

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

THREE RIVERS PARK DISTRICT

AND THE

MINNESOTA OFF-ROAD CYCLISTS

Murphy-Hanrehan Park Reserve Single Track Mountain Bike Trail

INTRODUCTION AND PURPOSE

The Three Rivers Park District (Park District), and the Minnesota Off-Road Cyclists(MORC) are interested in promoting mountain biking as an outdoor recreation and fitness activity and in developing and maintaining quality trails for bikers of all ability levels at Murphy-Hanrehan Park Reserve.

This memorandum identifies specific projects, including the design and construction of technical mountain bike trail features, trail maintenance, and trail patrol activities, which MORC volunteers have agreed to provide as service to the Park District, establishes the responsibilities and conditions under which that volunteer service will be provided, and delineates the responsibilities of the Park District.

SCOPE OF THE AGREEMENT

Ownership of Improvements

All improvements, constructed on the land of the PARK DISTRICT, shall be, and remain the property of the PARK DISTRICT. All materials, including records, data, and other information acquired, developed or documented under this MOU shall be the property of the originating party, unless otherwise mutually agreed upon by both parties.

Term of Agreement

The term of this MOU shall start at a date as notified by the Park District, no later than October 15, 2006, unless MORC planning activities would conflict with contractor work toward final substantial completion of the contracted trail construction activities and extend through December 31, 2007. The Park District and MORC can subsequently agree to extend this agreement on an annual calendar year basis with the approval of both parties.

MORC Volunteers

Volunteers assigned to work under this agreement at Murphy-Hanrehan Park Reserve are volunteers of MORC and are covered under the policies and procedures of MORC in relation to volunteer organization and management. Volunteers are not employees of or individual volunteers of the Park District.

MORC Responsibilities

1. Provide technical support to the Park District in determining the location and design of technical features for the Murphy-Hanrehan Mountain Bike Trail, consistent with the planned ability level of the trail segment in accordance with the International Mountain Bike Association (IMBA) guidelines.
2. Provide and supervise volunteers in the construction of approved technical features and alignment changes.
 - Utilize tools owned by MORC and Park District tools that may be made available by the designated Park District Maintenance Supervisor.
 - Technical features and alignment changes must conform to IMBA guidelines and Park District approved designs.
 - Train and supervise volunteers in appropriate construction techniques in accordance with IMBA guidelines.
 - Identify a crew leader and submit name to the designated Park District Maintenance Supervisor.
 - Coordinate work schedule and on-site public notification, when needed, with the designated Park Maintenance Supervisor.
 - MORC volunteers may use bikes in the on-site planning and testing of technical features prior to official trail opening as coordinated with the Park Maintenance Supervisor.
3. Provide volunteers to assist with the inspection and hand-work maintenance of the trail.
 - Seasonally submit to the Park District for approval a schedule identifying minimum timetable for trail observation/inspection.
 - Ensure that all volunteers have received training in trail inspection and maintenance responsibilities.
 - MORC volunteers are authorized to sculpt and/or remove downed trees found on the trail tread.
 - Perform routine maintenance activities. In the event that MORC is unable to safely and promptly address an identified issue that may create an unsafe situation, the MORC volunteer should notify the Park District Maintenance Supervisor on duty.
4. Use of Chainsaws and Tree Removal by MORC Volunteers
 - Only individuals who MORC has designated as “chainsaw operators” will be allowed to operate chainsaws on Park District properties. Such

designation will only be granted to individuals who have been trained by MORC in the safe and proper use of chainsaws.

- No live standing trees of native species over 4 inches (except Oak trees, which shall be at 2 inches or greater) in diameter will be cut without first receiving approval from the designated Park District Maintenance Supervisor.
 - Brush and small trees that are cut should be scattered at least 10 feet off the trail and lopped up so that no portion extends more than 3 feet above the ground.
 - Large trees up to 12 inches in diameter that fall across the trail may be cut to clear passage for the bike trail but the remaining portions of the trees should be left in place provided it's safe to do so.
 - MORC shall notify the designated Park District maintenance staff contact person when there are fallen trees greater than 12 inches in diameter that need to be cleared from the bike trail. Park District crews will be responsible for clearing such trees.
5. Work with the Park District in developing a routine inspection log report sheet for use by volunteers for the regularly scheduled inspections that will identify desired items for inspection and implement the use of this report sheet in the regular inspection of trails.
 - Copies of reports should be submitted to the Park District Maintenance Supervisor.
 6. Prior to making any trail alignment changes, submit recommendations to the Park District for any significant trail alignment changes that may be contemplated by MORC in carrying out the volunteer duties as outlined in the MOU. Changes that do not need Park District approval are within 10 feet of the existing trail centerline and shorter than 50 feet in length. Any planned reroute within 20 feet of a wetland will require Three Rivers Park District approval.
 7. Recommend to the Park District for consideration the types, location and language for trail directional, cautionary and informational signs and install (if requested by the Park District).
 8. A designated MORC representative(s) may make recommendations to the Park District's Maintenance Supervisor as to when to close and re-open trails due to poor conditions or other unforeseen circumstances observed during trail patrol or maintenance activities.
 9. Provide trail patrol volunteers as an optional service to assist in monitoring trail activities and providing assistance to trail users.
 - MORC may provide volunteers identified and trained by MORC as trail patrollers to ride and monitor the trail.

- Trail patrollers can offer assistance to trail users within the scope of their training and volunteer status under MORC.
- Trail patrollers should call 911 for emergency assistance (Park District Police may not be the first response unit to arrive at the scene). To contact Park District Police specifically for non-emergency situations such as, to report suspicious activity, uncooperative behaviors, or unauthorized trail use, call 911 and request to be put in contact with a Three Rivers Park District Police Officer.
- Trail patrol should be communicated in advance to the Park District's Park Operations Supervisor.
- Provide the Park District with summary trail safety reports as generated by MORC volunteer trail patrol.

10. Hold Harmless Agreement

Each party agrees that it will be responsible for its own acts and the results thereof and shall not be responsible for the acts of the other party and the results thereof. Each party, therefore, agrees that it will assume all risk and liability to itself, its agents or employees, for the injury to persons or property resulting in any manner from the conduct of its own operations, and the operation of its agents or employees under this agreement, for any loss, cost, damage, or expense resulting at any time from any and all causes due to any acts or acts of negligence, or the failure to exercise proper precautions, of or by itself or its own agents or its own employees, while occupying or visiting the premises under and pursuant to the agreement.

11. MORC may not interfere with the enjoyment of park users and must abide by Park District Ordinance.

PARK DISTRICT RESPONSIBILITIES:

1. To review and approve design and implementation plans for all agreed to volunteer activities.
2. To purchase materials, if needed, to be used in the construction of approved technical features.
3. To loan hand-tools for construction and maintenance activities, upon request and approval of designated Park District Maintenance Supervisor. MORC volunteers may operate the mini-excavator for the initial construction of the technical features, upon approval of designated Park Maintenance Supervisor.
4. To provide Park District maintenance staff support for approved work on a schedule agreed to by the Park District Maintenance Supervisor.
5. The Park District will provide hand tools in a locked storage unit on site and provide MORC access to the tool storage. A tool checklist will be in the

storage unit. Users should record missing or damaged tools on the checklist and report to the Park District Maintenance Supervisor.

6. To review and approve recommended technical feature designs, construction schedules and trail maintenance schedules.
7. To recognize MORC's contributions for trail design, technical feature design and construction and volunteer maintenance support in appropriate signage at an appropriate location in a manner approved by the Park District and to be coordinated through the Park Operations Supervisor.
8. To display a message about the MORC organization and event opportunities in manner approved by the Park District at a location approved by the designated Park Operations Supervisor.
9. To authorize MORC to have an informational display/booth at the trailhead up to two times per year for the purposes of providing information about MORC memberships and mountain biking events, as approved and coordinated with the Park District Facility Operations Supervisor. Informational displays may also be approved for Park District permitted mountain bike races or events. Requests for a permit for direct financial solicitation (membership sales) must be approved in advance by the Board of Commissioners.
10. To notify MORC of trail closures or events which affect the use of the trail for posting on the MORC web site.

Termination of Agreement

This MOU may be terminated by either party upon delivery of 30-day written notice to the other party.

Amendment of Agreement

This MOU shall not be altered, changed or amended except by written mutual agreement of the parties

Park District Contacts

Park Maintenance Supervisor
Todd Beamish
Office: 763-694-7773
Cell: ###-###-####
Email Address

Park Operations Supervisor
Jenna Tuma
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Email Address

Maintenance Supervisor On Duty
Nights and Weekends Contact
763-694-7867

Technical Feature Coordination
Brad Chock, Crew Chief
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MOU Administration

Margie Walz, Assistant Superintendent
3000 Xenium Lane
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Email Address

MORC Contacts

Scott Thayer, President
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Email Address

Peter Crabtree, Trail Steward
Address
Minneapolis, MN 55407
Office: ###-###-####
Email Address

IN WITNESS WHEREOF, the parties have entered into this Memorandum of
Understanding as of this _____ day of _____, 2006.

Three Rivers Park District

3000 Xenium Lane North
Plymouth, Minnesota 55441

Minnesota Off-Road Cyclists

PO Box 19520
Minneapolis, Minnesota 55419-0520

BY: _____

BY: _____

Title: _____

President

ATTEST: _____

ATTEST: _____