

**CLOQUET PARKS COMMISSION
AGENDA**

**City Hall
Monday, March 2, 2020 4:30 p.m.**

ACTION TAKEN

1. **Call to Order.**
2. **Approval of Minutes.**

 - a. February 3, 2020, Regular Commission Meeting.
(Additions, deletions, or corrections)
3. **Announcements, Agenda Adjustments, Correspondence, and Other Comments.**
4. **Information and Reports.**

 - a. Commissioners Update/Other.
 - Public Comments.
Please give your name, and address. Visitors may share concerns on any issue, which is not already on the agenda. Each person will have 3 minutes to speak. The Chair reserves the right to limit an individual's presentation if it becomes redundant, repetitive, irrelevant, or overly argumentative. All comments will be taken under advisement by the Commission. No action will be taken at this time. Public Comments will be limited to 10 minutes per topic or 30 minutes total. The Commission may request an item be placed on a future agenda for further discussion as part of the regular meeting.
 - FDL Invasive Species Program.
 - Commissioner Comments/Updates.
 - b. Community Ed Report –Ruth
 - c. City Staff Report – Caleb
 - Single Track Trail Phase II Update
 - Skating Rink Use
 - Maintenance Activities
5. **Action Items.**
 - a. FDL Trail Agreement

6. **Future Items.**
 - Next Meeting (**Monday, April 6, 2020** – City Hall)
7. **Adjourn.**

Regular Meeting.
Parks Commission February 3, 2020 - 4:30 p.m.
City Hall

Present: M. Krick, T. Krohn, T. Urbanski, J. Badger, J. Anderson
Absent: J. Fryc, C. Martinson
Staff: C. Peterson, T. Johnson, K. Stedman, A. Chalberg, L. Anderson
Others: R. Reeves, K. Cotner, J. Eckenberg, K. Kolodge

MINUTES

The minutes of the January 6, 2020 regular meeting were presented. Motion by Krick and 2nd by Krohn to approve with correction of attendance roster, motion carried 4-0.

COMMUNITY ED

R. Reeves and K. Cotner gave a presentation on the 2019 Beach season. Concessions pricing may need to be addressed for 2020 as staff and supply costs continue to rise. Commissioner Urbanski commented that a contractor run stand may be another option. Zip code data of patrons was collected in 2019 which aligned well with the Commission's recent discussion about keeping season pass rates static for the benefit of residents.

COMMISSIONERS UPDATE

Commissioner Krohn presented a draft application to the Greater Minnesota Parks and Trail Commission for regional designation of Pine Valley. Councilor Kolodge commented this effort could reinforce discussions with the legislature about a possible sales tax under the new rules. Krohn went on to review a planned May 5th fundraiser at Pine Valley, the need to amend the existing FDL trail permit for Pine Valley West, and his idea to form a park system wide 501c3 for fundraising activities.

Commissioner Urbanski noted large piles of snow in Veterans and Wentworth Parks and requested staff be careful to avoid damage due to snow removal operations.

Councilor Kolodge asked that staff consider general park system overview as part of a future Council discussion. He noted Council has had a large turnover since the sales tax was implemented.

CITY STAFF REPORT

Staff asked the commission to refrain from acting on the attendance policy at this time. The item will be brought forward for future consideration if the issue persists.

ACTION ITEMS

President Eckenberg and Commissioner Anderson presented the 2020 Cloquet Youth Baseball/Softball Association Budget and 2019 Financial Statements. Discussion was had regarding approximately \$6,000 in needed repairs to the playground. Staff noted the age of the current playground would suggest it's time to begin planning for replacement in the next budget cycle.

Motion by Krohn and 2nd by Badger to approve the CYBSA 2020 budget and 2019 financial statements. Motion carried 4-0.

NEXT MEETING

The next meeting to be held Monday March 2, 2020 - 4:30 p.m. at City Hall.
On motion duly carried by a unanimous yeas vote of all members present, the Parks Commission adjourned.

Secretary

Skating Rink Attendance 12/20/2019 - 2/23/2020

| <u>Location</u> | <u>Weekend</u> | <u>Weekday</u> | <u>Winter Break</u> | <u>Total</u> | <u>Average per day</u> | <u>Total days open</u> |
|-----------------|----------------|----------------|---------------------|--------------|------------------------|------------------------|
| Athletic | 71 | 32 | 7 | 110 | 2.2 | 50 |
| Dunlap Island | 295 | 133 | 96 | 524 | 9.88 | 53 |
| Pinehurst | 135 (17) | 159 (31) | 29 (9) | 323 (57) | 6.46 (1.14) | 50 |
| Sunnyside | 241 | 338 | 65 | 644 | 12.15 | 53 |

Numbers in () represent the number of people in the warming house at Pinehurst

Upcoming Maintenance Costs: The furnace needs replacing with an estimated cost of \$4000 - \$4400

Rink Attendant Cost: Approx. \$350 per week



DEPARTMENT OF PUBLIC WORKS

101 14th Street; Cloquet, MN 55720
Phone: (218) 879-6758 Fax: (218) 879-6555
Street - Water - Sewer – Engineering - Park
www.cloquetmn.gov

REQUEST FOR ACTION

To: Park Commission
From: Caleb Peterson, Public Works Director
Date: March 2, 2020

ITEM DESCRIPTION: FDL Trail Agreement.

Proposed Action

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

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 was renewed in 2019 but since that time FDL has implemented a Land Use Permit for nonband members using tribal lands. It was not the intent of Reservation Business Committee to impact any existing agreements with the new permit system. In order to clarify the City and public rights under the new regulations, the existing Land Use Permit for the Trail was amended to reflect year-round use and maintenance.

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

Amended Land Use Permit Agreement.

AMENDED 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 17 W. (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. **Term.** The term of this Land Use Permit Agreement commences 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. **Duties of FDL.** 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 for skiing, hiking, running, or biking.
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 **Liability.** 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. **Jurisdiction of Fond du Lac Tribal Court.** 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 summers of this the term of this permit the City may 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.

 - 10.3 The City may mow the trail if needed during the summer. The City may remove trees that have fallen across the trail or are a danger to trail users.


11. **Fond du Lac Land Access Permit.** Users of the Pine Valley ski trail on FDL do not need a FDL Land Access Permit.

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA



Kevin R. Dupuis, Sr. Chairman
FDL Reservation Business Committee

DATE: 2-19-2020



Ferdinand Martineau, Jr., Secretary/Treasurer
FDL Reservation Business Committee

DATE: 2-19-2020

THE CITY OF CLOQUET

DATE: _____

Printed Name: _____

Title: _____

Fond du Lac Band of Lake Superior Chippewa Reservation Business Committee

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

Resolution # 1053 /20

APPROVING AMEND 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:

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 La Pointe 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, Fond du Lac's new Land Access Policy excludes ski trails from requiring users from obtaining a Land Access Permit the Land Use Permit Agreement is being amended to reflect this new policy, for the following described parcel of land:

PINE VALLEY SKI TRAIL


Located in the South Half of Section 27, Township 49 N, Range 17 W (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 amended.

CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and enacted by a vote of 4 for, 0 against, 0, silent, with a quorum of 5, being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on February 11, 2020, on the Fond du Lac Reservation.


Kevin R. Dupuis, Sr., Chairman
FDL Reservation Business Committee


Ferdinand Martineau, Jr., Secretary/Treasurer
FDL Reservation Business Committee



Chairman
Kevin R. Dupuis, Sr.
Secretary/Treasurer
Ferdinand Martineau, Jr.

Dist. I Representative
Wally J. Dupuis

Dist. II Representative
Bruce M. Savage

Dist. III Representative
Roger M. Smith, Sr.

Executive Director,
Tribal Programs
Miyah M. Danielson

Executive Director,
Tribal Enterprises
Terry Savage