



## CARVER COUNTY PARKS

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Division of Public Works

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### *Carver County Park Commission Regular Meeting*

**Wednesday, November 10<sup>th</sup>, 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 October 13<sup>th</sup>, 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. Snowmobile Permit Request Postponed for 2010-2011
- 9) Discussion Items (7:20 p.m.)
  - a. Master Plan for the Extension of the MN River Bluffs Regional Trail and Scott County Trail Connection
  - b. Park Ordinance Revisions
- 10) Staff Reports (8:20 p.m.)
  - a. TH 41 Trail and Underpass (Walsh)
  - b. Update on the Dakota Rail Regional Trail (Walsh)
    - i. Construction
  - c. Events, Activities (Klevan Schmitz)
- 11) Commission Member Reports (8:35 p.m.)
  - a. Equestrian Sub Committee
- 12) Set Next Meeting Date (8:40 p.m.)
- 13) Adjourn Meeting (8:45 p.m.)

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

**Draft**  
**Meeting Minutes**  
**October 13<sup>th</sup>, 2010 Regular Meeting**

**Members Present:** Neil Wingert, Jerald Moja, Thomas Hermann, Gail Von Bargaen  
**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 7:02 p.m.

**MINUTES -** Moja motioned to approve the September 8<sup>th</sup>, 2010 minutes. Hermann seconded the motion. Motion passed 4-0.

**AGENDA-** Von Bargaen motioned to approve the agenda. Hermann seconded the motion. Motion passed 4-0.

**LIAISON REPORT-** N/A

**OPEN TO THE PUBLIC-** N/A

**OLD BUSINESS**

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

Walsh made a brief PowerPoint Presentation which included the background and history leading up this meeting along with six potential snowmobile trail permitting options. As part of the presentation Walsh indicated that the staff recommendation was “Option 2” which would permit snowmobiling from County Road 33 in New Germany east to County Road 155. Walsh outlined some of the Pro’s and Con’s for each option.

After the staff presentation, Park Commission members asked staff and the represented members of the snowmobile club some questions including:

- What do the trestle structures west of New Germany look like?
- How can the snowmobile club work with landowners to resolve issues? What rights or power does Waconia twp have especially since they are not supportive of the snowmobile trail?
- Would this be a grant and aid trail through the DNR?

After the above discussion Wingert opened the meeting up to comments from those present at 7:33 pm. The following comments were made:

David Brockpahlen – 6835 goose Lake Rd – wanted to know the location of the trail coming off of Goose Lake on the south east portion of the lake and

going north. He also expressed his concern about the clubs ability to enforce the rules of the trail. Walsh responded that the clubs role by permit would be to work with the Sheriff's office to educated trail users of the appropriate use and activities on the trail.

Von Barga of the Park Commission suggested that if a permit is issued for this use on the trail that contact information for the snowmobile club be distributed to those who live next to the trail.

Peg Philips – 10720 North Shore Road – Felt that some of the cons of the trail permit especially as it relates to the staff recommendation where not presented including:

- Noise, Lack of funding for patrol of the trail, safety concerns, eliminates potential other uses of the trail 4 months out of the year.

Walsh responded that in his directors report many other Pro's and Con's to the trail where outlined including many of those listed above.

Jack Speckel – Watertown – noted he lives ½ block from the Luce Line Trail in Watertown and that he snowmobiles the trail regularly. He stated that despite snowmobile traffic many other users including walkers and skiers use the trail in the winter time. He went on to state that if the trail was not packed and groomed by the snowmobile club people would not be able to use the trail as much as they do because of drifting and unpacked snow.

John Braunwarth – NYA – Noted all throughout the state snowmobile trails are used by others in the winter because of their nicely groomed and packed surface.

Dave Philip – 10720 North Shore Road – stated that he knows the people in the club and knows they are responsible snowmobilers, but there are others who are not responsible who will use the trail. The only option which eliminates the less responsible users is option 6 – NO Permit.

John Carroll – 6875 Goose Lake Drive – was concerned that intersecting township roads will get increased snowmobile traffic and act as on ramps between the County Roads and the Dakota Rail Trail.

Some additional discussions took place for clarity of the clubs request and how the staff recommendation fit the request.

Wingert closed the public comment portion of the meeting and asked Park Commission Members for their final comments on this topic.

Commissioners expressed their thoughts and concerns based on the staff recommendation and the public's comments throughout this process.

After the additional comments and thoughts, based on what was said Wingert made a motion to recommend approval of the staff recommendation to permit snowmobiling on the Dakota Rail Trail from County Road 33 in

New Germany east to County Road 155. Moja seconded the motion. Motion passed 3-1 with Von Bargaen voting against.

To resolve the other housekeeping matters related to the recommendation, Wingert motioned to recommend amending the county ordinance for parks to include trail corridor in the definition of a park and that the ordinance be revised to be consistent with Minnesota Law and Department of Natural Resources Rules. Motion passed 4-0.

## **STAFF REPORTS-**

a. TH 41 Underpass and Trail

Walsh provided a brief update on the planning being done for this project. Walsh noted that an archeological study is needed for the project since it impacts a park area where one had not been previously preformed.

b. Update on Dakota Rail Trail

Walsh noted that a majority of the asphalt is in place for the trail. The biggest concern is the need to get the bridge for Donders Creek approved and fabricated hopefully before the asphalt plants close for the year. Walsh also indicated some items may have to wait until spring to complete because of cooler temperatures including the trail striping.

c. Events and Activities

Klevan Schmitz thanks Wingert and Moja for attending and participating in the buckthorn roundup event on September 25<sup>th</sup> at Lake Minnewashta Regional Park. Klevan Schmitz also updated them on some upcoming events including the Chili Cook-off, family movie night and winter programs scheduled. Klevan Schmitz asked the Park Commission to check there calendars and if available help with some of the upcoming events.

## **COMMISSION MEMBERS REPORTS**

a. Equestrian Sub Committee

Walsh noted that the equestrian committee hopes to finalize the document this month for review at the November Park Commission meeting.

**NEXT MEETING** – November 10<sup>th</sup>, 2010 at the Public Works building in Cologne.

**ADJOURN -** Moja motioned to adjourn. Von Bargaen seconded the motion. Meeting adjourned at 8:32 p.m.



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# DIRECTORS REPORT

November 10<sup>th</sup>, 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:** 11/5/2010  
**Re:** November 10<sup>th</sup>, 2010 Park Commission Meeting

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## Old Business

### A) Request for Snowmobile Permit – Dakota Rail Regional Trail

In May of this year the Southwest Trails Snowmobile Club and the Carver County Snowmobile Club made a request to the Carver County Park Commission to consider snowmobiling on the Dakota Rail Regional Trail. A public process to consider the request began with an open house explaining the request on June 23, 2010. Additional public meetings were held during the summer months at area townships and cities where a snowmobile trail was to be considered. Last month the Park Commission made recommendation supporting the use of the Dakota Rail Regional Trail for snowmobile activity between County Road 33 in New Germany and County Road 155 in Waconia Township. Additional meetings at the County Planning Commission and County Board were being planned.

Staff recently met with the Southwest Trails Snowmobile club and the Carver County Snowmobile Club and they respectfully have asked to postpone a permit request for the 2010-2011 season. Postponing the process to consider the permit request is based on the shortage of time to properly prepare and sign the trail if snowmobiling would be authorized this season. With additional meetings proposed at a County Planning Commission level

and at the County Board, the time necessary to compete these meetings would bring the review and consideration process into December leaving no time to properly prepare the trail for snowmobile use if permitted.

It is proposed that the request to consider snowmobiling would continue after the 2010-2011 season for the 2011-2012 season.

## Discussion Items

### A) Master Plan for MN River Bluffs Regional Trail Extension and connection to Scott County

A regional trail master plan is being developed in conjunction with Scott County for the a portion of the Union Pacific Railroad beginning at Athletic Park in Chaska and continues to the City of Carver and then into Scott County terminating at the Merriam Junction near Hwy 169. A working draft copy of the master plan will be available to discuss at the meeting. Staff is planning to meet with the Cities of Chaska and Carver to obtain feedback and input about the trail, trail uses and potential trailhead facilities within the communities in the upcoming weeks. The plan is to have the master plan completed later this year which will allow for a request for funding to go forward to the Metropolitan Council for assistance with the acquisition of the railroad corridor.

### B) Park Ordinances changes

With the pending addition of the first regional trail operated by Carver County, several changes should be made to the County park ordinances in order to provide the Sheriff's Office with the authority to regulate County owned trails outside of park boundaries. Additionally, other changes to County park ordinances should be considered based on the activities taking place in our park areas. Changes to the ordinances include adding new items and updating the "Definitions" portion of the ordinances. In addition, ordinance language should be modified or added based on the current or pending activities taking place in our park areas. Changes/additions are indicated below in red. Staff will discuss the reasoning for these changes more in depth at the meeting. There is a process to update the Park Ordinances which requires a legal notice in the papers followed by a public meeting with the County Board. For more information on odiances is provided on the Carver County Parks webpage. A link to "Park Ordinance" is provided in the green box area.

#### **Proposed Definitions to be added:**

**DISC GOLF.** A game played much like traditional golf. Instead of using a ball and clubs, players use a flying disc, or Frisbee from a tee area to an elevated target basket which is the "hole".

**HIKING.** Traveling on foot, i.e., walking, running, or with an assistive mobility device.

**HORSE.** A horse, mule, donkey, llama, alpaca, or other ungulate or ruminant that is used to transport people, equipment, or materials.

**METAL DETECTING.** To use an electronic or mechanical device to locate metals or other artifacts that are underground or under water.

**ROLLER SKATER.** Any person riding or propelling oneself by human power or gravity on wheeled devices that are worn on a person's feet or stood upon by a person. Such devices specifically include, but are not limited to, roller skates, in-line skates, rollerskis, skateboards, and scooters.

**SMOKING.** The inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted

tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product intended for inhalation.

**Proposed Definitions to be modified:**

**PARK.** Any land, water area, and trail corridor and all facilities thereon, under the jurisdiction, control or ownership of Carver County for the recreational enjoyment of the public.

**Proposed Ordinance Language to be modified:**

**§ 91.05 CONDUCT; PERSONAL BEHAVIOR.**

(F) *Firearms; dangerous weapons; fireworks.* It shall be unlawful for any person to:

(1) Have in their possession within a park, fire or discharge, or cause to be fired or discharged across, in, or into any portion of a park any gun or firearm, spear, bow and arrow, crossbow, sling shot, air or gas weapon, **paintball gun** or any other dangerous weapon or projectile, except for purposes designated by the Board in areas and at times designated by the Board; and/or **Persons who possess a valid Minnesota permit, or a valid permit from another state which is recognized in Minnesota; may carry, hold, keep, store, or possess a pistol within the park lands, facilities, and buildings to the extent permitted by Minnesota law.** Employees or volunteers when acting in the course and scope of their employment or duties are prohibited from carrying, holding, keeping, storing, or possessing a pistol within Carver County Park lands, facilities, and buildings. Licensed Peace Officers are exempt from the provisions of this subdivision.

**§ 91.06 PROPOSED OPERATION REQUIREMENTS.**

(G) *Engine-powered models and toys.* It shall be unlawful for any person to start, fly or use any fuel or **battery** powered model aircraft, model boat or rocket or like powered toy or model.

**§ 91.08 PROPOSED RECREATION ACTIVITIES.**

*Bicycling.* It shall be unlawful for any person to:

- (1) Operate any type of bicycle, except on roadways, **paved or aggregate surfaced trail** and designated trails.
- (2) **Operate any type of bicycle except as close to the right-hand side of the authorized trail or roadway as conditions permit, or to cross to the left of a solid yellow centerline.**

*Snowmobiling.* It shall be unlawful for any person to:

- (4) Operate a snowmobile in violation of M.S. §§ 84.81 to 84.90, as they may be amended from time to time **and Chapter Five: Natural Resources 51-59, "Snowmobile Rules and Regulations"**(all rules and regulations therein pertaining to "public land and water" shall apply on park property).
- (5) **Operate a snowmobile in violation of any posted trail sign.**

**Proposed Ordinance Language to be added:**

**§ 91.05 CONDUCT; PERSONAL BEHAVIOR.**

**(G) Smoking and Tobacco Use.** It shall be unlawful for any person to:

- (1) Smoke or use any tobacco product in or within 25 feet of any indoor area.
- (2) Smoke or use any tobacco product inside the designated perimeter of any creative play area or beach.

**(H) Child Safety.** It shall be unlawful for any person to:

- (1) Permit a child age 10 or under to be in a creative play area unless under the supervision of a responsible person.
- (2) Permit a child age 10 or under to swim or wade at beaches or swim ponds within a park, unless under the supervision of a responsible person. Swimming is not permitted in other areas.
- (3) Permit a child age 10 or under to be in a winter recreation area unless under the supervision of a responsible person.

**§ 91.06 OPERATION REQUIREMENTS.**

(I) *Aviation.* It shall be unlawful to use park property for a starting or landing field for aircraft, hot air balloons, parachutes, hang gliders, or other flying apparatus without a permit.

**§ 91.07 PROTECTION OF PROPERTY, STRUCTURES AND RESOURCES.**

(A) *Disturbance of natural features.* It shall be unlawful for any person to:

- (1) Intentionally remove, alter, injure or destroy any tree, other plant, rock, soil or mineral;
- (2) Dig trenches, holes or other excavations; and/or
- (3) Introduce any plant, animal or other agent within a park without a use permit, and other permits as required by state and federal law.

(4) Harvest/grow/cultivate a controlled substance.

(5) Cut or gather wood.

(6) Engage in metal detecting.

(7) Transport, possess, or burn firewood in a county park unless the firewood is purchased from the county; or Minnesota Department of Natural Resources approved firewood vendor.

**(E) Interference of Park Property** It shall be unlawful for any person to:

(1) Cause or permit physical encroachment upon park property including, but not limited to actions such as mowing of grasses, and/or placement of personal property, debris, materials, buildings, sheds, other structures, or signs on park lands without a permit.

**§ 91.08 RECREATION ACTIVITIES.**

(K) *Other Winter Activities.* It shall be unlawful for any person to:

- (1) Ice skate, sled, coast, snowshoe, or ski in a park except at designated times and places.
- (2) Enter an area marked by signs indicating thin ice.

(L) *Hiking.* It shall be unlawful for any person to:

(1) Hike in a park except in recreation use areas and on designated trails and roadways, unless authorized by special-use permit.

(2) Hike on designated packed or groomed cross-country ski trails after a two-inch or more snowfall.

(M) *Geocaching.* It shall be unlawful for any person to:

(1) Geocache in a park except in areas and at times designated by the Director.

(N) *Disc Golfing.* It shall be unlawful for any person to:

(1) play disc golf in a park except in areas and at times designated by the Director.

**§ 91.09 TRAFFIC REGULATIONS.**

(6) Leave a vehicle unattended with keys in the ignition.

(7) Park on the grass or sides of campground roads. Vehicles in campsites must be parked on the gravel pads or designated campground parking areas.

**Staff Reports:**

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



MNDOT's sub contractor, Envirosolutions has begun 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. Work to locate a large gas main and determine the pipes elevation in relation to excavation work planned for the trail is underway. The engineering consultant has prepared a preliminary engineer's estimate for the proposed project. Staff continues to meet with adjacent land owners on an as needed basis to answer questions and address any concerns.

#### B) Dakota Rail Regional Trail

The trailhead facility in Mayer is mostly complete with the concrete work of curbing, pad for seasonal restroom and plaza area where the kiosk is to be installed. The parking area has been paved. The last segment of trail, approximately 2000 feet in length, from Goose Lake Drive to the Donder's Creek Bridge has not been paved due to the need to access this area with heavy equipment to install a bridge. The bridge at Donder's Creek is being fabricated. Work to install the bridge is anticipated the week of November 22<sup>nd</sup>. Shouldering of the trail and seeding is mostly complete and rest areas along the trail are being installed. Installation of fencing, signage and rest area amenities are planned the week of November 8<sup>th</sup>.

#### C) Events and activities:

Staff will update Commissioners on past activity of the Chili Cook-off and upcoming fall and winter programs.