



CARVER COUNTY PARKS

11360 Highway 212 West, Suite #2
Cologne, MN 55322
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Division of Public Works

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Carver County Park Commission Regular Meeting

Wednesday, May 12, 2010

Tour and Meeting 6:30 p.m.

Meet at the Public Works Headquarters Building
11360 Hwy 212 West
Cologne, MN 55322

Agenda

- 1) Call Meeting to Order (6:30 p.m.)
- 2) Roll Call (6:31 p.m.)
- 3) Depart for tour of the Southwest Regional Trail Connection – Victoria (6:35 p.m.)
- 4) Return to the Public Works Headquarters Building (8:15 p.m.)
- 5) Approval of the April 21, 2010 Regular Meeting Minutes (8:20 p.m.)
- 6) Additions or Deletions to the Agenda (8:21 p.m.)
- 7) Approval of Agenda (8:22 p.m.)
- 8) Commissioner Liaison Report (8:23 p.m.)
- 9) Open to the Public (8:25 p.m.)
- 10) New Business (8:30)
 - a. Request for Snowmobile Permit –Dakota Rail Regional Trail
 1. Snowmobile Permit Language
 2. Public Process to Consider Permitting Snowmobiling
- 11) Staff Reports (8:50 p.m.)
 - a. Update on the Dakota Rail Regional Trail (Walsh)
 - b. Lake Minnewashta Regional Park/TH 41 Trail and Underpass (Walsh)
 - i. Open House 5-8p.m. Thursday, June 3rd, 2010
 - c. Events, Activities (Klevan Schmitz)
 - d. Regional Park Foundation Update (Walsh)
 - e. Legislative Update (Walsh)
- 12) Commission Member Reports (8:55 p.m.)
 - a. Equestrian Sub Committee
- 13) Set Next Meeting Date (8:59 p.m.)
- 14) Adjourn Meeting (9:00 p.m.)

Please note if a Commission Member cannot attend the meeting, please call the Park Office at 466 – 5250.

Meeting Minutes

April 21st, 2010 Regular Meeting

Members Present: Myron Karki, Neil Wingert, Jerald Moja, Richard Tieden, Thomas Hermann

Staff Present: Marty Walsh, Lenny Klevan Schmitz

Public Present: N/A

CALL TO ORDER - Wingert called the meeting to order at 6:33 p.m.

MINUTES - Karki motioned to approve the March 2010 minutes. Wingert seconded the motion. Motion passed 4-0.

AGENDA- Moja motioned to approve the agenda. Teiden seconded the motion. Motion passed 4-0.

LIAISON REPORT- N/A

OPEN TO THE PUBLIC- N/A

TOUR Park Staff took members of the park commission on a driving tour in order for them to gain a better understanding of some of the trail projects the department has been working on. The meeting began at the Carver County Government Center in Chaska. The tour includes several stops along the following locations:

- Union Pacific Rail Road – runs from United Sugar in Chaska to the City of Carver and over MN River to Scott County between Shakopee and Jordan.
- Southwest Regional Trail Connection in Chaska – tour included several stops looking at the portion of existing trail along the diversion channels and earth dike system in Chaska. Another stop was at the terminating point of the Minnesota River Bluffs Regional Trail at County Road 61 (former Hwy 212) and looking at the planned connection from the terminating point to the existing trail system.
- Bridge over MN River at Carver was the last stop and park commissioners were able to see portions of a log jam at the river crossing, swirling currents and dilapidated bridge over the river which is no longer structurally sound and will need to be removed in the future.

STAFF REPORTS-

a. Update on the Dakota Rail Regional Trail

Walsh thanked Moja and Karki for attending the ground breaking on April 8th. Walsh also noted the contractor has begun clearing and grubbing on the trail corridor and will soon begin installing erosion control. Once road restrictions are removed from township roads equipment will begin showing up on site and the more significant construction will begin.

Walsh also indicated that Carver County may be beginning a planning effort to look at the wider depot areas along the Dakota Rail Trail in Mayer and New Germany. Staff will be meeting with the County Board next month to look at and discuss some of the issues in these areas including old dilapidated buildings, the Cities interests in developing the areas and the communities interests in the space.

b. Update on the Lake Minnewashta Regional Park/TH 41 Trail and Underpass

Walsh indicated that Carver County and Chanhassen are in agreement on the Memorandum of Agreement (MOA) for the project. The MOA outlines the cost participation between the City and County and how federal dollars will be spent on the project. Walsh indicated that there will likely be a public open house in June for the trail project once the Project Memorandum is complete.

c. Events and Activities

Klevan Schmitz thanked Wingert and Tieden for attending the Maple Syrup open house at Baylor Regional Park on March 20th, about 75-85 people attended the event. Klevan Schmitz invited members of the park commission to the following events:

-Tree planting project on April 22nd at Lake Waconia Regional Park from 10-11 a.m.

-Earth Day/April Stools Day event at Lake Minnewashta Regional Park 4/24 from 10 a.m. – noon.

-Birding Clinic at the Rapids unit of the Mn Valley National Wildlife Refuge in Carver on May 8th.

Klevan Schmitz also noted the campground at Baylor opens May 7th and there will be regular programs taking place all summer at the park for the public and campers to participate in on the weekends.

d. Regional Park Foundation

Walsh noted that the last meeting of the Regional Park Foundation was in April. The

focus of the last meeting is to brainstorm and find ways in which to raise funding to support the operations of the organization.

e. Legislative Update

Walsh informed the park commission that the legislative session is turning out better than expected. Walsh indicated that Operations and Maintenance funding for 2010-2011 could be reduced by roughly \$5,000-\$7,000, but that could be offset with surplus lottery in lieu of taxes funds which are requested to be distributed to regional park agencies.

COMMISSION MEMBERS REPORTS

a. Equestrian Sub Committee

Walsh explained that at the last meeting they went through a white board exercise and listed all of the criteria the group felt was needed through their research and tours for a successful equestrian trail. At the next meeting they will look at prioritizing those criteria and also explore a couple final tours including one for the Luce Line Trail and Lebanon Hills Regional Park in Dakota County.

NEXT MEETING - May 12th, 2010 meet at the Carver County Public Works Building in Cologne and will include a tour of several locations:

- Depot Areas of the Dakota Rail Trail
- Chaska-Victoria Regional Trail connection in Victoria.

ADJOURN - Karki motioned to adjourn. Hermann seconded the motion. Meeting adjourned at 8:38 p.m.



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DIRECTORS REPORT

May 12, 2010
PARK COMMISSION MEETING

To: Members of the Park Commission
From: Martin Walsh, Parks Director
CC: Lyndon Robjent, County Engineer
Tim Lynch, County Commissioner
Date: 5/7/2010
Re: May 12, 2010 Park Commission Meeting

Tour of the Southwest Regional Trail

At the April meeting of the Park Commission, the commission toured the southernmost portion of the Southwest Regional Trail Connection in Chaska. For the May 12th commission meeting, a tour of the northern and central regions of the planned trail in Victoria and Chaska is scheduled.

In 2009, Carver County applied for Federal Transportation and Enhancement funds to acquire land and construct segments of the Southwest Regional Trail Connection in Chaska and Victoria. This project is currently recommended to be funded in 2013 and has a projected value of \$545,000.

New Business

A) Request for Snowmobile Permit – Dakota Rail Regional Trail

Background

In 2006 a master plan for the Dakota Rail Regional Trail was created. The document recognized that in many instances snowmobiling can operate smoothly on unpaved and paved trail

surfaces. Additionally, Lake Waconia is a significant snowmobile destination and a snowmobile trail would provide an important east west link to the overall snowmobile trail system.

At the time the master plan was approved, language in the master plan states that Carver County could permit snowmobiling during the winter season of December 1 to March 31 as snow conditions would allow.

During the open houses to discuss the Dakota Rail Regional Trail Master Plan there were clearly those who supported the activity of snowmobiling and those who were opposed to it. The master plan process did not permit snowmobiling but allowed for the activity to be considered if a snowmobile association would be willing to enter into a permit agreement for maintenance and liability of the trail.

Phase 1 construction of the Dakota Rail Regional Trail from the City of Mayer east to the county line. The trail will address deficient safety concerns at trestle locations and provide a surface suitable for snowmobiling as snow conditions would allow.

Park staff has met with a representative of the Southwest Snowmobile Trail Association. The association is requesting a permit to operate snowmobiles on the Dakota Rail Regional Trail. A draft of a possible permit is attached to familiarize the commission with permit language. The determination of whether or not the activity would be permitted is suggested to go through a public process.

The below outline is the suggested public process.

- a. Southwest Trail Association submits request for permit consideration (May 2010)
 - i. Map of how the trail fits with snowmobile trail plan
 - ii. Letter(s) of commitment for trail connections off of public right-of-way and property administered by McLeod County
- iii. County staff review of trail plan (May 2010- June 2010)
 - i. Make recommendations and or provide comments on the plan
 - ii. Make recommendations on permit language
- iv. Public open house held by park staff and commission (June 2010)
 - i. Mail notices out 500 feet either side of corridor or as County Board directs
 - ii. Have proposed future meeting schedule outlined for city and township meetings
- v. Township and city review process (June –August 2010)
 - i. Public Hearings
 - ii. Cities Townships provide resolutions
- vi. Park Commission review and recommendation (September 2010)
- vii. County Board/Regional Railroad Authority consideration (October 2010)

Recommendation: Park Commission should review the above public process outline. The outline can be accepted or modified before recommending a public process to consider snowmobiling on the Dakota Rail Regional Trail to the County Board.

Staff Reports:

A) Dakota Rail Regional Trail

Clearing and grubbing work has taken place. Soil erosion control measures are being implemented. The contractor is expecting to move in heavy equipment in order to remove the bridge and begin reclaiming ballast material for the trail base the week of May 10th.

B) Update on the Lake Minnewashta Regional Park/TH 41 Trail and Underpass

The City Council for Chanhassen will consider approving the Memorandum of Understanding for the project at its June 10th, City Council Meeting. Plans have been made for an open house for area residents to review and provide input on preliminary design plans at the Minnetonka Middle School West. The open house is scheduled from 5 to 8 p.m. on Thursday, June 3rd. Staff and consulting planner will be on hand to review the plans with individuals and small groups. Park Commission members are encouraged to attend.

C) Events and activities:

Staff will update Commissioners on past activities of the Arbor Day Tree Planting, Earth Day/April Stools Day clean up and upcoming events.

D) Regional Park Foundation

Regional Park Foundation met April 29, 2010. The Foundation held a regular meeting as well as a strategic planning session.

E) Legislative Update

- a. The Regional Park CIP was approved and the Metropolitan Council will prepare agreements for the projects or reimbursement of funding. For Carver County, the agreement would provide \$423,000 to reimburse the County for land acquisition at Lake Waconia Regional Park. This amount matches what the Metropolitan Council had requested.
- b. The Senate gave final approval to its version of the omnibus environment and natural resources bill (SF 3275) by a vote of 63-4. Included in this bill is additional funding from the Lottery In Lieu of Sales Tax account of \$300,000 to the Metropolitan Council to provide funds to regional park implementing agencies for operation and maintenance. These funds will replace the \$240,000 cut in the state's General Fund appropriation for this purpose and thus would provide a \$60,000 net increase over the FY 2010 appropriation.

This appropriation is not in the House bill (HF 3207). The House bill was heard in the House Ways and Means Committee next week (Monday, May 3 – 10 a.m. – Basement Hearing Room, State Office Building), which is its last stop before reaching the floor. It

is expected that differences will be worked out in a conference committee. It is not known at the time of the report the outcome of the May 3rd Ways and Means Committee meeting.

If the bill is adopted operations and maintenance funding for the Regional Park System and Carver County would increase slightly as compared to 2009.

**DRAFT PERMIT
SOUTHWEST TRAIL ASSOCIATION
SNOWMOBILE OPERATION ON COUNTY LAND
DAKOTA RAIL REGIONAL TRAIL CORRIDOR**

CARVER COUNTY	
CONTRACT NO.	_____
DEPT.	PUBLIC WORKS
DIVISION	PARKS
TERM	_____

This agreement is entered into this _____ day of _____, 2010 between the County of Carver, State of Minnesota, as Licensor and Southwest Trail Association, P.O. Box 104, Mayer, MN 55360.

WITNESSETH:

I. GRANT OF PERMIT

The County of Carver hereby grants to Southwest Trail Association a Permit to operate snowmobiles by association members on real estate on Dakota Rail Regional Trail Right Of Way, Sections 1, 2, 3, 4, 5, 6, Township 116 North, Range 26 West and Sections 1, 2, 3, 4, 5, 6, Township 116 North, Range 25 West in the townships of Camden and Waconia, Minnesota, within the following perimeters:

That former Dakota Railroad Corridor lying from the North-South Section 1 line at the west county line, Township 116 North, Range 26 West, to County Road 155 in section 1, Township 116 North, Range 25 West, width and lies within Sections 1, 2, 3, 4, 5 and 6 of Township 116 North, Range 26 West; and within Sections 1, 2, 3, 4, 5, and 6 of Township 116 North, Range 25 West.

Above description is approximate. Exact legal description of abandoned railroad corridor is found in Document No. _____; Carver County Recorder's Office.

The permit is subject to the following terms and conditions.

II. LIMITATION TO DESCRIBED PURPOSE AND TERM

The permit shall be for the purposes of permitting the association members to enter and use the premises described above to construct and maintain a twelve (12) foot wide nonexclusive snowmobile trail to be open to the general public for snowmobile use during the months of December through March annually.

This permit shall be for a period of five (5) years, commencing on the 1st day of January, 2011 and terminating on the 31st day of March 31, 2015.

This permit and the rights and responsibilities contained in this agreement shall not be transferred by assignment, novation or otherwise without the prior written consent of the County.

The association agrees that in the construction, maintenance, and use of the trail, it will comply with applicable laws, including but not limited to any laws, standards, regulations, or permit requirements relating to environmental pollution or contamination.

Permitee must provide additional signage and barricades at the Dakota Rail Regional Trail, County Road 155 and near the east county line notifying users of the trail that snowmobiling is not permitted on the trail east of County Road 155 . Signage and barricades are to be approved by Carver County Parks Dept. staff.

Permitee will institute a program of self-policing along this trail corridor to keep the public aware of required regulations and to assist in maintaining order and discipline in its use.

All County and local ordinances and regulations shall be followed by the Southwest Trail Association and users of the trail, including as they relate to studded snowmobile track use.

III. CONSIDERATION

The Southwest Trail Association will provide the labor and materials to repair or replace any landscaping, blacktopped trail surface and bridge surface damaged by the use of the premises for snowmobiling on an annual basis. The land area described herein will be maintained so as to leave it in original condition when the winter snow season ends each year. The Southwest Trail Association will take precautions to protect the blacktop and bridge surfaces of the trail.

IV. TERMINATION

1. This permit shall terminate upon the reuse of the corridor for future transportation.
2. It may also be terminated prior to the expiration of the full term hereof by the County, giving written notice to the Association and the Minnesota Department of Natural Resources at least six (6) months prior to said early termination date except as indicated in (4) below. In selecting, locating, and constructing the exact location of the trail, the Association shall avoid ecologically sensitive areas and the location of the twelve (12) foot wide trail shall be subject to the approval of County, which approval shall not be unreasonably withheld.
3. If the Contractor fails to perform any of the provisions of this Agreement or so fails to administer the work as to endanger the performance of the Agreement, this shall constitute default. Unless the Provider's default is excused by the County, the County may, upon written notice to the Contractor's representative listed herein, cancel this Agreement in its entirety as indicated in (4) below.
4. This Agreement may be cancelled for cause by either party upon thirty (30) days written notice.

V. LIABILITY INDEMNIFICATION

The Association agrees to indemnify and hold harmless the County from any and all claims, demands, lawsuits, or liability for loss, fines, damage, injury and death and all expenses and costs, including attorney's fees, resulting from or arising out the construction, maintenance or use of the trail, including any discharge or emission occurring thereon or for the violation of any law, standard, regulation or permit requirement relating to environmental pollution or contamination.

The Association agrees to pay for all loss of or damage to property whatsoever, and injury to or death of any person(s) whomsoever, including all costs and expenses incident thereto; however arising, from or in connection with the existence, construction, maintenance, repair, renewal construction, use or removal of the trail. Further, the Association agrees to indemnify the County against and hold it harmless from any such loss, damage, injury and death and costs and expenses incident thereto occurring on the said permitted area. Notice to or knowledge by the County of any act or omission by the Association, its agents, employees or invitees or of any conditions of or practices on the land covered by this permit shall not be considered by the Association to be a waiver of or release by the County of any rights granted to it under this paragraph.

