



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, October 13th, 2010

**Meet at the Public Work Building, 11360 Hwy 212 West
Cologne, MN 55322**

7:00 p.m. in Conference Room #1

Agenda

- 1) Call Regular Meeting to Order (7:00 p.m.)
- 2) Roll Call (7:01 p.m.)
- 3) Approval of the September 8, 2010 Minutes (7:02 p.m.)
- 4) Additions or Deletions to the Agenda (7:03 p.m.)
- 5) Approval of Agenda (7:04 p.m.)
- 6) Commissioner Liaison Report (7:05 p.m.)
- 7) Open to the Public for items not on the agenda (7:10 p.m.)
- 8) Old Business (7:15 p.m.)
 - a. Request for snowmobile permit on the Dakota Rail Regional Trail
- 9) Staff Reports (8:15 p.m.)
 - a. TH 41 Trail and Underpass
 - b. Update on the Dakota Rail Regional Trail (Walsh)
 - i. Construction
 - c. Events, Activities (Klevan Schmitz)
- 10) Commission Member Reports (8:30 p.m.)
 - a. Equestrian Sub Committee
- 11) Set Next Meeting Date (8:35 p.m.)
- 12) Adjourn Meeting (8:40 p.m.)

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

Prkagn 10-13-10

Meeting Minutes

September 8th, 2010 Regular Meeting

Members Present: Myron Karki, Neil Wingert, Jerald Moja, Thomas Hermann
Staff Present: Marty Walsh, Lenny Klevan Schmitz, Commissioner Tim Lynch

Public Present: See Sign In sheets

CALL TO ORDER - Wingert called the meeting to order at 7:03 p.m.

MINUTES - Moja motioned to approve the July 14, 2010 minutes. Karki seconded the motion. Motion passed 4-0.

Karki motioned to approve the August 11th meeting notes. Moja seconded the motion. Motion passed 4-0.

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

LIAISON REPORT- N/A

OPEN TO THE PUBLIC- N/A

NEW BUSINESS

- a. Request for Snowmobile Permit –Presentation by Southwest Snow Runners Snowmobile Association

Todd Kunze of the Southwest Snow Runners Trail Association made a short presentation about their request for permit to utilize the Dakota Rail Trail corridor for a snowmobile trail in the winter months.

Members of the Park Commission and Park Staff asked a series of questions pertaining to their permit request. Questions included the following topics:

- How would this trail connect to the other trails in your system? Connects east and west trail systems, provides access to Waconia from west, major connection in Mayer, New Germany and to west (McLeod County Trails)
- Are their speed limits on the trails inside and outside of the cities? yes
- Are there any safety issues on Lake Waconia with the snowmobiles? no
- Does the club provide any self policing of members and non members? yes
- How long has the snow runners been around? – 1980 as a club 1992 running trails.
- How many miles of trails does the club oversee? – 68 miles
- How big is the snowmobile club? 320 members in the entire association currently
- Are their restrictions proposed for hours of operation? Club is asking for a non-restricted trail

- Who patrols the trails from an enforcement standpoint? The Carver County Sheriff's office (mostly on Fri, sat and sun and snow events) through DNR Funding and the MN DNR
- Does the club have insurance? Yes – \$1,500,000 liability which is more than state requires for a club
- Who signs the trail? – club
- Do most snowmobilers have studded sleds? – most newer sleds are not studded...trail could be stud free as most other paved trails are.
- Who is responsible for damage to the trail by snowmobiles? –the club would want to work with Carver County on any damage or issues.
- Who handles complaints on the trail? – the Club would be the contact and would work with adjacent homeowners to deal with issues.
- Have the cities and townships been supportive of the trail request in their communities? – Mayer, New Germany and Camden Twp have expressed support. Waconia Twp voted to not support the trail request.
- How noisy are the snowmobiles? Most new sleds are hardly heard when idling. Law limits how noisy a sled can be at idle.
- Are there other trail options near north shore drive? The snowmobile club has been trying to work with people and landowners in the area for 10+ years to get access to Lake Waconia in the area without success.
- How do you plan to deal with the unimproved bridges on the western portion of the trail corridor? Club would fabricate railings and decking to be placed on each bridge for safety.

After the club answered the questions above, Wingert invited others present to comments on the permit request. Below is a summary of those comments:

- Steve Burns – CR 21 and Luce Line Trail – The Snowmobile clubs does a good job maintaining the trail. The snowmobile trail on the Luce Line Trail is about 100' from bedroom of his home. He has not had any major issues, only a few minor complaints and club has resolved them quickly. Lived there 22 years and is not a snowmobiler.
- David Brockpahler – 6835 Goose Lake Drive – His greatest concern is snowmobilers trespassing on private property off of the trail. Witnessed people using the railroad corridor last winter despite signs and barricades stating trail was closed. He also stated his concern with sleds not stopping at driveway and road crossings...was almost hit last winter leaving house in vehicle. Says he feels 90% of snowmobilers are good but the 10% are bad and ruin it.
- Ed Armit – 11325 66th Street – Upset that those who would want to use the trail for other uses lose the ability to safely do so with snowmobiles on the trail. Feels the trail is being built for multiple use and should be used that way year round and if it is non-motorized it should be so year round.
- Mark Jefferies – 10820 North Shore Road – Stated he can understand the desire to access Lake Waconia. Lives on north side of trail. Noise is his major concern. Safety is also a concern because he has witnessed people on snowmobile driving all over people's property in the area off of the railroad corridor. Concerned of what will happen when people get lost...where will they go? Feels that if snowmobiling is not permitted it is not a loss because they should not be there now...but if it is permitted it is a negative impact and loss to those who live along the trail.

- Teresa Kittridge – 10840 North Shore Drive – She agrees with a lot of what the others who oppose the trail have said. During the winter there are not trails in the area for people to walk on. She feels many will want to walk on the trail or xx-ski. She is in favor of pedestrian and xx-ski access over snowmobiles.
- Bruce Butler – 8715 Reitz Lake Road – Stated that the snowmobile club cannot help out with trespassing issues unless it is a trail. The Goal of the snowmobile club is to create a safe and controlled experience. He also noted that others could walk or use the trail even if snowmobiles are using the trail...and the club would groom it.
- Dave Philip – 10720 North Shore Road – Asked staff if he could walk on the trail if snowmobiling was permitted? Walsh noted that if someone asked him he would state that it is a snowmobile trail and would not recommend walking on the trail for safety reasons. Walsh also noted that people should remember that not every winter is great for snowmobiling like last year so if there is not snow people could walk on the trail year round.
- Gerry Delany – 10670 North Shore Road – Stated he has witnessed snowmobilers causing damage to property like boats and docks which are on shore for winter storage. He also has concern about snowmobiles crossing north shore drive which was recently repaired at the cost of the homeowners who live along the road, not snowmobilers.
- John Braunwarth – 16120 County Road 135 – Stated once snowmobiles are on the lake there is not a formal trail to follow but they are likely to follow a groomed trail whenever possible for comfort and safety reasons.
- Mary Kuntz – 1139 Cardinal Circle – Stated that if the trail does not get permitted for snowmobiling, what is preventing the bad few from continuing to cause the problems in the area and ride on the trail anyway?
- Don Mohs – 10450 North Shore Drive – He is concerned because the trail goes between his home and the lake and the trail will impact his view of the lake. He is also concerned about safety when he has to cross it daily on his driveway. He also sees a need for a winter walking trail in neighborhood.
- Dave Phil – 10720 North Shore Drive – Wanted to know why it should be allowed on trail when Hennepin County does not allow it. He stated he is concerned with speed on the trail. He wanted to know why the trail could not stop in Mayer.
- Bill Tutko – 8965 Hilltop Drive (St. Boni) – Stated that many in Hennepin County wanted the trail open for snowmobiling but Hennepin County Rail Authority would not allow it. He stated now nobody is maintaining the trail for any use in the winter in St. Boni. He stated he joined the club because he recognized the importance of being part of a responsible organization and work to make sure things are done right. He noted he wife has MS and can snowmobile but not drive a car or ride a bike, so snowmobiling is her recreational activity and provides her access to her hobby and her family in Mayer. Stated he does not feel the issues will get any better if the trail is not permitted for snowmobiling...but if it is the issues will likely decrease from signage and self policing.

Wingert closed the comment period.

Klevan Schmitz asked Park commission members to think about the feedback and request for the permit and send comments to staff prior to the next park commission meeting for staff to consider as a recommendation is drafted for conversation and potential

recommendation at the October meeting.

STAFF REPORTS-

a. TH 41 Underpass and Trail

Klevan Schmitz reported that site meetings were held with residents along the trail on Thursday, September 2nd. The southern alignment of the trail at Ches Mar Drive has been selected as the route to enter the park. Responses from reviewing agencies concerning environmental impacts are expected to be received in the near future. Additional engineering work will be done to further minimize impacts to adjacent property by adjusting the trail elevations to reduce the amount of temporary construction easements needed for the project.

b. Grant Application for Paving Lake Minnewashta Regional Park Road

Klevan Schmitz informed the park commission that the grant application to the DNR for State Park Road Account Program has been prepared. The grant request seek funding to pave the main portion of the park road extending from the park entrance drive to the existing paved road and parking area at the beach.

c. Update on Dakota Rail Trail

Klevan Schmitz reported that the sub grade preparation and installation of aggregate base continues and is nearing completion on approximately 4 miles of trail. Three miles of bituminous trail has been installed. It is expected that paving will take place on the trail between the Donder's Creek Bridge and County Road 155 in the upcoming weeks. The final bridge plans for the Donder's Creek bridge have been approved. Fabrication of the bridge will take several weeks if not longer to complete.

d. Events and Activities

Klevan Schmitz updated Commissioners on past activities of the Day Camp, Family Fun day and upcoming activities of the Buckthorn Round Up and Chili Cook-off.

e. Regional Park Foundation

Klevan Schmitz reported that the Director of the Regional Parks Foundation has recently resigned from the position.

COMMISSION MEMBERS REPORTS

a. Equestrian Sub Committee

Karki reported that the Equestrian Subcommittee met in September and is proofing the 4 page final document and plans to meet for the last time on October 7th.

NEXT MEETING – October 13th, 2010 at the Public Works building in cologne.

ADJOURN - Moja motioned to adjourn. Karki seconded the motion. Meeting adjourned at 9:10 p.m.



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DIRECTORS REPORT

October 13, 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: 10/8/2010
Re: October 13, 2010 Park Commission Meeting

Old Business

A) Request for Snowmobile Permit – Dakota Rail Regional Trail

Background

2001, Carver County, Hennepin County, McLeod County and the State of Minnesota acquired 44 miles of the Dakota Rail Line. These agencies entered into agreement to preserve the rail corridor for future transportation.

In 2006, a master plan for Carver County's portion of the Dakota Rail Regional Trail was created. This master plan identified a number of uses that would be allowed on the trail. The master plan also included language that Carver County could permit snowmobiling during the winter season of December 1 to March 31 as snow conditions would allow.

The master plan 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 connecting Lake Waconia to the overall snowmobile trail system.

During the open houses which discussed 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.

At the May 12, 2010 meeting of the Park Commission, representatives Carver County Snowrunner's Club made a request to consider snowmobiling on the Dakota Rail Regional Trail. These representatives addressed the commission about the importance of the trail connection. Additionally, a public process was outlined where an open house meeting would be held and the snowmobile club would make presentations to the townships and cities along the corridor to get their response to the request for snowmobiling on the corridor.

County Park Staff and Sheriff Deputy, hosted a public open house on June 23, 2010 to announce the request to allow snowmobiling on the regional trail. Property owners within 500 ft of the trail corridor were sent notices.

The Snowrunner's Club completed making presentations to area communities during the months of June, July, August and September. Camden Township, City of New Germany, and the City of Mayer have recommended approval of the snowmobile permit request. Waconia Township did not recommend approval. The meeting notes, minutes, and resolutions from the agencies are attached to this report for additional background information.

At the September 8, 2010 meeting of the Park Commission, the Snowrunner's Club made presentation and responded to questions about their request to allow snowmobiling on Carver County's portion of the Dakota Rail Regional Trail. Information provided included: how the trail fits or connects with the existing snowmobile trail system, trail speed limit is 50 mph unless otherwise posted or ordinance, snowmobile club members are willing to self police trail, the club has been in existence since 1980, the club maintains 86 miles of trail, patrolling would be similar to other snowmobile trails in the County, the club has insurance, the club would provide signage for the trail, the club stated that it would work with the County concerning damage to the trail, the club would respond to complaints, the club would work to resolve issues with adjacent property owners.

Primary issues or concerns that were raised included: trespassing, safety, multiple use during the winter season, noise, damage to property, and speed were stated as negative impacts.

Staff Review

The proposed request to allow snowmobiling on the Dakota Rail Regional Trail is not inconsistent with agreements to maintain the corridor for future transportation. The request is also not inconsistent with the regional trail master plan.

The Dakota Rail Regional Trail can be considered a desirable snowmobile corridor for many of the same reasons that bikers, walkers, in-line skaters, hikers will enjoy the corridor. The corridor is scenic, offers a trail experience with few interruptions from street crossings, and avoids competing with vehicles on roadways.

The proposed snowmobile route would connect with 4 north south snowmobile trail routes creating two trail loops and have logical terminus points that connect to other trails.

The proposed trail route would connect with Goose Lake and Lake Waconia. Lakes are seen as destinations by snowmobilers because they are public waters and offer open spaces to ride.

Other destinations on the trail for snowmobilers would include the cities of New Germany Mayer, and Waconia (by lake connection) which provide services of fuel, food, and entertainment which enhance the snowmobiling activity.

For the commission's consideration the following is a list of potential permit options and an evaluation of the possible advantages and disadvantages to the options.

Option 1 Map A) Request for permit from west county line to Co. Rd 155.

Advantages

- This option would satisfy snowmobile club's request and provide the greatest amount of trail for snowmobiling
- The trail connects with existing snowmobile routes on both the west end to McLeod County and the east end at Co. Rd 155
- The proposed trail would create two trail loops within the existing trail system and connects with Goose Lake and Lake Waconia.
- Three out of 4 local units of government indicated support for the request.

Disadvantages

- The request would not satisfy adjacent landowner concerns and the local unit of government who do not support the trail.
- Trestles structures near the west county line present a risk in their unimproved condition

Option 2 Map B) Recommend modifying the request from County Road 33 to Co. Rd 155

Advantages

- This request eliminates the issue with the trestles on the west end of the trail. The trestles would be barricaded from use until improvements are made.
- Reduces a few adjacent land owner concerns
- The trail would connect with an existing trail at County Road 33
- The proposed trail would create two trail loops within the existing trail system and connects with Goose Lake and Lake Waconia.
- Three out of 4 local units of government indicated support for the request.

Disadvantages

- The request would not satisfy the majority of adjacent landowner concerns and the local unit of government who do not support the trail.
- The snowmobile trail does not connect to the trail system in McLeod County.

Option 3 Map C) Recommend modifying the request from Hidden Crossing to Co. Rd. 155

Advantages

- This option eliminates the issue with the trestles on the west end of the project
- This option eliminates a potential crossing concern at the Crow River on existing County Road 33. The trail is proposed to be located on the south shoulder of the County Road 33 bridge deck. The concern is with nighttime snowmobile traffic going both directions on the south shoulder. Carver County, as the road authority, can choose to permit two-way traffic on one side of the bridge deck. The other option would be to create a short section of trail on the north side of County Road 30 for west bound traffic and allow west bound traffic to cross the county road before and after the bridge. The trail would still connect with an existing trail along County Hwy 25.
- Further reduces adjacent land owner concerns
- The proposed trail would create one trail loop within the existing trail system and connects with Goose Lake and Lake Waconia.

Disadvantages

- The request would not satisfy the majority of adjacent landowner concerns and the local unit of government who do not support the trail.
- The snowmobile trail does not connect to the trail system in McLeod County
- A trail loop is eliminated between Mayer and New Germany
- Trail alignment would not represent the City of New Germany's and Camden Township support

Option 4 Map D) Recommend modifying the request from Hidden Crossing to Goose Lake

Advantages

- Eliminates the majority of adjacent landowner concerns with the trail
- It is an option that may be supported by Waconia Township
- The trail would still create a loop within the trail system.

Disadvantages

- Trail would not connect with Lake Waconia
- The snowmobile trail does not connect to the trail system in McLeod County
- A trail loop is eliminated between Mayer and New Germany
- Trail alignment would not represent the City of New Germany's and Camden Township support

Option 5 Map E) Recommend modifying the request County Road 33 to Goose Lake

Advantages

- Eliminates the majority of adjacent landowner concerns with the trail
- It is an option that may be supported by Waconia Township
- The proposed trail would create two trail loops within the existing trail system
- Connects the City of New German to the City of Mayer

Disadvantages

- Trail would not connect with Lake Waconia
- The snowmobile trail does not connect to the trail system in McLeod County

Option 6) Recommend No permit

Advantages It may satisfy adjacent landowner concerns and concerns about damage to the trail. Construction work on the corridor may not be completed and not ready for winter use and recommendation to permit snowmobiling may be premature. Other winter uses could be considered.

Disadvantages It would not satisfy snowmobile advocates and 3 out of 4 local units of government which support the permit request, although not permitted and based on past history, some will continue to use the corridor for snowmobiling.

Recommendation:

Option 2 (County Road 33 to County Road 155) is proposed for the commission's consideration with a number of conditions which would need to be incorporated into an implementation plan. The recommendation is also contingent on that portion of the trail which is under construction, being completed before snowmobiling would be permitted.

The recommendation is not inconsistent with agreements to maintain the Dakota Rail corridor for transportation purposes and is not inconsistent with the trail master plan to consider permitting snowmobiling.

This option eliminates the trail from crossing unimproved bridge trestles on the far western limits of the proposed trail. When these structures are improved and safety and liability concerns addressed, a request could be made in the future to extend the trail.

This trail option is a significant addition to the snowmobile trail system. It would create two trail loops within the trail system and connect with existing trails on both the east and west end of the trail creating a significant east west route off of roadways. The trail links together the towns of New Germany, Mayer and Waconia and connects to public lakes of Goose and Waconia. There is not another trail from the west that connects with Lake Waconia.

The following conditions are also suggested for incorporation into an implementation plan:

- Speed zones of 25 mph would be established and signed within the city limit areas of New Germany and Mayer and from an area between the trail intersection with North Shore Drive to at a point approximately 1000 feet east of County Road 10
 - Signage would indicate "Residential Area, Posted 25 mph, Limit Enforced".
- Hours of use from 7:30 a.m. to 10:00 p.m.
- Trail would be posted no studs
- Bridge decking would be protected with a resilient surface such as rubber belting or wood chips, to be approved by the County
- At the Crow River bridge west of Mayer, the Carver County Board would need to authorize two-way traffic on the south shoulder of the bridge or allow a short section of trail on the north side of County Road 30 for west bound traffic and allow west bound traffic to cross the county road before and after the bridge.
- Entrance to Lake Waconia is recommended at the east field entrance of 12620 North Shore Road
- Driveway and road crossings, to be signed with stop signs.

- Other signage
 - No Studs
 - Posted Hours
 - Trail Entrance signage with posted rules and maps to be installed at key trail entrance points of County Rd 33, Hwy 25, Goose Lake, at 12620 North Shore Road, and at County Road 155
- Damage attributed to snowmobiles at bridges, and site amenities such as benches, bike racks, kiosks, signage to be repaired or replaced by the club
- Wear caused by carbide runners, tracks and studs to be repaired when the conditions are warranted and determined by the County,
- Complaints concerning enforcement related issues should be directed to the sheriff's dept. Snowmobile club to meet with property owners to review and address trespass issues, trespass violations reported to the sheriff dept. and club. Landowners are to contact snowmobile representative to seek assistance with trespass issue. Snowmobile club to provide contact information for those who will respond to complaints.
- Permit to be issued for one year. A scheduled review of the permit would be held in April of 2011. Permit may be revoked, renewed or modified after one year.
- Education/Enforcement, annually and prior to opening of the trail:
 - The club will hold meetings with its members and invite the public to review rules and operation of the trail and emphasize what is permitted
 - Information about the trail will be posted on county and club website
 - The club will use other measures such as email communications to its members to provide rules and emphasize what is permitted
 - The club to hold in coordination with the sheriff's dept., a minimum of 3 trail enforcement/ education saturation events on the trail, the first event to occur within 24 hours of an accumulation of 4" or more, the next event to be held within a week or two of the first providing snow conditions warrant, and the last event to be held midway through the season at a time when snow conditions provide favorable conditions, other times may be scheduled as non compliance warrants and patrol time allows
 - Carver County will submit a press release to area news papers about the trail and emphasize what is permitted
- It is proposed that barricades and signage preventing access to the trail be installed at the bridge trestles west of New Germany, the east side of County Road 155 and at the west side of Hunters Trail

Advantages Option 2 addresses much of what has been requested by the snowmobile club. The trail connects with existing snowmobile routes on the west end at County Road 33 and the east end at Co. Rd 155. The proposed trail would create three trail loops within the existing trail system and connects with two lake areas. Three out of 4 local units of government indicated support for the request. Option 2, with an implementation plan engages the snowmobile club to work with landowners to reduce existing problems that are occurring with the snowmobile activity and provides some management of the activity through interaction, signage, regulation and enforcement. The snowmobile permit can be revoked, modified or renewed. The option recognizes the relatively rural area which the trail is proposed and that public property of the railroad corridor and lake areas are significant features that will attract snowmobilers to the area.

Disadvantages Permitting snowmobiling may not satisfy the majority of landowner concerns and one unit of local government. The snowmobile club is also not going to be completely satisfied with a trail that has speed zones and hours of use.

Action: It is requested that the Park Commission approve, modify, or reject the request for snowmobiling on the Dakota Rail Regional trail.

Additionally, it is requested that the Park Commission recommend amending the County Ordinance for Parks and Recreation to include trail corridor in the definition of a park. Additionally, should the Commission accept or modify the request for a snowmobile permit, it is requested that the Commission recommend that ordinance pertaining to snowmobiles on county park and trail property be revised to be consistent with Minnesota Law and Department of Natural Resources Rules. Further, recommend that a permit for snowmobiling be submitted to the County Planning Commission for consideration. A draft permit is attached for review.

Staff Reports:

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

An additional site meeting was held with a landowner adjacent to the southern alignment of the trail at Ches Mar Drive and where the trail enters the park. The landowner did not object to the trail. MNDOT will be conducting an archeological study of the construction area to determine if there are cultural resources present. Engineering work continues to further minimize impacts to adjacent property by adjusting the trail elevations to reduce the amount of temporary construction easements needed for the project.

B) Dakota Rail Regional Trail

Pavement has been installed on the majority of the trail. Segment where pavement has not been placed includes the trailhead parking and adjacent ¼ mile trail segment and at driveway and road intersections. A segment of approximately ¼ mile in length from Goose Lake Drive to the Donder's Creek Bridge has not been installed. The bridge is approximately 4 weeks out from being placed. It is necessary to install the bridge first. Pavement would be damaged by the heavy equipment necessary to install the bridge.

C) Events and activities:

Staff will update Commissioners on past activity of the Buckthorn Round Up and upcoming Chili Cook-off.

Meeting Notes
Provided by
Camden Township

The Camden Township Board recommends that the Dakota Rail Trail allow snowmobiles with the following suggestions:

Stop Signs be placed by all driveways.

Fences be placed along the trail where property such as orchards are at risk of being driven on.

Speed limit signs be placed both in the country and in towns with a lower limit in the towns.

Some or all of this could be done by the Southwest Trails Snowmobile Club. The Club also volunteered to repair damages if there are any.

There were some concerns voiced about the traffic on this trail already which is illegal. It might be better to allow traffic with some controls that are listed above. If traffic is not allowed, it would appear there would still be some traffic like there is today without the controls suggested above.



**City of Mayer Resolution 08-09-2010-19
Support of Snowmobiling on the Dakota Rail Regional Trail**

WHEREAS, the City of Mayer recognizes the importance of trails to provide links to communities and,

WHEREAS, the City desires to promote the community by providing access to trails;

WHEREAS, the City desires to allow snowmobiling on the Dakota Rail Regional Trail;

WHEREAS, the City desires to cooperate with the Snowmobile Club to create a recreation resource for snowmobiling;


NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Mayer Supports the use of snowmobiles on the Dakota Rail Regional Trail.

Adopted by the Mayer City Council this 9th day of August, 2010



Chris Capaul, Mayor

Attest:



Lois Maetzold, City Clerk

Snowmobile permit decision.txt
From: Jeff Schwendinger [Jeff@Service800.com]
Sent: Wednesday, August 11, 2010 2:06 PM
To: Martin Walsh
Subject: Snowmobile permit decision

Marty,

I want to inform you of the decision made by the Waconia Township Board at the meeting held on Monday, August 9th 2010 regarding the permit application by the snowmobile club to allow use of the Dakota Trail.

Gordon Wickenhauser: Made a motion to not allow the permit to go through. He stated he did not agree with allowing snowmobiles on a paved surface as it would create too much additional wear-and-tear, requiring more maintenance and therefore additional tax money to maintain.

Gordon also commented that the township needs to strongly take into consideration the residents with homes along the trail who felt the trail would only add to problems with successfully patrolling the trail (24 hours, 7 days a week), the disruptive nature of the noise created and controlling people that snowmobile off the trail and onto private property.

Allen Friske: Seconded the motion. He agreed that the residents had a valid concern with the number of people that snowmobile off the trail and onto private land. He did state he may be in favor of an alternative plan that would allow a designated snowmobile trail to cross over the Dakota Trail in an effort to create a more direct path connecting existing trail systems.

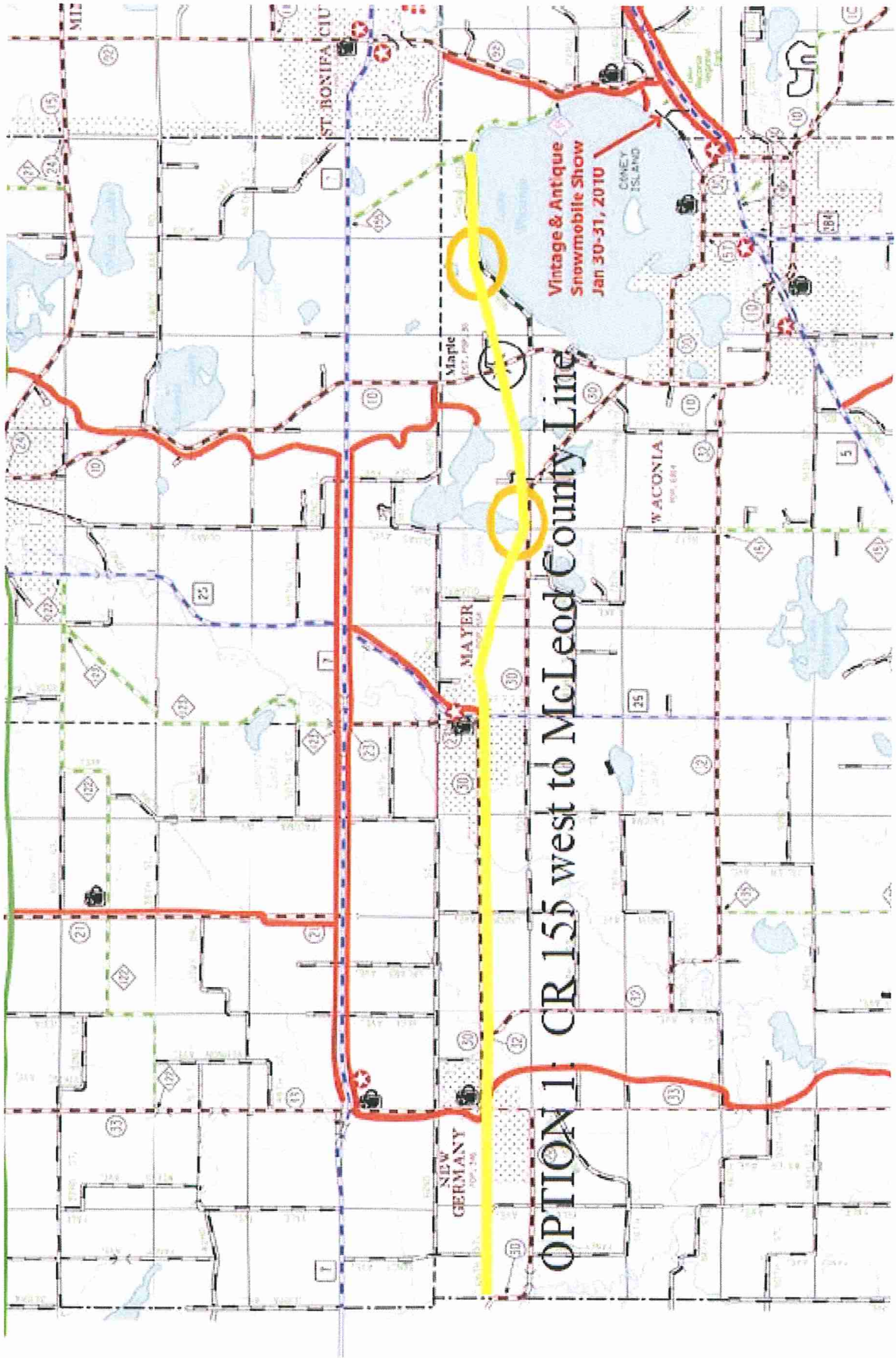
Thomas Williams: Voted 'neutral' on the topic and did not vote in favor or against the permit application.

The motion to not allow the permit application by the snowmobile club to move forward (by Waconia Township) was passed.

Please let me know if you have any questions.

Thank you

Jeff Schwendinger
Waconia Township Clerk



OPTION 1: CR 155 west to McLeod County Line

Vintage & Antique Snowmobile Show
Jan 30-31, 2010

NEW GERMANY
pop. 1,500

MAYER
pop. 1,000

MAPLE
pop. 300

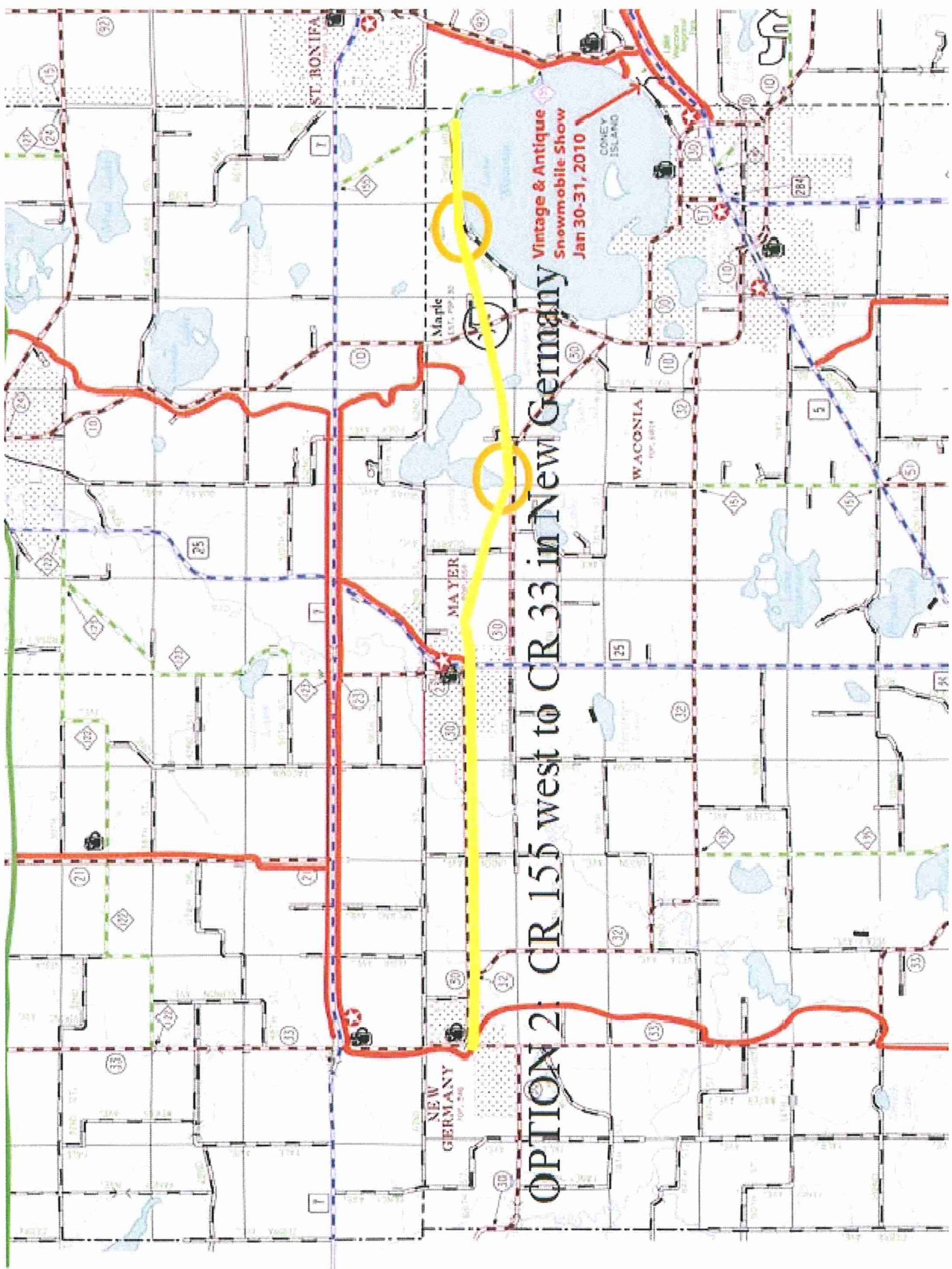
WACONIA
pop. 680

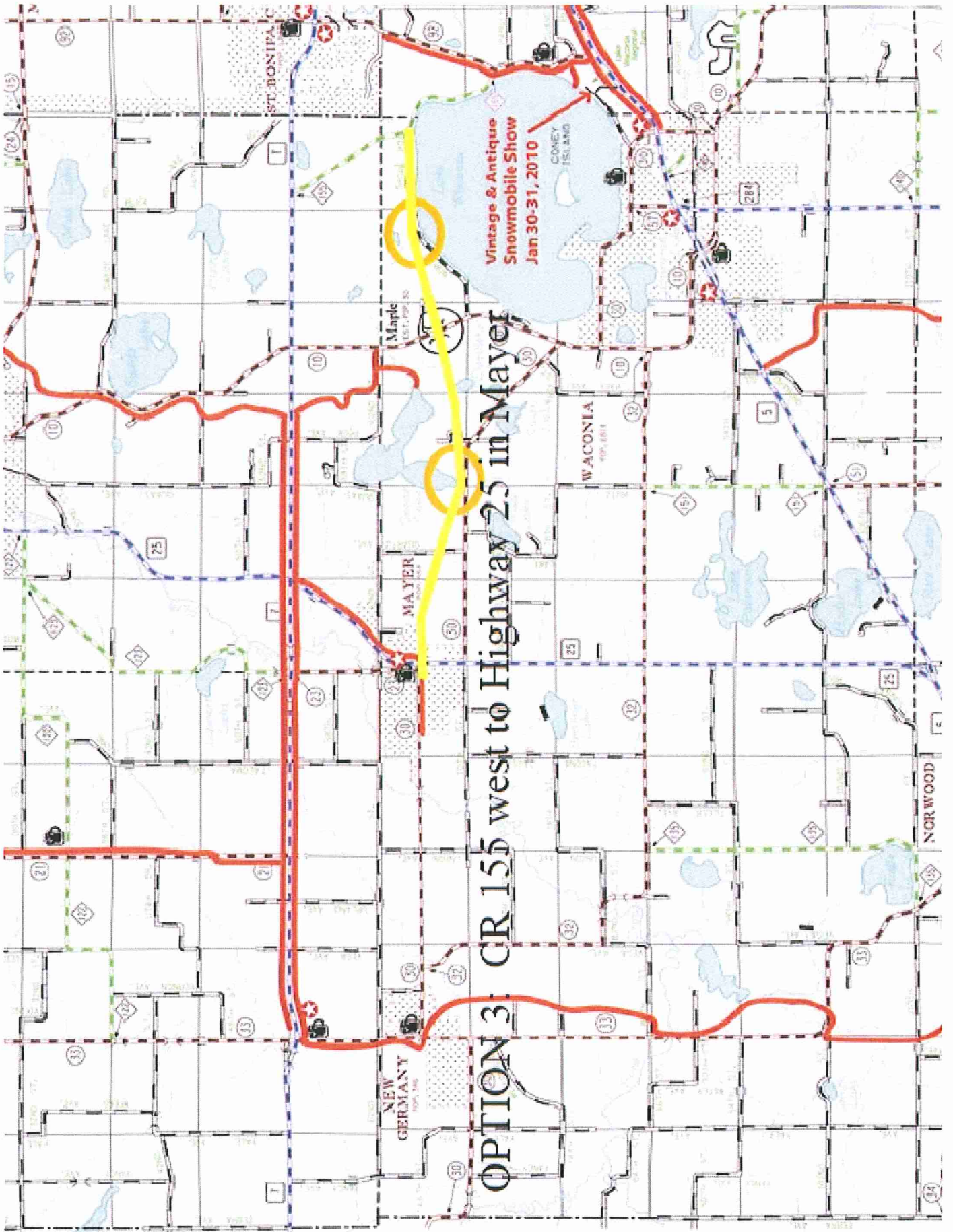
CINNEY ISLAND

ST. BONIFACE CIO

Vintage & Antique
Snowmobile Show
Jan 30-31, 2010

OPTION 2: CR 155 west to CR 33 in New Germany





OPTION 3: CR 155 west to Highway 25 in Mayer

Vintage & Antique Snowmobile Show
Jan 30-31, 2010

NEW GERMANY

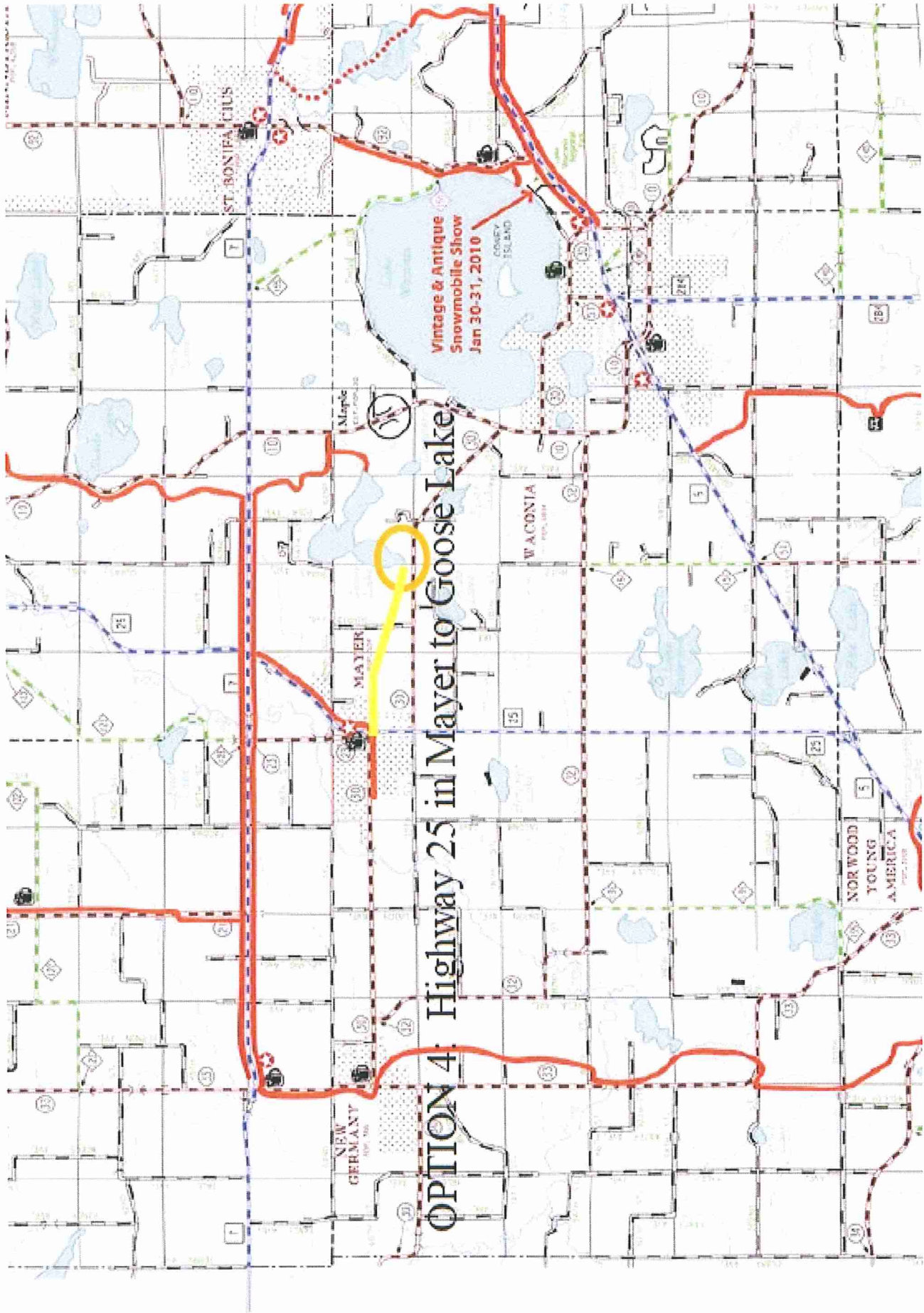
MAYER

WACONIA

NORWOOD

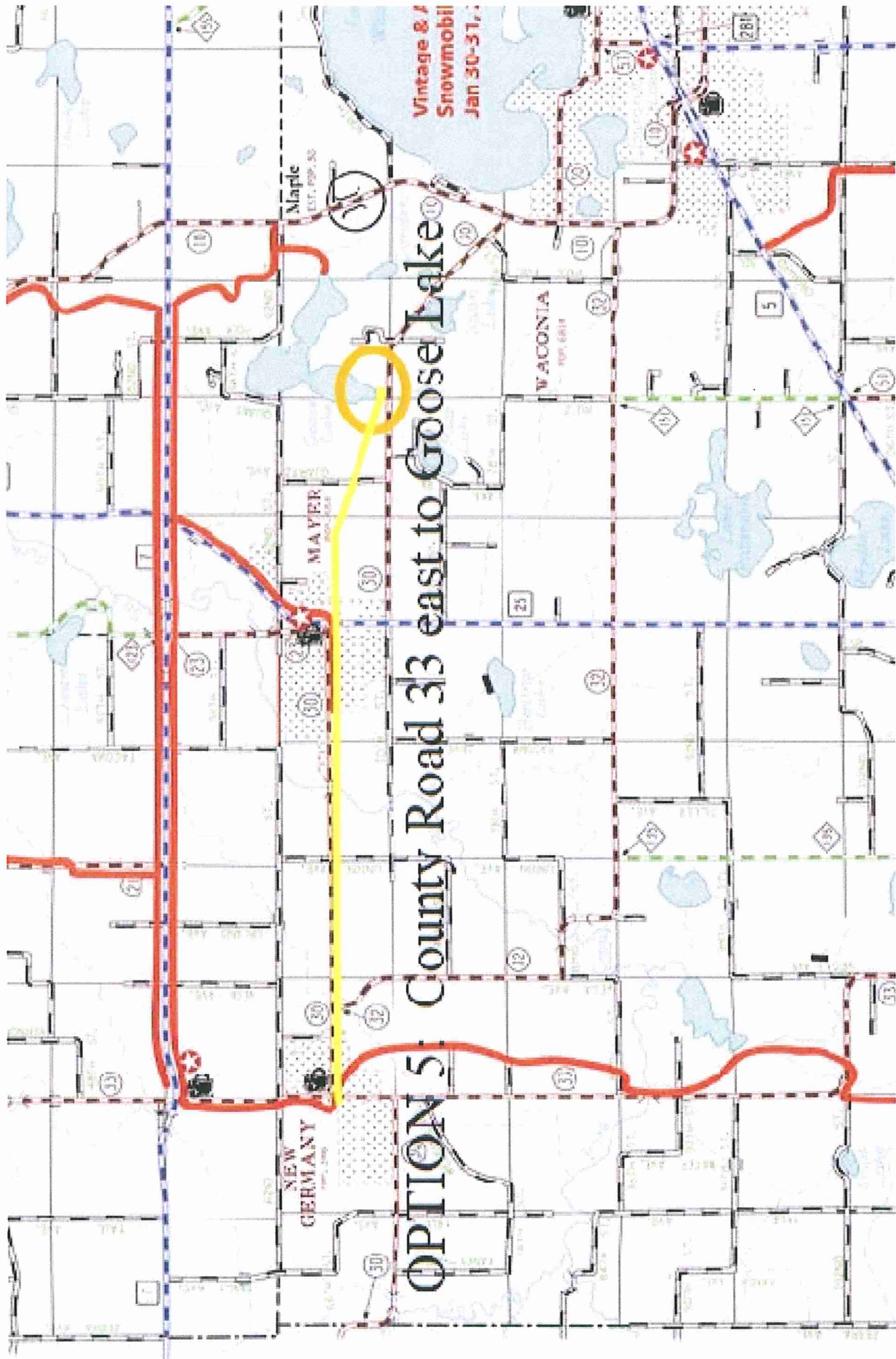
Maple

ST. BONIFACE



OPTION 4: Highway 25 in Mayer to Goose Lake

Vintage & Antique
Snowmobile Show
Jan 30-31, 2010



OPTION 5: County Road 33 east to Goose Lake

Vintage & /
Snowmobil
Jan 30-31, 2011

NEW
GERMANY
EST. POP. 100

MAYER
POP. 100

WACONIA
POP. 600

Maple
EST. POP. 50

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

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, 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 approximately 300 feet west of County Road 33 and west of the North-South Section 4 line at the, 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 and 5 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 nine (9) months, commencing on the 1st day of December, 2010 and terminating on the 31st day of August 31, 2011.

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.

Permitee will submit an implementation plan which address:

All County and local ordinances and regulations shall be followed by the Snow Runners Club 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 Snow Runners Club will take precautions to protect the blacktop and bridge surfaces of the trail.
- Speed zones of 25 mph would be established and signed within the city limit areas of New Germany and Mayer and from an area between the trail intersection with North Shore Drive to at a point approximately 1000 feet east of County Road 10
 - Signage would indicate “Residential Area, Posted 25 mph, Limit Enforced”.
- Hours of use from 7:30 a.m. to 10:00 p.m.
- Trail would be posted no studs on the portion of the trail with pavement
- Bridge decking would be protected with a resilient surface such as rubber belting or wood chips, to be approved by the County
- At the Crow River bridge west of Mayer, the road authority (Carver County Board) would need to authorize two-way traffic on the south shoulder of the bridge or allow a short section of trail on the north side of County Road 30 for west bound traffic and allow west bound traffic to cross the county road before and after the bridge.
- Entrance to Lake Waconia is recommended at the east field entrance of 12620 North Shore Road
- Driveway and road crossings, to be signed with stop signs.
- Other signage
 - No Studs
 - Posted Hours
 - Trail Entrance signage with posted rules and maps to be installed at key trail entrance points of County Rd 33, Hwy 25, Goose Lake, at 12620 North Shore Road, and at County Road 155
- Damage attributed to snowmobiles at bridges, and site amenities such as benches, bike racks, kiosks, signage to be repaired or replaced by the club
- Wear caused by carbide runners, tracks and studs to be repaired when the conditions are warranted and determined by the County,
- Complaints concerning enforcement related issues should be directed to the Sheriff’s Dept. Snowmobile club to meet with property owners to review and address trespass issues, trespass violations reported to the sheriff Dept. and Club. Landowners are to contact snowmobile representative to seek assistance with trespass issue. Snowmobile Club to provide contact information for those who will respond to complaints.
- Permit to be issued for one year. A scheduled review of the permit would be held in April of 2011. Permit may be revoked, renewed or modified after one year.
- Education/Enforcement, annually and prior to opening of the trail:
 - The club will hold meetings with its members and invite the public to review rules and operation of the trail and emphasize what is permitted
 - Information about the trail will be posted on County and Club website
 - The club will use other measures such as email communications to its members to provide rules and emphasize what is permitted
 - The Club to hold in coordination with the Sheriff’s Dept., a minimum of 3 trail enforcement/ education saturation events on the trail, the first event to occur within 24 hours of an accumulation of 4” or more, the next event to be held within a week or two of the first providing snow conditions warrant, and the last event to be held midway through the season at a time when snow conditions provide favorable conditions, other times may be scheduled as non compliance warrants and patrol time allows
 - Carver County will submit a press release to area news papers about the trail and emphasize what is permitted

- It is proposed that barricades and signage preventing access to the trail be installed at the bridge trestles west of New Germany, the east side of County Road 155 and at the west side of Hunters 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.

VI. LIABILITY AND PROPERTY DAMAGE INSURANCE PROVISION

The Association agrees that in order to protect itself as well as the County from claims arising out of the use of the land covered by this permit, it will at all times during the term of this Agreement keep in force policies of insurance providing:

1. Commercial General Liability Insurance Policy with minimum limits of \$1,500,000 combined single limit (CSL), with coverage pertaining to premises operations.
2. In the event Combined Single Limits Coverage is not secured by the contractor, the following minimum limits apply:
 - a) \$3,000,000 Aggregate
 - 1) \$3,000,000 Products and Completed Operations Aggregate
 - 2) \$1,500,000 Personal Injury and Advertising Injury
 - 3) \$1,500,000 Each Occurrence
 - b) \$ 100,0000 Fire Damage Limit
 - c) \$5,000 Medical Expense

