# CLOQUET PARKS COMMISSION AGENDA

## Pine Valley Monday, August 5, 2019 4:30 p.m.

		1120 man j 1 mag and 2 j 2015 1100 p 1111	
			ACTION TAKEN
1.	Call	to Order.	
2.	App	proval of Minutes.	
	a.	July 1, 2019, Regular Commission Meeting. (Additions, deletions, or corrections)	
3.		ouncements, Agenda Adjustments, Correspondence, and er Comments.	
4.	Info	rmation and Reports.	
	a.	<ul> <li>Commissioners Update/Other.</li> <li>Public Comments.         Please give your name, and address. Visitors may share concerns on any issue agenda. Each person will have 3 minutes to speak. The Chair reserves the righ presentation if it becomes redundant, repetitive, irrelevant, or overly argument taken under advisement by the Commission. No action will be taken at this time limited to 10 minutes per topic or 30 minutes total. The Commission may require future agenda for further discussion as part of the regular meeting.     </li> <li>Commissioner Comments/Updates.</li> </ul>	t to limit an individual's ative. All comments will be e. Public Comments will b
	b.	Community Ed Report –Ruth	
	c.	City Staff Report – Caleb  CIP/Budget Update  Maintenance Activities	
5.	Acti	on Items.	
	a.	FDL Ski Trail Agreement	
6.	Futı	• Next Meeting (Monday, September 5, 2019 – Location??)	

Adjourn.

7.

Regular Meeting.

Parks Commission July 1, 2019 - 4:30 p.m.

Athletic Park

Present:

C. Martinson, J. Fryc, M. Krick, T. Krohn, T. Urbanski

Absent:

J. Anderson, J. Badger

Staff:

C. Peterson, K. Stedman, A. Chalberg, L. Anderson,

Others:

K. Kolodge, A. Wojciehowski, L. Gorski, P. Nordvall, L. Baker, K. Cosgriff, T. Pyrlik, J. Krohn

#### **MINUTES**

The minutes of the June 3, 2019 regular meeting were presented. Motion by Krick and 2<sup>nd</sup> by Krohn to approve, motion carried 4-0.

#### AGENDA ADJUSTMENTS

Commissioner Krohn wanted to add Mountain Bike Trail fundraising updates.

#### PUBLIC COMMENTS

#### SKATEPARK OPERATIONS:

The Planning Commission asked neighbors and skate park users to attend the meeting to share their observations and concerns. Some concerns include fighting, bullying, older skaters telling younger inexperience skaters to get out, trash, skaters using trash cans as jumps, injuries, lack of protective gear and parking in the no-parking zone on Prospect Avenue. Staff added that future plans include angled parking along the north side of Prospect Avenue. Positive comments include the camaraderie among the skaters, some of the original core group helping to stop bullying, some skaters picking up the trash, sharing water, and just being kind. Staff advised reporting anonymously, using Nixle, if there are problems, and will consider more signage for that. Requests included some adult supervision, requiring fees for future upkeep, lighting, a water fountain and lastly perhaps a specific time be set aside for just younger skaters. Staff responded saying the park was set up to be just a daylight park. Lighting wasn't budgeted for at this time. Other requests would be considered at a later date. Commissioner Martinson handed out quite a few flyers for this meeting and would have liked to see more of the skaters involved in this discussion. His request to the group was to tell the kids that we are listening, we want to be aware of any concerns or questions.

#### COMMISSIONERS UPDATE / PUBLIC COMMENTS

Commissioner Krohn discussed the fundraising for Pine Valley Trail Phase II. He introduced Mr. J. Krohn who brought a \$1500 donation from Sappi. In addition the Hospital has donated \$300 and there were 2 more private donations. There is a fundraising event on August 11<sup>th</sup> at Pine Valley. The Grant will match the funds raised up to \$62,500. Commission Kolodge asked if there would be a way for the City to provide funds to ensure the whole match is met, Staff will investigate.

#### CITY STAFF REPORT

PICKLE BALL COURTS: C. Peterson reports the Pickle Ball courts are almost done, the windscreens need to be tied again as they broke during the last heavy wind storm. He has received lots of positive comments already. CIP/BUDGET REVIEW: The highlights were reviewed and the report will go to the City Council next month. MAINTENANCE: Staff has been busy getting ready for the 4<sup>th</sup> of July Celebration. The pond keep-fill sensor went out so with all the rain it was quite high. It has been resolved.

#### **NEXT MEETING**

The next meeting to be held Monday August 5th - 4:30 p.m. location to be determined. On motion duly carried by a unanimous yea vote of all members present, the Parks Commission adjourned.

Secretary		



#### DEPARTMENT OF PUBLIC WORKS

1307 Cloquet Avenue; Cloquet, MN 55720 Phone: (218) 879-6758 Fax: (218) 879-6555 Street - Water - Sewer – Engineering - Park www.ci.cloquet.mn.us

#### REQUEST FOR ACTION

To:

Park Commission

From:

Caleb Peterson, Public Works Director

Date:

August 5, 2019

ITEM DESCRIPTION:

FDL Ski Trail Agreement.

#### **Proposed Action**

Staff recommends the Park Commission MOVE TO RECOMMEND APPROVAL OF THE AGREEMENT WITH FDL FOR OPERATION AND MAINTENANCE OF THE PINE VALLEY WEST SKI TRAIL.

#### **Background**

The City of Cloquet has operated the very popular Pine Valley West Ski Trail for a number of years. In 2013 a portion of the land which on which the trail runs was purchased by FDL. Since that time the City has entered into an agreement with FDL for continued use of the property as a ski trail.

The current agreement has expired and needs to be renewed. In order to accommodate the requests of the many trail users, Section 10 was added to the agreement outlining the terms of potential trail improvements on the FDL owned parcel.

#### **Policy Objectives**

Master Plan Policy 7.3: Partnerships with other jurisdictions and non-government entities shall be sought to achieve extensions of the City's trail network.

#### Financial/Budget/Grant Considerations

N/A.

#### **Supporting Documentation Attached**

Land Use Permit Agreement. Trail Map.

#### LAND USE PERMIT AGREEMENT

This Agreement, by and between the Fond du Lac Band of Lake Superior Chippewa, 1720 Big Lake Road, Cloquet, Minnesota 55720 ("FDL"), and the City of Cloquet, 1307 Cloquet Avenue, Cloquet, MN ("the City"), shall be governed by the following terms and conditions:

1. Subject Parcels and Purpose. FDL grants a permit to the City for the use of the following Permitted Property:

Pine Valley Ski Trail located in the South Half of Section 27, Township 49N, Range 17W. (See Exhibit A, attached.)

The City is permitted to enter upon the Permitted Property only for maintenance and use of a cross country ski trail.

2. <u>Term.</u> The term of this Land Use Permit Agreement is the 2019 to 2022 ski seasons, commencing on **June 1**, **2019** and continuing through **May 31**, **2022**.

#### 3. Termination.

- 3.1 This Land Use Permit Agreement is subject to cancellation by FDL at any time upon written notice.
- 3.2 The City covenants that at the termination of this Land Use Permit Agreement by lapse of time or otherwise, it shall remove its personal property, restore the Permitted Property to its original condition, and desist entry upon the Permitted Property.
- 4. No Rent or License Fee. The City shall owe FDL no rent or license fee under this Land Use Permit Agreement.
- 5. <u>Duties of FDL.</u> FDL shall allow access to the Permitted Property by the City, its authorized representatives and the general public for the purposes of maintenance and use of a cross country ski trail.

#### 6. **Duties of the City.**

- 6.1 The City shall allow access by FDL and FDL Band Members to the entire Pine Valley Ski Trail at no charge or fee during the life of this Land Use Permit Agreement.
- 6.2 The City shall not use the Permitted Property at any time for any purpose outside the scope of this Land Use Permit Agreement.
- 6.3 The City shall not assign, sublet, or otherwise transfer its interest in this Land Use Permit Agreement without the prior written consent of FDL.
- 6.4 The City shall make no alterations, additions, or changes in the Permitted Property without the advance consent of FDL.

#### 7. Insurance.

7.1 Property Damage. It shall be the duty of the City and FDL to maintain insurance or self-insurance on their own property, both real and personal. Notwithstanding anything apparently to the contrary in this Land Use Permit Agreement, the City and FDL hereby release on another and their respective partners, officers, employees and property manager from any and all liability or responsibility to the other or anyone claiming through or under them by way of subrogation or otherwise for loss or damage covered by said insurance, even if such loss or damage shall have been caused by the fault or negligence of the other party,

or anyone for whom such party may be responsible.

- 7.1 <u>Liability.</u> The City and FDL agree that each party will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of any others and the results thereof.
- 8. Compliance with Applicable Laws; Right to Inspect Sites. The City shall comply with all federal, tribal or state laws applicable to its use of subject parcels. FDL reserves the right to inspect the subject parcels at any reasonable time to ensure compliance with this section.
- 9. <u>Jurisdiction of Fond du Lac Tribal Court</u>. Any dispute arising under this Land Use Permit Agreement shall be subject to the jurisdiction of the Fond du Lac Tribal Court, which shall apply, in its sole discretion, applicable federal or tribal law in the resolution of such disputes.

#### 10. Trail Maintenance.

- 10.1 During the summer of 2016 the City proposes to perform minor grading of the trail in order to eliminate irregularities in the existing surface which make skiing difficult. Any disturbed soil requiring restoration will be reseeded.
- 10.2 Prior to the performance of any grading work a member of FDL Resource Management staff will meet onsite to review the proposed scope of work. Any concerns and/or recommendations shall be mutually resolved in writing prior to the actual land disturbance.

#### FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

Kevin R. Dubuis, Sr. Chairman FDL Reservation Business Committee	DATE: 7-9-19
Ferdinand Martineau, Jr., Secretary Treasurer FDL Reservation Business Committee	DATE: 7-9-19
THE CITY OF CLOQUET	DATE:
Printed Name:	

# Fond du Lac Band of Lake Superior Chippewa 1720 Big Lake Rd. Reservation Business Committee

1720 Big Lake Rd. Cloquet, MN 55720 Phone (218) 879-4593 Fax (218) 879-4146



Resolution # 22/6/19

## APPROVING RENEWAL OF FDL LAND USE PERMIT FOR CITY OF CLOQUET/PINE VALLEY TRAIL

The Fond du Lac Reservation Business Committee on behalf of the Fond du Lac Band of Lake Superior Chippewa enacts the following resolution:

Chairman Kevin R. Dupuis, Sr.

Secretary/Treasurer
Ferdinand Martineau, Jr.

Dist 1 Representative Wally J. Dupuis

Dist. Il Representative Bruce M. Savage

Dist III Representative Roger M. Smith, Sr.

Executive Director, Tribal Programs Miyah M. Danielson WHEREAS,

the Fond du Lac Band of Lake Superior Chippewa are a sovereign people, who occupy the Fond du Lac Reservation and retain their aboriginal rights of self-government and self-determination pursuant to the Treaty of LaPointe of September 30, 1854, 10 Stat. 1109; the Indian Reorganization Act of 1934, 25 U.S.C. § 461 et seq.; the common law of the United States; and as recognized by the United Nations Declaration on the Rights of Indigenous Peoples of September 13, 2007; and

WHEREAS,

it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the duly-constituted governing body of the Fond du Lac Band, to exercise the responsibilities of self-government and management over the Band's affairs; and

WHEREAS,

City of Cloquet, 1307 Cloquet Avenue, Cloquet MN 55720, is requesting renewal of their Land Use Permit Agreement, for the following described parcel of land:

PINE VALLEY SKI TRAIL

Located in the South Half of Section 27, Township 49 N, Range 17W (See attached Exhibit A)

WHEREAS,

the term of this Land Use Permit Agreement is 3 years, beginning on June 1, 2019, and ending on May 31, 2022.

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business

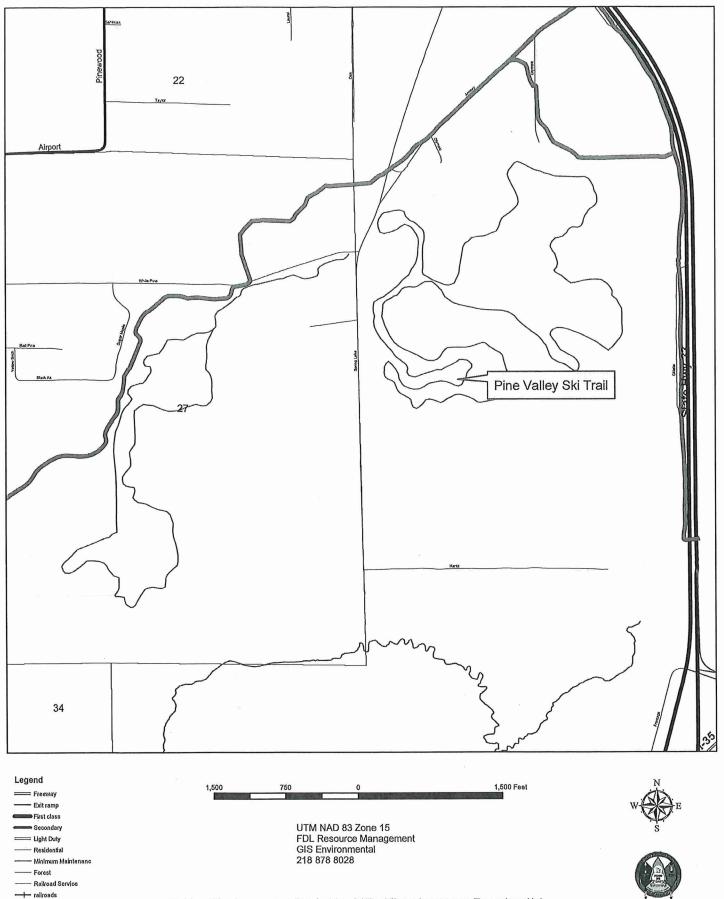
Committee does hereby direct that the Land Use Permit Agreement issued to the City of Cloquet, for the Pine Valley Trail on the above described parcel, be renewed for a term of three (3) years.

#### **CERTIFICATION**

We do hereby certify that the foregoing Resoluti for, against,, silent, with a quoi	ion was duly presented and enacted by a vote of 4 rum of 5, being present at an Executive Meeting of
the Fond du Lac. Reservation	Business Committee held on
July 9, 2019	on the Fond du Lac Reservation.
Kayla B Dubla Sa Chalman	Sun Mind
Kevin R. Duguis, Sr., Chairman	Ferdinand Martineau, Jr., Secretary/Treasurer
FDL Reservation Business Committee	FDL Reservation Business Committee

Land Information Department - Resource Management Division Fond du Lac Band of Lake Superior Chippewa - Cloquet, Minnesota I hereby certify that the within instrument was filed in this office on July 16, 2019 at 11:19 AM Doc# 201907019 Timothy J Kohn, Land Information Manager

### Pine Valley Ski Trail



Disclaimer: FDL makes no representations about the suitability of this map for any purpose. The map is provided 'as is' without express or implied warranties, including warranties of merchantability and filness for a particular purpose or noninfringement.

Snowmobile trails

Pine\_Valley\_Ski\_Trail

Printing Date: June 13, 2011