for the current 1,500-square-foot warming house to be replaced with a 2,000- to 2,500-square-foot, two-story building that would be open year-round. The building would include a food counter where beverages would be sold, along with bakery items, fruit, snacks and sandwiches. Kohrs said sales income would be used to pay for the project.

After being tabled at the October Park Board meeting, the proposal returned to the Park Board for discussion on November 13, 2007.

Ms. Kohrs explained that the original proposal in regards to public/private ventures on parkland proposal has been modified. It now states that as soon as the building is constructed it will immediately be donated to the city.<sup>22</sup>

The topic was heard again at the January 8, 2008 Park Board meeting. Several Park Board members raised concerns about privatization of public land, whether it would set a precedent and would be good public policy, as the meeting minutes reflect:

In addition [Ms. Presthus] thinks it sets a precedent on public policy and future proposals to which she has a major concern and therefore is opposed to the concept.

Mr. Merriam stated that his biggest concern is that he's not sure that it is good public policy. He can't support any kind of commercial use on public land.

Mr. Damman stated...he is not comfortable when it comes to dealings with parkland and private interests.

Mr. Fronck stated that he doesn't think that private businesses run on public property is without precedent and asked is this the precedent that we want to set for how this process is supposed to work.

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<sup>22</sup> November 13, 2007 Park Board meeting minutes.



The Park Board voted six to four to “Accept the concept of having a new warming house at Lewis Park that would include an area for concessions and ask that the city also work on an agreement with Ms. Kohrs on the capitalization of her gift to help this become a project.”<sup>23</sup>

Park Board concerns about privatizing public park land were echoed by members of the public, including Edina resident Cassandra Mihalchick, who wrote a letter to the editor of the Edina Sun Current, published January 24, 2008:

To the editor: The Lewis Park redevelopment proposal is not a donation or a gift of a new warming house because of the numerous conditions attached to it. Among those conditions imposed by the Kohrs group are the right to recoup the seed capital by the requirement of a 10 year exclusive right to collect income from the sales of concessions and the opportunity to rent out the warming house building for parties, meetings and private functions, and the use of building area supporting concessions at a nominal rate for period of the 10 years.

This constitutes the leasing or temporary sale of public parkland to a private group in exchange for financing a new warming house. If allowed to proceed, this proposal would establish a precedent of putting up for sale or lease public parkland to private commercial interests. No one is donating anything here. If successful, the Kohrs group recovers their money and has exclusive rights to sell concessions and rent out the warming house.

The City Council heard the proposal at their March 3, 2008 meeting:

Carolyn Kohrs, using a PowerPoint presentation, reviewed her proposal which she stated had evolved over time to her final request that was:

- Create a gathering space for all citizens in all seasons
  - Enhance uses of our public park building
  - Serve many future generations of Edina residents with a safe, comfortable, and multi-use facility
- \$500,000 donation to fund design and construction of multi-use park building at Lewis Park (in memory of dean Lumbar)
- Food and beverage concession managed on a volunteer basis
  - All revenue applied to cover costs of operation and maintenance of concession facilities
  - Excess revenues applied to public purposes or programs
  - No funds returned to donor
  - If concession finances fail, City has discretion to:
    - Modify or discontinue the concession operation
    - Use building for any other park purpose
    - No obligation to repay any part of the donation
- Details of the donation and concession operation reflected in mutually-acceptable agreements<sup>24</sup>

The Council took public comment and discussed the proposal. “Concern was expressed on the part of the Council about the privatization of a city owned park,” according to the minutes. The Council voted—three in favor of accepting the donation, two opposed. The motion failed for lack of a four-fifths supermajority vote.<sup>25</sup>

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<sup>23</sup> January 8, 2008 Park Board meeting minutes.

<sup>24</sup> March 3, 2008 City Council meeting minutes.

<sup>25</sup> March 3, 2008 City Council meeting minutes.

## Appendix P

### Chowen Park/YEA Corps Vegetable Garden Discussion

In April 2009 Edina resident Mary Helen Franze approached the Park Board on behalf of her nonprofit organization, YEA Corps<sup>26</sup>, with a request to turn a 12' x 16' section of Chowen Park into a garden that would be used exclusively by YEA Corps to grow vegetables to be sold at a farmer's market. The purpose of the proposed project was to provide young people with entrepreneurial experience.

The Park Board discussed the proposal at their April 14, 2009 meeting and voted to accept staff's recommendation to notify households within 500 feet of the park of the proposal and the fact that it would be on the Park Board agenda for May 12, 2009.<sup>27</sup>

At the May 12, 2009 meeting, the Park Board meeting:

Mr. Keprios gave a power point presentation to show the brief history on where they are to date with the YEA Corp proposal for Chowen Park. He pointed out that this really is a request to privatize parkland; it is not the same concept as a community garden, it is completely different. He pointed out that currently there is no policy or ordinance that prohibits this type of use for a park. He explained that they have privatized parkland in the past because the golf dome wasn't always owned by the City of Edina; however, the city always owned the property. Therefore a precedent has been set in past practice. He indicated that because there is no written policy on how to deal with these they are dealt with on a case by case basis.

Mr. Keprios pointed out that as his Staff Report states he recommends that the Park Board recommend to the City Council that the YEA Corps request be approved for a one-year trial basis with the following conditions:

1. The site must be well kept, clean and safe for all park users at all times.
2. YEA Corps must provide liability insurance that includes the City of Edina as an additional insured.
3. After one growing season, YEA Corps must make another formal request to be granted use of the site for the following year.
4. If denied the right to continue to use the space for a garden, YEA Corps must restore the site to its original grass condition at their own expense.

He noted that he further recommends that the YEA Corps be held responsible for all of their own expenses. In other words, they must pay for and provide their own soils and materials needed to construct the garden.<sup>28</sup>

The Park Board voted to forward staff's recommendation to the City Council.

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<sup>26</sup> YEA Corps stands for "Young Enterprising Agents."

<sup>27</sup> April 14, 2009 Park Board meeting minutes.

<sup>28</sup> May 12, 2009 Park Board meeting minutes.

The City Council heard the YEA Corps/Chowen Park garden proposal at their July 21, 2009 meeting. “Member Housh made a motion, seconded by Member Brindle, to approve the establishment of a 12-foot by 16-foot organic garden at Chowen Park subject to” the conditions stated in staff’s recommendation. Following the motion, the

Council discussed the need to establish a policy to avoid case-by-case consideration of such issues. They noted the current request appeared to be a good program involving youth in a positive activity. However, the Council felt enough time was available before the 2010 garden season to create a policy able to address the current request and other community garden requests.<sup>29</sup>

The motion failed four to one.

The discussion of the YEA Corps/Chowen Park garden raised a wider discussion on community gardens. As noted in an August 4, 2009 memo from Director Keprios to the Park Board:

At the July 21, 2009 City Council meeting, the Council voted 4 to 1 against the Park Board’s recommendation to approve YEA Corp’s request to develop and maintain an organic vegetable garden plot at Chowen Park. The Council has also asked staff to recommend a policy that addresses community gardens and future similar requests such as this one.

Although the City Council did not direct me to have the Park Board vote on a staff proposed policy, I am asking that the Park Board debate the issue and give the City Council your recommendation.

After giving this much thought, I recommend that we adopt a policy that does not permit vegetable gardens of any kind in any Edina public park.

Park Board members raised concerns at their August 11, 2009 meeting about adopting a “no vegetable gardens” policy:

Mr. Lough stated that while he is somewhat sympathetic to staff’s recommendation on this issue he wants to make sure that as a Park Board they clearly understand that it is their responsibility to try to come up with recommendations which will serve all members of the community.

Mr. Keprios encouraged the Park Board to not make a recommendation at this point and perhaps direct staff to kick around some other means of feedback from the community...<sup>30</sup>

The discussion continued at the September 8, 2009 Park Board meeting:

Mr. Keprios reminded the Park Board that at the last Park Board meeting his recommendation was to not have a community garden in the parks because open space is extremely precious in Edina.<sup>31</sup>

Since the August meeting, Director Keprios noted that he had visited community gardens in neighboring communities. He was now proposing that the Park Board allow community gardens in Edina at the following sites: Yorktown Park at the YMCA, Lake Edina Park, and Pamela Park. He laid out the costs of developing community gardens in these locations and noted \$30,000 had already been set aside for community gardens in the Capital Improvement Program (CIP).

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<sup>29</sup> July 21, 2009 City Council meeting minutes.

<sup>30</sup> August 11, 2009 Park Board meeting minutes.

<sup>31</sup> September 8, 2009 Park Board meeting minutes.

Director Keprios proposed the following community gardens policy, as stated in a September 1, 2009 memo from Director Keprios to the Park Board:

The City of Edina will offer community garden plots to residents only and in a manner that includes a comprehensive process that is open to all residents on a first-come first-served basis. Edina's community gardens will be limited to those park areas that are pre-determined by the City of Edina. The City of Edina's community gardens are not intended for and will not be made available for commercial use by private for profit organizations.

The staff report continues:

The above proposed policy does not prohibit Edina residents who are part of non-profit organizations, such as YEA Corp, from renting their own individual plots.

After some discussion, a motion was made to go with the Park Director's original recommendation to "not move forward with community gardens at this time."<sup>32</sup>

In all, discussions of the YEA Corps/Chowen Park garden and community gardens took place over a period of six months at five Park Board meetings and one City Council meeting. A significant amount of time was spent, in part because neither the Park Board nor City Council had existing policies to guide them. As Director Keprios noted in April 14, 2009 Park Board minutes: "...there is no policy that tells [the Park Board] what they should do or shouldn't do in this case. He added that he thinks they are writing policy as they go on a case by case basis."

Director Keprios shared a similar thought in the August 5, 2009 interview:<sup>33</sup>

The YEA Corps proposal for a vegetable garden at Chowen Park was discussed. John Keprios noted that he was not in favor of the request because it was privatization of a small area within a small neighborhood park for the purpose of a non-profit organization that planned to sell vegetables at a farmers market and the space would not be available to the general public. He felt he needed to take the question to the Park Board and residents. When facing this kind of decision, he asks himself, "Am I really empowered to make this decision, or is this a policy change or does it set precedent?" He noted that "when it's a gray area, [he leads] them through the process and on a case-by-case basis," and relies the policy makers to make the decision.

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<sup>32</sup> September 8, 2009 Park Board meeting minutes.

<sup>33</sup> See Appendix H.

## Appendix Q

### Pamela Park Discussion

As stated in the main body of this Report, private individuals or organizations shape the content of park facilities through *influence*. Residents can influence the plans or proposals for parks and recreational facilities by letting their views be known.

A review of Park Board meeting minutes, however, showed that youth sports associations can have significant influence over the plans and proposals for parks and recreational facilities.

In early 2009, a task force was formed to “establish an updated master plan for Pamela Park,” according to March 10, 2009 Park Board minutes. At this meeting, “Mr. Keprios explained to the Park Board that a task force was put together which included residents as well as representatives from the athletic associations.”

At the May 12, 2009 Park Board meeting, Director Keprios explained the task force’s composition further:

Mr. Keprios commented that now he would like to explain the purpose and history behind the task force which consisted of ten residents, three staff and three consultants. He pointed out that four of them are just residents at large who are users of the park who had an interest in helping decide acceptable parameters for the park from other interest groups.<sup>34</sup>

The task force came up with a recommendation and notice was sent to households within 1,000 feet of the park inviting them to attend a July 30, 2009 meeting and comment. According to an August 4, 2009 memo from Director Keprios to the Park Board, “Approximately 25 residents attended the neighborhood input meeting on July 30<sup>th</sup>. ... As you will notice from the minutes, there were representatives from the Edina Soccer Association, Edina Soccer Club and Edina Lacrosse Association that provided input.”

The proposed plan for Pamela Park was forwarded to the Park Board. It included \$875,000 in improvements to meet the needs of organized sports. The cost and rationale for each proposed improvement is stated below.<sup>35</sup>

- A new athletic field—\$400,000

This is a proposal to add another rectangular shaped field (300’ x 160’) to serve primarily (but not exclusively) the sports of football and soccer, lacrosse and rugby. ... The number one identified need for youth athletic programs is the need for additional scheduled field time for multiple sports (football, soccer, rugby, lacrosse and ultimate Frisbee) that all compete for the same rectangular athletic field. The demand for these fields has grown significantly over the past decade or more for a variety of reasons. Youth are exposed to organized athletic opportunities at a much earlier age than ever before and the opportunities for girls in athletics have also grown significantly.

- Parking lot expansions and renovations—\$145,000

During peak scheduled activities, there are not enough parking stalls to accommodate the demand.

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<sup>34</sup> May 12, 2009 Park Board meeting minutes.

<sup>35</sup> August 4, 2009 Memo from Director Keprios to the Park Board.

- Senior Athletic Field renovation—\$330,000

The growth of youth and adult athletics and the birth of new field athletic sports (rugby, lacrosse, ultimate Frisbee, etc.) has placed a greater demand on the rectangular shaped athletic fields. To withstand the greater demand, these athletic fields need to be better engineered to withstand heavier use loads.

The Park Board approved including these improvements in the Park and Recreation Department's five-year plan.

The 2006 Park Needs Assessment Survey asked residents how supportive they would be of the City developing outdoor athletic facilities for sports. Twenty-three percent responded they were very supportive. When asked what facilities residents would be most willing to fund with additional tax dollars, 17.1% of respondents selected outdoor athletic fields as their first choice.

Donations and influence can work together to shape the content of our parks. In May 2009, the Park Board discussed a proposal from the Edina Girls Fast Pitch Softball Association to donate funds for three electronic scoreboards at Pamela Park. As the minutes explain:

Mr. Keprios gave a power point presentation on Pamela Park. He informed the Park Board the Edina Girls Fast Pitch Association (EGFA) has requested an additional batting cage and pitching tunnel basically for the safety and protection of anyone using the park. Mr. Keprios pointed out that EGFA recently came forward and have offered to donate money to put up three electronic wireless scoreboards. ... Mr. Keprios indicated that he sent out letters and a map to all of the neighbors who live within 500 feet of the softball fields which ended up being approximately 75 households. He noted that to date he has received three e-mails and one letter to which none were favorable toward the project.

Mr. Keprios explained that the way parks are getting developed now is there are competing interest groups that want more and want better, they want to be like their neighboring communities. However, it's not always as well received and accepted by the neighborhoods and he notes that he understands both sides.<sup>36</sup>

After discussion, including comment from the EGFA president, the Park Board voted to go "forward with the batting cages and pitching tunnels and do what Mr. Keprios suggested for the scoreboards."

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<sup>36</sup> May 12, 2009 Park Board meeting minutes.

## **Appendix R**

### **Mayor and City Council Email Responses**

#### **City Council Responses to League Study Questions**

The following email was sent to Mayor Jim Hovland and City Council members Joni Bennett, Mary Brindle, Scot Housh and Ann Swenson. Their responses are below.

In 2008, at the Annual Meeting of the League of Women Voters Edina, members voted to do a local study on the Private Use of Public Facilities in Edina. Information gained for the study indicates the City regularly receives requests for access to and use of public facilities that is not defined by ordinance or policy or that is an exception to ordinance or policy.

Since many requests ultimately come to the City Council for a decision, we would very much appreciate your thoughts on the topic. If you are willing, please answer the following questions and add any additional thoughts you believe would be helpful for our understanding of private use of public facilities in Edina. For background, we are attaching the letter outlining the study that was sent to Gordon Hughes last winter.

We very much appreciate the time staff has taken to provide information and expand our knowledge. If you are interested in meeting to discuss the study with committee members, please let us know and we will find a time that fits your schedule.

Our questions, related to the City Council's role in defining and/or granting private individuals or groups access to or use of public facilities in Edina, are:

- *Are there areas of policy you believe the City Council could or should develop to help address requests from private individuals or groups for access to or use of public facilities in Edina? If yes, please explain.*
- *In the absence of written policy, what role does precedent play in guiding a decision of whether to grant a private individual or organization access to or use of a public facility?*
- *In what ways, if any, does an absence of written policy (for requests such as Lewis Park coffee shop or Chowen Park garden) affect the Council's decision-making process?*
- *Under what circumstances, if any, may staff or a board/commission waive or reduce a fee set by ordinance or Council resolution?*

Thank you for your time. If you have any questions, or want to set up a time to meet, please contact me or any committee member.

**Mayor James Hovland, October 28, 2009**

Jennifer, regarding private use of public facilities in Edina, I hear little, if anything, from our residents on this issue. While it is true we will have issues from time to time like Chowen

Park garden or Lewis Park coffee shop to deal with, I prefer having the Council deal with those matters on a case by case basis as an original matter rather than trying to rely on a pre-set policy that may or may not be helpful. In short, I have generally been comfortable with the way we have handled private usage of public facilities in the past, both with respect to defining facilities that are available for use, to what types of groups they are available and at what cost, if any. I therefore don't believe I would favor implementation of a specific broad policy containing mandates but I might be willing to consider some guidelines that would still allow for staff judgment on a case-by-case basis. I say this because I think this is an area where there could be a great deal of difficulty in trying to draft policies that would be universally applied without exception in every situation and still be responsive to the varied needs of our residents. I am also sensitive to staff being able to exercise managerial judgment in some circumstances as defined by the city manager. If staff were to express that there are certain areas in which they needed guidance, I think the Council would be responsive to such requests and I would generally prefer dealing with those requests as they come up rather than to creating policies that potentially contain more challenges than exist under our current practices. I suppose I could be accused, in this circumstance, of having a "if it ain't broke don't fix it" mentality but I am not aware that we have had any consistent problems in this area that require Council attention or the need for specific policies.

Regarding fee structures, we do set some fees by ordinance but I have no knowledge of when a fee, set by ordinance or otherwise, can be waived or should be waived. I think that there has been some discretion amongst staff as to when a cost should be waived (unrelated to a fee set by ordinance) and that seems to me to be an appropriate exercise of staff discretion and judgment. Regarding waiver or modification of a fee set by ordinance, I would leave that to the judgment of the City Manager and if the City Manager wants our guidance, he/she can request the same. I do, however, believe this would be a very rare situation where such discretion would be exercised by the City Manager.

Thanks for giving me the opportunity to comment.

**Council Member Joni Bennett, November 11, 2009**

Thank you for all of your work on this important topic. Here are my answers to your questions. I would be happy to meet with you to discuss these further, if desired.

1. Yes, I believe the City would benefit from the development of additional policies regarding private access to and use of public facilities. Specifically, I think we lack policy regarding, but not limited to, the following: community gardens, commercial activity (including sale of concessions, and private athletic facilities), solicitation and use of charitable donations, and city communications.

2. Even if a decision does not create a legal precedent or is accompanied by a cautionary statement that it is not intended to create precedent, people expect subsequent decisions to acknowledge and be consistent with those made previously. In the absence of written policy, precedent can create accidental or unintentional policy. Conversely, failure to follow precedent can make a decision to permit or deny access appear arbitrary or open to claims of favoritism.



3. Both the requests you mention were given extensive consideration by City staff, the Park Board and the City Council. In the absence of written policy, individual perceptions and preferences advanced the proposals from level to level. Support for the proposals by staff, residents and some of the members of the Park Board and City Council focused on the need for a new warming house in Lewis Park and the desirability of youth engaged in organic gardening rather than the principles at stake. There also was significant discussion of the backgrounds and good intentions of the people proposing the private uses in public parks. In each case, a decision to permit the use would have been subject to perception as arbitrary and subject to claims of favoritism.

4. Fees set by ordinance should not be reduced or waived unless done so according to established policy. See answers above to questions 2 and 3.

Please let me know if you need clarification or more information from me.

### **Council Member Mary Brindle, September 8, 2009**

Here are my answers to your questions. I will continue to think about these answers but these are my immediate reactions.

*Are there areas of policy you believe the City Council could or should develop to help address requests from private individuals or groups for access to or use of public facilities in Edina? If yes, please explain.*

The following is the opening statement that sets forth policy and guidelines for use of meeting rooms with city hall.

#### CITY OF EDINA USE OF EDINA CITY HALL POLICY AND GUIDELINES

##### Purpose of Policy:

This Policy establishes the regulations for the scheduling and the use of Edina City Hall.

##### I. INTRODUCTION

Edina City Hall is operated by the City of Edina under the policy and guidelines established by the Edina City Council. The facility contains two public meeting rooms—Community Room and Mayor’s Conference Room—and two “special use” areas—Council Chambers and the West Foyer.

The City Council recognizes the desirability of having Edina City Hall used as much as possible by Edina-based non-profit groups. This Policy identifies priorities for use and outlines scheduling procedures and guidelines.

What need is there for the city council to become involved in setting policy for other facilities? If park buildings such as Weber Park, Arneson Park, Edina Senior Center which are owned by the City of Edina, are considered to be extensions of city hall, then it may be logical that their use would be subject to the policies and guidelines similar to that used for

space within city hall. If that's the case, then similar guidelines or policies ought be to made available to users of the facility.

*In the absence of written policy, what role does precedent play in guiding a decision of whether to grant a private individual or organization access to or use of a public facility?*

Precedent is dangerous. What seems like a precedent to one person may not seem that way at all to another. I hesitate to put myself, as a leader and decision maker, in between a facility manager and a group that desires to use space within that facility. If a facility manager chooses to allow or deny a group access to the facility, I trust that there is a reason.

*In what ways, if any, does an absence of written policy (for requests such as Lewis Park coffee shop or Chowen Park garden) affect the Council's decision-making process?*

Concessions are offered at Courtney Fields, Braemar Arena, Van Valkenburg Park and Centennial Lakes Park, to name a few. I trust there is written policy that defines what is offered, who benefits from the proceeds, staffing, hours, etc. Adding Lewis Park to the list of parks offering concessions seems logical to me considering the number of visitors to that park. With regard to the Chowen Park garden, the absence of written policy affected the city council's vote on this item. Had it existed, the written policy would have provided the council with the commission's recommendations gardens of this type. Without that, the council could not move forward. This written policy is the responsibility of the Park Board. Making this policy into an ordinance is the council's responsibility. The council need not take action on a project such as the Chowen Park Garden if policy allowing it is in place.

*Under what circumstances, if any, may staff or a board/commission waive or reduce a fee set by the City Council in ordinance 185.01 Schedule A?*

Reducing or waiving fees for some and not for others is a slippery slope. In order to be fair, fees should be charged as stated in the city code. If needed, I suppose an appeal can be heard by the board or commission. However, fairness to all is at stake here.

#### **Council Member Scot Housh, October 29, 2009**

Per you recent request I provide the following responses:

1. Policy regarding Private Groups using Public Facilities - I think the City does a good job allowing private groups to use our facilities. We have a number of facilities that can be used by private groups for their use. Our Warming houses are often used for private parties. Our meeting rooms at Braemar and Centennial Lakes are often used by community and business groups. We do typically charge for these events. Our City Manager or others overseeing these facilities may make exceptions from time to time. I see this as within their discretion.

2. What role does precedent play in allowing groups access to facilities - We like repeat business and customer use. We try to make our customer experiences enjoyable so that they will come again. Adventure Peak, The Aquatic Center, Braemar and Fred Richards Golf Course are all public facilities that are run as businesses to benefit our constituents. We want people to enjoy these facilities and to use them consistently. The same should apply to

our Public buildings which are used for "private' meetings. I'm not aware of a precedent that has created a bad outcome.

3. Does a lack of Policy limit the Council in these areas (Lewis Park/Chowen Park Gardens)? - I think we have flexibility in that a formal policy is not set in stone. We all regard our public lands as highly important to our constituents and want to make sure they are used for the good of the community. With budgets for state, county, city, and school districts being reduced, we may find that partnerships with other public entities or the private sector may be beneficial for our community. The original golf dome was a private/public facility. It was the first of its kind. The City later bought out the private interest and has been running it ever since. We have partnered with the school district to maximize "basketball" courts for the community. I think this too has been successful. Maintaining an open mind about making Edina the preeminent place for living, learning, raising families, and doing business should guide our decisions.

4. Waiving fees for public facilities. Who has the authority? See response to #1.

Jennifer, please call if you have further questions.

**Council Member Ann Swenson, September 3, 2009**

1. Yes garden space on public land
2. Precedent for me plays little role other than history when crafting a new policy
3. As a city we need policies to avoid confusion, feelings of unequal treatment and to provide clarity. Lack of these policies wasted time.
4. Can not answer. Would need some history as to requests and maybe provide guideline in policy for any accommodations.