

AGENDA ITEM #9.2

REPORT TO CITY COUNCIL

Report Prepared by: Nancy Malecha

Date: June 7, 2016

Subject: Crow Wing SWCD Maintenance Agreement

Report: In order to move forward with the Sibley Lake Park Shoreline Restoration Project, the Crow Wing Soil & Water Conservation District (SWCD) is requiring the attached Maintenance Agreement be signed by the City and effective for the life of the Project. Because the City is the landowner of Sibley Lake Park, the City would be subject to the requirements listed on this Agreement.

Please see the attached letter from Mark Jurchen on behalf of the Sibley Lake Association informing the Council on the requirements the Association is willing to assume.

Council Action Requested: Council motion authorizing the City Administrator/Clerk to sign the Crow Wing SWCD Community Centered Runoff Mini-Grant Program Maintenance Agreement for the Sibley Lake Park Shoreline Restoration Project.



Community Centered Runoff Mini-Grant Program 2: 2015-2018

Maintenance Agreement - The SWCD will retain this maintenance plan for the effective life of the project, plus ten years. Please keep a copy for your records. **(Each Landowner must have a Maintenance Agreement)**

Grantee Organization: <i>Sibley Lake Association</i>	
Grantee Contact: <i>Mark Jurchen</i>	Grantee Phone & Email: <i>Lowhat@tels.net</i> <i>218-820-5458</i>
Landowner Representative:	Landowner Phone & Email : <i>218-548-5222</i>
SWCD Representative:	

I (we) the undersigned, do hereby request cost-share assistance to help defray the cost of installing the practice described herein. I understand the following minimum maintenance requirements:

RESPONSIBILITIES:

- The landowner is responsible for the maintenance and operation of practices applied under this program to ensure that the objective of the practice is met and the effective life, a minimum of 10 years, is achieved.
- Minimum maintenance requirements include:
 - Water weekly, or as needed, during the first two years, if appropriate to the project.
 - Remove all invasive and exotic species that encroach on the project as discovered.
 - Repair rills and gullies, caused by stormwater runoff
 - Repair or replace practices that are damaged by ice heave or stormwater runoff.
 - Forego the use of fertilizer in the buffer zone created by the project.
 - Forego the chemical control of aquatic plants.
 - Mow or trim old growth in spring, Mulch or remove excess plant debris
- Maintenance may be performed by the landowner, Crow Wing (SWCD), and/or a private contractor.
- A two-year maintenance contract with a third party is required if landowner cannot complete maintenance requirements.
- Maintenance reports and maintenance logs must be submitted by the landowner for two years after project installation. The maintenance logs must include the activities performed, dates, and amount of time spent.
- SWCD will inspect the project in years 1, 3, 5 and 9 after installation.

LIABILITY:

- Should the landowner fail to maintain the practice during its effective life, the landowner is liable to the State of Minnesota for up to 150% of the amount of financial assistance received to install and establish the practice.
- In no case shall the SWCD provide cost-share assistance to a landowner during the effective life when the practice failed due to improper maintenance.
- The landowner is not liable for cost-share assistance received if failure was caused by reasons beyond the landowner's control.
- The SWCD assumes no liability for injury or damage, other than that caused by its own negligence, in the project area.
- The SWCD shall have no obligation to restore the land to its original condition upon expiration or termination of this maintenance agreement.

I understand that I have been awarded no more than \$ 22,000 in cost-share funding to cover cost of installation and project maintenance. I understand that I am responsible for project maintenance for 10 years.

Landowner Representative

Mark Jurchen

Date 5/21/14

SWCD Representative

Date _____



May 27th, 2016

Mayor David Sjoblad and City Council
4638 County Rd 11
City of Pequot Lakes, MN 56472

Dear Mayor and Members of the Council,

As you know, the Sibley Lake Association has been awarded a \$22,000 grant for the re-vegetation of the Sibley Lake Park shoreline. The Association will act as fiscal agent for the project and has assumed the responsibility of managing and maintaining the project.

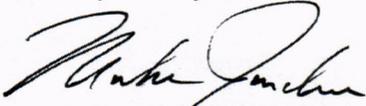
As part of the process, the Association Board has approved proceeding with the project and has agreed to the terms of the Grant Agreement. As part of the contract, the association is to meet certain criteria including the completion of the project along with the continued maintenance for 10 years to insure the successful outcome of the restoration. This includes filing annual reports for the same 10 year period.

Failure of the project due to negligence in maintenance could require a 150% pay back of the grant by the Association per the grant agreement. A Maintenance Agreement which is also required to be signed by the LANDOWNER, obligates the City of Pequot Lakes to the same terms concerning the maintenance and outcome of the project. This is to protect the integrity of the grant process and insure commitment by the parties to its success.

The purpose of this correspondence is to inform the City Council that our Association will assume the responsibility for the majority of the maintenance of the project, including the filing of the reports. The park is the property of the city and ultimately places the responsibility for its condition and maintenance. Our Lake Association is providing the means for the financing of the project through the grant and is willing to participate as an active partner in the successful completion.

We are respectfully requesting that you authorize Nancy Malecha, City Administrator, to sign the agreement which will allow us to proceed with the submission of estimates for the work and request for distribution of grant funds.

Thank you for your consideration and your support on this project.



Mark Jurchen and David Lind
Sibley Lake Association Project