

SPYC Board Meeting

June 27, 2022 - 6:30 p.m. - at Clubhouse

Meeting called to order: 6:35 p.m.

Pledge of Allegiance: Recited

Board Members Present: Bill Tschohl; Mike Patten; Lynn Adler; Barbara Haake; Diane Scovill; Brett Cummings; Greg Jorgensen; Annie Stone; Troy Janisch. On ZOOM - Andy Ristrom and Nate Schumann.

Staff Present; Marina Manager Kristina Cummings

Guests: Stephanie Stoessel Eric Cobb; David Nelson; Craig Frethem; Ted Lowell; MJ Babcock; Bruce and Andrea Johnson; Carol Jansch; Del Hall; On ZOOM: Tom Marrone

Approval of Agenda - Accepted as printed

Minutes of May 23, 2022: Previously approved.

Commodore's report 6/27/2022 Work like a Captain, Play like a Pirate!

Aye Mateys,

It's been an incredibly busy and interesting month at the St Paul Yacht Club! The boating season had a slow start with chilly weather and we've had a roller-coaster through many near 100 degree days since then and frequent chilly days as well. Today's high is 82 degrees so we're back in the fun, comfortable boating weather for now.

The mighty Mississippi was partying like a drunken sailor this year. The river crested at 13'4" on Saturday, May 28th. It's dropped seven feet since then, and is expected, by the NOAA hydrologists, to stay around 5-6' through the 4th of July. That's really perfect for boating here on the river. Get out there and make a few waves on the river, enjoy the wildlife and bring back buckets of memories!

<https://water.weather.gov/ahps2/hydrograph.php?gage=stpm5&wfo=mpx>

Operationally the timing of the water over the past month made it really challenging for our crew to get into what I would call normal work. We've had boat shifts due to the lower harbor dredging, repairs needed to the Dahlgren crossing dock and a generally slow start due to the high river and chilly weather.

The City had the debris removed from the Raspberry Island bridge last week so our crew was able to start work on repairs to the damage that debris had caused. The Corps of Engineers contract crew from L&S Marine completed the first phase of dredging last week as well. The timing couldn't have been better as it allowed the two big boats to motor back to their slips. We're waiting on word from the COE on when phase two will begin and have asked for a longer advance notice since there are more boats and docs to be moved for that work.

We will begin dredging the upper harbor further starting on July 5th.. We have another 300' of piping for the dredge so we can get to and into problematic areas we didn't dig into last year.

That's all captain's, first-mates and pirates! Have a fabulous 4th of July weekend on the river!
Your Commodore, Bill Tschohl

Reminder - SPYC 2022 Board members and contact information:

Note: We have new email addresses to make the club communication more manageable year to year. You can email the entire board at this single address: board@stpaulyachtclub.org Each board member also has a stpaulyachtclub.org account.

The four flag officers have an account redirect so future commodores will be able to see email history and re-use communications as needed.

bill.tschohl@stpaulyachtclub.org - commodore@stpaulyachtclub.org
mike.patten@stpaulyachtclub.org - vicecommodore@stpaulyachtclub.org
barbara.haake@stpaulyachtclub.org - secretary@stpaulyachtclub.org
lynn.adler@stpaulyachtclub.org - treasurer@stpaulyachtclub.org

greg.jorgensen@stpaulyachtclub.org
brett.cummings@stpaulyachtclub.org
andy.ristrom@stpaulyachtclub.org
diane.scovill@stpaulyachtclub.org
annie.stone@stpaulyachtclub.org
troy.janisch@stpaulyachtclub.org

Please continue to use our board members phones as needed, but personal emails will no longer be published so we can better serve our membership.

Flag Officers:

Commodore: Bill Tschohl 651-335-1719
Vice Commodore: Mike Patten 612-423-6265
Treasurer: Lynn Adler 612-599-4545
Secretary: Barbara Haake 651-442-1022

Board:

Brett Cummings 612-481-8681
Andy Ristrom 612-242-4118
Nathan Schumann 651-295-7909
Diane Scovill 612-719-9769
Annie Stone 612-756-1559
Troy Janisch 612-756-8461 & 608-576-7533
Immediate Past Commodore: Greg Jorgensen 651-283-4017

Thanks, Bill Tschohl Cell: 651-335-1719

Marina Manager Report: Kristina Cummings

Financial

\$108,065 in open invoices with QuickBooks

\$ 62,266 in overdue invoices for items we have on property

Checking Account - \$375,315.89

Mud Cat Loan - \$212,425.46

In Process

In process: Canceling Scribble Software – They will not return my calls

Slips

Lower Harbor- 11 but 3 are unusable

Dahlgren – 19 full with 10 open

Operational

You can text the office at 651-292-8964

Fuel pump part is in transit – Soon to have fuel sales

New Dock Boxes – Available

Ice Holder- \$3,000 for reliable new ice chest in the lean-to.

5 lb - \$5

18 lb - \$10

Spudpoll at the end of shoreside to protect for loosing the crossing dock under Raspberry bridge.

Kristina – The angle slips on the shoreside might have survived the tree debris that came off of the Raspberry Island point if we had less debris. We might consider another spud pole to protect the crossing dock destruction with the trees that came up against it. May have to bring outside help for moving the docks. Need a crane/ Historically, spud poles cost about \$8,000 - plus mobilization which can be anywhere between \$12,000 and up to \$20,000 the last time we checked years ago. Costs have likely risen since then.

Membership: Vice Commodore Mike Patten - We have a new boater, Del Hall

Treasurer: Lynn Adler. Kristina has word out that we are looking at accountants.

Secretary: Barbara Haake. Question: We bought fencing for additional security at the Lower Harbor last year - it was installed in the fall of 2021. The agreement was that we would pay half of the cost for the fencing and the city would pay the other half. Kristina reported that we deducted half of the cost of the fencing from the “rent payment” SPYC pays to the city twice a year.

Barbara read in the lease with St. Paul that every year on June 1st, SPYC has to send a roster to St. Paul of its slipholders. Barbara asked if that list could be printed out in hard copy and distributed to our club members/slipholders so we all could have the current list of names, slip numbers, contact information in directory form. Bill and some of the board members said “yes”: It was decided that a club roster would be published in hard copy form to be given to all slipholders. The roster to be published will only have member names and the slip they are in. No home addresses, phone numbers or emails will be published.

Committee Reports -

Social: Bill Tschohl 6/27/2022

To date we have held twelve events, including general meetings, yard party, season kick-off, Captain’s breakfasts, Steak Fry and Commodore’s Ball. We budgeted \$7,150 for these early events and our actuals were \$10,350. We are \$3,200 over budget currently. The majority of that was due to relocating the party to the Paddleford River boat, Betsy

Northrup, due to the uncertainty of when TRUBADOR (slipped in front of the clubhouse) could return to her lower harbor slip and when the band's dock could go back to the clubhouse.

The steak fry was very well attended with 87 paid attendees and numerous kids.. The food was fabulous as always. Our team lead by Tom Marrone did awesome with great food and great atmosphere to reconnect with many of our friends!

Our Captain's breakfast on Father's day weekend was also pretty well attended with 62 paid guests and quite a few kids with their dad's for the party. Dale Alexander was our keyboardist and really made it an extraordinary father's day brunch.

Our Commodore's Ball this past Saturday, June 25th, was a lot of fun. The paddleford team really did excellent with the food. Serving food as light bites throughout the evening, three courses, really made it a social event. No one had to sit down at a certain time or place for a meal and that really drove more socialization throughout the night. Tim Wicks, keyboardist, opened our evening with some light music that was great to socialize during. It really was perfect and he is an extremely talented musician! Paul Barry's blues band carried us through the later afternoon and evening. The band was phenomenal and hearing them live was such a treat. Great food, music, dancing, socializing really defined this 110th Commodore's Ball!

We're taking a short break for the 4th of July with no events planned this coming weekend.

We do have a list of events remaining for the year and will work really hard to get our plans and budget closer to the black.

Sunday, July 10, 2022 11am - all day Beach party on Pike Island (Potluck)

Saturday, July 16, 2022 7pm Dance Party at the Clubhouse

Saturday, July 30, 2022 7pm Party at the Club (Themed)

Friday, August 12, 2022 6pm TGIF Irish fest warm up

Irish Fair 13th, 14th, 15th All Weekend Irish Fair 13th, 14th, 15th

Saturday, August 27, 2022 4pm National Hotdog Day Party

Saturday, September 10, 2022 4pm Giant Chicken Feed

Tuesday, September 13, 2022 7pm General meeting

Friday, September 23, 2022 6pm TGIF and Movie Night

Saturday, October 8, 2022 6pm Halloween Party TGIF

Saturday, December 10, 2022 Holiday Party

Clubhouse Committee Report Bill Tschohl 6/27/2022

The clubhouse is in really great shape. We've hosted a number of parties and really aren't any worse for wear. The carpets and tile were cleaned recently which really sharpened it up.

Please note: Occasionally the refrigerator and freezer will be locked when there is a club event or member party supplies stored in them. We will try to keep this to a minimum. If you see anything that needs a touch of work please let Bill, Nate or Tom know.

Bill mentioned during the meeting that Tom Marrone did a good job in cleaning the carpet in the clubhouse. Bill said he has been very disappointed this year with items that have gone missing from the clubhouse that were purchased for our social events. The condiments and other items in the fridge are always available for general use, but when we lose sleeves of hamburgers and other items we have to pivot quickly to adjust generally the morning of the event. We also, incredibly, had someone open up food that was clearly labeled as event food that we had on the prep table defrosting. We had to throw that out as we had no idea if it was sanitary anymore. This costs us all in either not the planned food or the direct cost to replace / substitute in something else.

Marketing: Lynn Adler - No report

Long-Term Planning: Bill Tschohl - Will meet sometime in July.

Operations - Andy Ristrom

SPYC Crews have three major items to address:

- Fixing the shore side and Dahlgren dock walkway that was damaged by the trees
- Completing this year's upper harbor maintenance dredging
- Prepping for the lower harbor phase two dredging (likely end of august, early September??) and then putting the docks and infrastructure back in place.

Breakdown for the upper harbor dredging activities:

The Geo-bag laydown area to receive dredging spoils will be prepped this week, fixing washouts and preparing to commence dredging operation beginning July 5th or 6th.

The prep work will be conducted by Bolander (heavy equipment work to fix washouts and reset J-Barriers) and SPYC staff (laying down reinforced poly, geo-bags, etc.)

The order for the piping portion that we did not own and rented in the past has been placed (Andy actually placed it as soon as the board approved it Monday night June 27, 2022). This pipe and associated wye's reducers, elbows, etc. should be delivered Friday July 1st or Tuesday July 5th.

This important purchase means that SPYC will now OWN the necessary piping to dredge 2/3rds of the upper harbor and deliver it into 4 geo-bags without renting anything.

Dredging will commence the week following the 4th of July holiday, and continue for 2-3 weeks to touch up the harbor mouth and the 'trouble' slips that need material cleaned out. If time allows we may go after other areas that have sediment that could be troublesome.

What is the depth of the harbor mouth?. Brett said he read about five feet deep yesterday (Sunday 6/26). An official depth reading over the width of the Upper Harbor's mouth could be given to the slipholders who intend to go out. Currently passage is assumed to be safe.

During the meeting, piping was discussed - cost to purchase vs. rental costs. Renting is more expensive, \$3,200 rent a month. \$13,500 to buy the whole works. Andy asked for the OK to purchase the piping for \$13,500 plus tax.

Bill pulled up the dredging business plan and explained it to the people at this meeting. Last time we paid \$60,000 to get the mouth done and that went half-way up to the Clubhouse. Two years ago we bought our own equipment. Are we over our annual budget? Or are we under? Some were concerned if we were over budget. Overall, we save money dredging the UH ourselves.. .

Barbara suggested that Operations write up a cost/benefit analysis on our upper harbor dredging operation of 2021. We will better understand the big financial picture with an analysis after a one-year use of the dredge machine we purchased. We can use it for future reference. Also, other marinas/people might want to ask us “how did everything go?” Andy said he can do that summary. SPYC feels, hands down, doing our own dredging is the way to go.

MOTION was made by Bill Tschohl; seconded by Lynn Adler, to spend \$13,500 plus tax to purchase the piping we need to dredge the Upper Harbor. Motion passed.

Bill: We have an agreement with the city as part of our updated lease to not leave the spoils up on land over a year. We have twelve calendar months to get rid of dredging spoils. We should be timing that final disposal to when it's most cost effective. When we got rid of it last year, it was cold so the soil was frozen and that makes it easier to manage going out by truck. Additionally, our business plan for dredging estimated that we would on average spend \$26,000 per year on disposal and equipment needs. At 15 years, which is what all equipment lifetime and costs were based on, this \$13,500 adds less than \$1,000 into fixed costs we essentially already new about when we wrote the business plan. We knew we didn't have every detail and accounted for that with some high estimates assuming some costs would grow each year and there was equipment we would not know what was appropriate until we got going.

Diane stated: We need boaters to get out of the upper harbor. We prefer owning our own equipment; it proves we will take care of the sediment. This expense is important. Andy: Rent-to-own is an option but buying is the way to go.

St. Paul's Right-of-Entry Permit: Report by Bill. The city is asking us to sign if we want to float the Miller Dock close to the City Dock's pilings to give LSM's dredging equipment more room to clean out our lower harbor during the second phase of the COE's late summer dredging of the LH.

The agreement mentions insurance at no less than \$1.5 million. SPYC has insurance at \$1 million. Perhaps we can get a “short-term” agreement for \$1.5 million. Brett is assuming our insurance policy will do it.

Bill said we have never put our dock next to the city's dock. First time experience. Kristina will review our insurance. The Right-of-Entry Permit Agreement does not specify which “wood dock” we will “secure” to the City Dock but the photo on page three of the Agreement does appear to show the wood dock to be SPYC's Miller Dock.

MOTION was made by Barbara, seconded by Greg, to approve the Right-of-Entry Permit proposed by the City of St. Paul with the contingency that we can secure the \$1.5 million in additional short-term insurance coverage specified in the Right-of-Entry

Permit Agreement or amend the agreement to only require \$1 million for the property liability endorsement. Motion passed.

(Note: Copy of “Right-of-Entry Permit” agreement attached at the end of these minutes.)

OPEN Discussion on the Vessel Seaworthiness Standing Rule for boats slipped at SPYC.

The main Item of concern for many of the attendees at tonight’s meeting was on the seaworthiness of Liveaboard boats. Previously, everyone had an opportunity to read some of the language Bill Tschohl had presented in a PowerPoint presentation with suggested new wording for the Standing Rule (vii) on boats’ requirement to have motors that may work.

Discussion centered on the following:

Boats docked in the SPYC Marina must be capable of moving under their own power. All boats should be able to safely maneuver under its own power. A minimum demonstration of this ability is to proceed out of the boat’s assigned slip on its engine(s) to outside of the nearest harbor entrance or 100 feet, turning back and returning to its slip.

1. In cases where a vessel does not appear to have left its slip for a long period of time and the question of operability arises, SPYC Marina Management may require a demonstration of the vessel’s operability.
 - i. At least thirty-(30) day’s advance written notice must be given to the vessel’s owner for such a request.
 - ii. In cases where a vessel is found to be inoperable, the owner shall have ninety (90) days to effect repairs.
 - iii. If after ninety (90) days the boat is still inoperable an extension of up to an additional ninety- (90) days to complete repairs may be granted if the vessel owner has, in the sole opinion of Marina Management, made substantial progress toward completion of repairs.
 - iv. If after the above timelines, the vessel is still inoperable, the vessel will be hauled out and blocked or placed on its trailer if one exists. (Haul out, blocking or placement on a trailer will be at the owner’s expense.) Any boat still inoperable at the end of the season may retain their slip per normal policy, but won’t be launched until repairs are completed.
 - v. If the vessel is removed from the water to effect repairs, regular policies will apply. This section is not intended to apply to any brief period of repair common to most vessels.
 - vi. Marina Management may repeat this request to test operability as needed, but will typically only request this once per year.
 - vii. Live-aboard Exception: Our Live-aboard members boats, as defined elsewhere in our standing rules, will not be required to demonstrate their boat is capable of moving under its own power. They will need to have a movement plan documented and available they can share with SPYC Marina Manager.

Bill presented language of **7.1.14 of SPYC's lease with the City of St. Paul** requiring vacating the marina in the case of an emergency:

7.1.14: That in cases of emergency or disaster such as flood or other natural act, SPYC will vacate Marina Premises if required and otherwise cooperate with directives from the City's Superintendent of Parks and Recreation, Fire Chief, Police Chief or other City official delegated such power due to the emergency. Related cost shall be borne by SPYC unless otherwise negotiated. Further, SPYC will make no claim against the City for lost revenues or added expenses due to this temporary relocation.

He also showed SPYC's **Existing SPYC Standing Rule** (Page 4, Item 5)
All boats must be of a cruising type with adequate self-contained power. In good operating condition, capable of participating in club cruising Activities and moving under their own power in case of emergency.

Discussion between the attendees and the board.

Eric - had the same refrigerator (electric/propane) and later had been recalled. Never happened before. Lynn Adler: Fires move on down the line. Andrea - We have a houseboat we don't want to cruise on/in. Cruising is not who we are or what we are here for. Bill - this is about moving boats and trying to look at the Standing Rules and put in what we want for a rule. Is it to replace what we already say? Diane - whatever vessel we have must be able to move under its own power. MJ - You are saying all boats need to operate or move, to outside of harbor entrance and come back in. To have gas in the boat's engine and in a "tank" and never plan on taking the boat out is not safe. Gas in tanks by itself can be dangerous. I won't ever take my boat out. (Someone mentioned the clubhouse as a structure that is floating and will never move.) MJ went on to say her boat was grandfathered in and it was approved that it would not move. BUT if MJ ever sold the boat, it needed its motor to work. Question about the safety of the boats. It was mentioned that a person can have a boat and it doesn't need an engine to be moved. Cut the lines and just let it go downstream. Or someone can move it with another boat. Eric - Are we going to support these unique (liveaboard) boats or expect it to be a cruising boat? Diane - this is your home; are we going to afford the Sausalito-style marina or not? This is a part of what we want?

It was pointed out that our lease with the city says we can have up to 25 Liveaboards. Some of the Liveaboard boats are too big to move. In an emergency, can a person have another boat move you? Can we agree to be able to move in a different manner under our Standing Rules?

Stephanie - If an emergency happens (fire, etc.) leave your boat and call 911. I am more valuable than the boat is. Bill - let's get language that makes it clear. Bill doesn't think the language he has presented needs to be the final language.. All deserve clarity. Write it so it makes sense. Brett: We may have a three-week notice to get the boats out of the LH. If the crew has to move all of the boats, will they have time? Carol Janisch: We are talking about a lot of money being spent to get us dredged: What about the increased yearly income SPYC will have with more slips to rent out? You can help people to move things. We were told SPYC is not moving our boats.

Bill: We knew dredging was happening this year. We are trying to prepare for it.
Diane: We are in a transition period. This has been stressful for everyone. Greg: We

love the Liveboards. Someone from the group said "Not true". Not many care about the lower harbor. Bill said "We are not trying to get rid of Liveboards. We just want a Standing Rule that everyone can understand". Stephanie stated that twice she has been threatened with eviction. She got notices that said she had to have her boat running and also be out of the harbor by a certain date. She said she is not going to move, ever. She would have to hire someone to move her boat. If SPYC's workboat can't do it, then she would have to find someone else to do it.

Comment: This is my home and I have been threatened. It's different and being told to get out by such and such date is not helpful. I don't "feel the love"...being told to get out by such and such a date. MJ: This is my home. MJ suggested some people can get together and work this wording out. Eric: We need to compromise.

Someone remarked that Kristina told them that the workboat would not be used - Why is that not an option to help move the boats? (At that time, Kristina said the weather conditions were such that the workboat could not be used.) They were told that they "have a plan to move yourself". In the past the workboat would move the boats. We need to solve this by better communication.

Stephanie - It's simple. How long have we needed to have this dredging done? Here is a group of people who are not used to moving their boats. We won't see this type of dredging project again for "x" amount of years. (Note: The whole harbor has not been dredged out in the last thirty (30) years, even longer.) We need to come together to accommodate the boats. Greg - SPYC is not the only marina in the world that allows Liveboard boats. Other marinas have requirements/rules for Liveboards. Kristina: We are different. Craig Frethem: Can we learn from others?

Bill took language on the Standing Rule from many other marinas. Read the last two pages. He feels that will provide leniency for people who are not able to move their boats. Troy - Maybe we should look at what a boat does have for safety if they cannot move their boat. Greg - Test their bilge pump? How do you do that without putting water in the hull?" We need to compromise - have requirements for stationary boats.

Bill: Maybe Liveboards need to have a carve out in the Standing Rules because you are different. No one else stays in the water all year long. Do we want a liveboard exception? You don't want to take all of your possessions out on the water. Stephanie: My boat could go out on the water but if you put gas in my tanks and I don't go anywhere and the boat just sits there, the gas can get water in it and it won't go anywhere anyway.

David: Many of Liveboard boats have the potential to move. What minimum do you want to see to prove that? Stephanie was told the workboat will not move boats. Another point from someone: Liveboards pay the same slip fee as anyone else and that fee includes a pull out, blocking and splashing again. Why can't the workboat be used to move us when the dredging begins again?

Diane - have some verbiage that includes river conditions that may require you to have someone move you. Stephanie: Give us a list of people who we can call to move us. Eric: If you can't move your boat you need to agree to find someone who can move it...Conditions permitting.

Bill - We need to have liveboards come up with wording. Touchy situation. We have not talked about this for years. Bill wants a better club; he is trying to work for clarity. Our rules need to be clear ten years from now. Andrea - we feel like we are step-children to this club. We do take pride of ownership in our Liveboard boats. Stephanie - If the board has concerns about a certain boat, just talk to the boat owner. Lynn Adler: We have gone through three managers in three years. In the past rules were not enforced. We need to be a little patient with the club to enforce the rules so we all get along. David said where else can a boat sit in shallow water except the Liveboard boat that doesn't go anywhere? - - - We provide income to the club. Bill - We need to get to the core of an issue, work on it and then move ahead. Kristina is trying to get it correct. She is a rule follower, facts. She is sticking to the rules. Visitor (?) Del Hall (?): Stated he knows about Liveboards. He has lived in many temporary places, trailers, vans, manufactured homes, etc. Bill stated that we have room for 25 Liveboard slips that have water, gas, electricity, and even a pump out system and it is their home.

(The attending group was feeling good about this board - the board seemed supportive of the Liveboard community.)

MJ suggested (supported by Diane) that the Liveboards get together and work on Standing Rule language with a provision for Liveboards and have it ready for the July (25th) board meeting.

Barbara told the group that she would host the Liveboard meeting on TRUBADOR so we can discuss the Standing Rule of "Vessel Seaworthiness" and arrive at some verbiage that the Liveboards can present to the board at its July 25th meeting.

Andy (on ZOOM) asked to join the meeting at TRUBADOR. He wanted to help make this work for everybody. We all are one community. Put the language down and we can work from there. MJ mentioned that in August she will be here as a Liveboard for 23 years. She is hoping she can get back in the water soon. We all appreciate the board in helping us work this out. Bill - back to clarity. Get this solved. Kristina is following the rules but our language needs to be perfected.

MOTION made to Lynn, seconded by Bill, to recess this meeting at 8:30 p.m. for executive session to discuss a legal matter regarding an insurance claim. Motion passed.

(Commotion - People have to leave but have not emptied the room).

Board called the executive session to order at 8:35 p.m. (In executive session, all legal discussion, and obligations were satisfactorily approved and settled.)

Board made a motion to adjourn the regular meeting at 8:58 p.m.

Minutes taken by Barbara Haake, Secretary.

RIGHT-OF-ENTRY PERMIT

This RIGHT-OF-ENTRY PERMIT (“Permit”), dated as of this ____ day of July 2022, is entered into between the City of Saint Paul, a Minnesota municipal corporation, through its Department of Parks and Recreation (“City”), and the Saint Paul Yacht Club (“SPYC”).

WHEREAS, SPYC wishes to access City property, located at 200 Dr Justus Ohage Blvd Saint Paul, MN 55107, commonly known as the Harriet Island Public Dock (“Property”) for the purpose of temporarily securing a section of wooden dock; and

WHEREAS, City wishes to grant SPYC permission to access property for the time and purposes outlined in this Permit;

NOW, THEREFORE, City hereby grants permission to SPYC and its agents to enter the property August XX, 2022 and September XX, 2022 for the purpose of temporarily securing a section of wooden dock to the following terms and conditions:

SPYC may only access the Property for the purposes of temporarily securing a section of wooden dock to the vertical metal pilings on the eastside of the property as shown on attached map which is incorporated as Exhibit A. No attachment, anchoring, or mooring to any wood portion of the Property is allowed.

SPYC must notify the proper City officials in the Department of Parks and Recreation of the dates the work will be performed at least 48 hours before entry and advise the City of any issues that arise while the access is occurring.

All access must be done in a safe and professional manner. No trail or parking lot closures will occur.

Assignment: SPYC may not transfer nor assign its rights hereunder.

Indemnification: SPYC will protect, indemnify, and hold harmless the City and its employees, officers, and agents, from and against any and all claims, demands, and causes of action whatsoever for injury to or death of person, or loss or damage to property occurring on the property or in any manner resulting from the use and occupancy of the property pursuant to this Permit.

Insurance: SPYC shall carry, or shall cause its agents or contractors to carry, the following insurance coverage:

Commercial General Liability Insurance including blanket commercial liability coverage, personal injury liability coverage, and broad form property damage liability endorsement with a combined single limit of not less than \$1,500,000 per occurrence and \$2,000,000 aggregate shall be purchased by SPYC or its contractors. Such insurance shall (i) name the City of Saint Paul as additional insured; (ii) be primary with respect to City’s insurance or self-insurance; (iii) not exclude explosion, collapse, and underground property damage; (iv) be written on an “Occurrence Form” policy basis.

Worker's Compensation Insurance with not less than statutory minimum limits and Employer's Liability Insurance with minimum limits of at least \$100,000 per accident and with an all states endorsement.

SPYC must provide a current insurance certificate for policies two weeks prior to entry under this Permit.

Permits: SPYC must acquire any additional required permits for the access permitted.

Restoration of Property: SPYC will repair any damage and restore the Property at the end of the Permit to the same condition as it was at prior to access and work by SPYC.

Contacts for Parties: City has designated Tyler McKean (tyler.mckean@stpaul.gov) and SPYC has designated Kristina Cummings (office@stpaulyachtclub.org) as the persons responsible for administration of the work done pursuant to this Permit.

Counterparts: The parties may sign this Permit in counterparts, each of which constitutes an original, but all of which together constitute one instrument.

Electronic Signatures: The parties agree that the electronic signature of a party to this Permit shall be valid as an original signature of such party and shall be effective to bind such party to this Permit. The parties further agree that any document (including this Permit and any attachments or exhibits to this Permit) containing, or to which there is affixed, an electronic signature shall be deemed (i) to be "written" or "in writing," (ii) to have been signed and (iii) to constitute a record established and maintained in the ordinary course of business and an original written record when printed from electronic files. For purposes hereof, "electronic signature" also means a manually signed original signature that is then transmitted by any electronic means, including without limitation a faxed version of an original signature or an electronically scanned and transmitted version (e.g., via PDF) of an original signature. Any party's failure to produce the original signature of any electronically transmitted signature shall not affect the enforceability of this Agreement.