

Memo

To: Honorable Mayor and City Council
From: Joe Kohlmann, City Administrator
Date: August 28, 2012
Re: Regional Trail – 2012-2013 Winter Trail Activities Permit

This is an annual request from Three Rivers Park District for the City to authorize winter activities on the portion of the LRT Trail located in Tonka Bay. The City Council has always authorized the trail as having “no restrictions”. Attached for your review are the application and required certificate of insurance.

Council Action Requested:

Motion to authorize Greg Kluver, Public Works Superintendent, to execute the attached application and submit it to Three Rivers Park District for approval.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/24/12

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 3600 American Boulevard, Suite 500 Bloomington, MN 55431	CONTACT NAME: Ann Stanton	FAX (A/C, No): 952-358-7501	
	PHONE (A/C, No, Ext): 952-358-7505	E-MAIL ADDRESS: ann_stanton@ajg.com	
INSURED City of Tonka Bay 4901 Manitou Road Tonka Bay, MN 55331	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: The League of MN Cities Insurance Trust		
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY			CMC34641	08/15/12	08/15/13	EACH OCCURRENCE \$ 1,500,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	<input checked="" type="checkbox"/>					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000
	<input checked="" type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR						MED EXP (Any one person) \$ 1,000
	<input checked="" type="checkbox"/> BI/PD Ded. \$250						PERSONAL & ADV INJURY \$ 1,500,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$ 1,500,000
	<input checked="" type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident) \$
A	UMBRELLA LIAB			MEL7592	08/15/12	08/15/13	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> OCCUR					AGGREGATE \$ 1,000,000
	<input type="checkbox"/> RETENTION \$	<input type="checkbox"/> CLAIMS-MADE					\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			0200030829	08/15/12	08/15/13	WC STATU-TORY LIMITS
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICE/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A				E.L. EACH ACCIDENT \$ 1,500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 1,500,000
							E.L. DISEASE - POLICY LIMIT \$ 1,500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Three Rivers Park District is listed as an Additional Insured per form ME014 with respect to the Southwest Regional LRT Trail corridors 11/15/2012 to 03/31/2013 winter use permit issued to the City of Tonka Bay.

CERTIFICATE HOLDER

CANCELLATION

Three Rivers Park District 3000 Xenblum Lane North Plymouth, MN 55441	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

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Three Rivers

PARK DISTRICT

RECEIVED

AUG - 2 2012

Memo

DATE: August 1, 2012

TO: Joe Kohlmann, City Administrator
City of Tonka Bay

FROM: Boe Carlson, Associate Superintendent
Division of Park and Trail Operations

SUBJ: Regional Trails – 2012-2013 Winter Trail Activities Permit

PLEASE RESPOND TO THIS REQUEST BY SEPTEMBER 7, 2012

Enclosed is a copy of the 2012-2013 Winter Use Permit request form for regional trail segments located within your community. Please determine the level of winter use you are requesting, fill out the application form and follow the procedures outlined below. If your community does not plan to authorize any winter use activities, please indicate (none) in the box at the top of the permit and return it.

The Winter Use Permit ultimately authorizes your City to utilize the section of trail for the use you request. Permitted activities are determined by individual communities, contingent upon approval from the Park District's Board of Commissioners. **An updated Certificate of Insurance, naming Three Rivers Park District as an additional named insured, should be submitted with the permit application. Coverage will need to show inclusive dates from November 15, 2012 through March 31, 2013. Please include proposed rules and regulations for winter use, as well.**

Permit requests should be submitted to Janet Brown, Administrative Assistant, and **include verification of formal City Council action approving the proposed activities (a copy of appropriate meeting minutes)**. Some cities have elected to pass board motions authorizing multi-year Winter Trail Activities Permit applications. This is completely acceptable to the Park District and may save you administrative time. If your city has already pre-authorized multi-years, please submit an updated Winter Use Permit and Certificate of Insurance.

The permit conditions have been modified slightly from previous years to address the following:

1. Trash Pick-Up - The Park District has observed that some communities are not picking up trash on a timely basis or at all. This reflects poorly on the city and Park District. **PLEASE DIRECT YOUR MAINTENANCE STAFF OF THE NEED TO SCHEDULE TRASH PICK UP APPROPRIATELY FOR THE SECTIONS OF REGIONAL TRAIL THAT YOU ARE RESPONSIBLE FOR.** (See Permit Application Item #2)
2. Approved De-Icing Compound (See Permit Application Item #3)
3. Trail Repair Procedure – (See Permit Application Item #7)

As part of the attached permit, the city agrees to maintain the trail, including, but not limited to, any plowing, sweeping, sanding, packing, trash pick-up, and sign replacement, between November 15, 2012 - March 31, 2013.

If you have questions regarding this, please contact me at 763/559-6761. Thank you.

c: Brian Brown, Senior Manager of Parks and Trails Maintenance
Scott Schmidt, Regional Trails Maintenance Supervisor
Kelly Grissman, Director of Planning

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THREE RIVERS PARK DISTRICT
REGIONAL TRAIL SYSTEM
2012-2013 WINTER USE PERMIT

Name of City <u>Tonka Bay</u>	City Hall Phone <u>952-474-7994</u>
Contact Person <u>Greg Kliver</u>	Phone <u>952-474-2947</u>
Contact Person Email Address <u>gkliver@cityoftonkabay.net</u>	
Maintenance Contact Person <u>Same</u>	Phone _____
Maintenance Contact Person Email Address _____	
Regional Trail From <u>LRT Trail</u>	to _____
Authorized 2012-2013 Winter Activities <u>NO RESTRICTIONS</u>	
Regional Trail From _____	to _____
Authorized 2012-2012 Winter Activities _____	
Regional Trail From _____	to _____
Authorized 2012-2013 Winter Activities _____	
Regional Trail From _____	to _____
Authorized 2012-2013 Winter Activities _____	
Regional Trail From _____	to _____
Authorized 2012-2013 Winter Activities _____	

Authorization is hereby requested from the Park District Board of Commissioners to use portions of the Regional Trail Corridor for winter use activities between November 15, 2012 and March 31, 2013, as determined by each municipality within guidelines set forth herein on District Regional Trails located within individual City boundaries.

It is understood and agreed that approval from the Park District Board of Commissioners is contingent upon the following conditions:

1. The City agrees to defend, indemnify, and hold harmless the Park District, its officials, officers, agents, volunteers, and employees from any liability, claims, causes of action, judgments, damages, losses, costs or expenses, including reasonable attorney's fees, resulting directly or indirectly from any act or omission of the City, its respective contractors, anyone directly or indirectly employed by the City, and/or anyone for whose acts and/or omissions they may be liable for related to the winter use of the Regional Trail Corridor. Nothing in this Agreement constitutes a waiver by the City of any statutory or common law defenses, immunities, or limits on liability. The City cannot be required to pay on behalf of itself and Three Rivers Park District, any amounts in excess

of the limits on liability established in Minnesota Statutes Chapter 466. If City maintains general liability insurance at the time this permit is issued, City shall provide the Park District with a Certificate of Insurance, naming Three Rivers Park District as an additional named insured.

2. The City agrees to schedule regular trash pick-up that is appropriate to the level of use expected on the permitted section(s) of trail so as not to create conditions where trash containers are overflowing or offensively odorous.
3. The City also agrees to maintain the trail, including, but not limited to, any plowing, sweeping, sanding, packing, and sign replacement, between November 15, 2012 - March 31, 2013. For ice control on aggregate trails, Cities agree to use **buff colored, 3/8"** clear limestone chips from Edward Kramer and Sons, Burnsville, MN. Edward Kramer and Sons is the only aggregate pit that supplies the buff colored limestone that has been specified for use on these trails. Paved trails can be treated with a Corrosion Inhibited/Treated Rock Salt;

(Specifications: A mixture of Regular Road Salt, Type I, Grade I, ASTM-D-632 - Modified per Mn/DOT Specification, blended with a Mn/DOT approved magnesium chloride-based product for anti-icing or deicing use or an approved blend of Regular Road Salt and a magnesium chloride-based product. The magnesium chloride-based product will also contain an agricultural processing residue or an alternative Mn/DOT approved agent that will depress the effective working temperature and decrease corrosiveness of the overall compound as well as prevent leaching of the treating solution)

or other chemical treatments approved by the Park District. The City further agrees to immediately address all safety issues on or adjacent to trails.

4. The City will provide signage at locations approved by the Park District, notifying the public of authorized winter activities within its city limits; activities may include, but are not limited to, hiking, biking, cross-country skiing, snowshoeing, or walking. Winter use signs must be installed by the City at designated locations prior to November 15, 2012 and removed by the City no later than April 15, 2013. These signs are totally the responsibility of each municipality.
5. Snowmobiling is not allowed on Park District regional trails. Permitted use for snowmobiles will be limited to direct crossings only. The Hennepin County Regional Railroad Authority (HCRRA) does not allow snowmobiling or other motorized use within its corridors. The Lake Minnetonka LRT Regional Trail, Minnesota River Bluffs LRT Regional Trail, Cedar Lake LRT Regional Trail, and the Dakota Rail Regional Trail are located on HCRRA corridor property and permission for a snowmobile crossing of an HCRRA corridor must be obtained from the HCRRA prior to requesting permission from the Park District for a snowmobile crossing of the regional trail within the corridor. If a snowmobile crossing is permitted, cities must take steps to keep snowmobiles from damaging paved trails, bridges and other property.
6. The City agrees to enforce rules and regulations established by the municipality as part of its request for a Winter Use Permit.
7. The City agrees to repair all trail surface damage that occurs as a result of winter trail activities and/or maintenance, including, but not limited to, bituminous/concrete repair, bridge deck repair, grading or adding aggregate pursuant to guidelines established by the Park District. The City shall contact the Park District prior to the start of any surface repairs, for review of proposed repair plans and authorization to proceed.
8. The City agrees that winter trail use will be available to all persons, regardless of residence.

Each City is required to submit its annual permit requests, including proposed rules and regulations, by September 14, 2012, after which the Park District may take up to 45 business days to process. Each permit request must be submitted as a result of formal City Council action, with accompanying verification, agreeing to the terms and conditions outlined by the Park District's Winter Use Permit.

The Park District reserves the right to terminate a permit at any time, if the conditions set forth herein are not followed.

Signed: _____

Date: 8/29/12

Title: Public Works Supt.