



Staff Report

Date of Meeting: February 19, 2013

To: City Council

From: Kristina Handt, Administrator

Re: Limited Use Permit

Agenda Item #: 9.a)

As mentioned at the February 12th meeting, staff has obtained additional information from MNDOT in relation to condition #60 (page 9). In order for the trail to be reconstructed MNDOT would require the City to enter into a Limited Use Permit agreement with MNDOT for the maintenance and operation of the trail. Resolution 02-19-13-03 and the require attachment are provided in your packet. There are no specific maintenance requirements from MNDOT. The City would decide the level maintenance but would need to address any complaints that came from trail users such as removing vegetation or plowing in the winter.

Following the February 12th meeting, the City Planner contacted MNDOT with additional questions. If the City does not choose to enter into the LUP with MNDOT now, it could still do so anytime in the future if it wanted to take over the trail. MNDOT would not require that the City pay for an easement or right-of-way if it chose to come back in the future. MNDOT further suggested there may be grant funds available to help with the trail. The City Planner is researching this more and may have additional information at the meeting.

If the City chose not to approve the LUP at this time, they should take out the condition requiring Tiller to reconstruct the trail. The reconstruction of this area of the trail by Tiller is one advantage to approving the LUP at this time rather than waiting. However, if other funds are not available for the rest of the trail the Council should consider if this advantage outweighs any future potential costs or liability issues.