

MINUTES OF THE BOARD OF PARK COMMISSIONERS  
June 23, 2011

The Board of Park Commissioners held their regular meeting on June 23, 2011 in the Tom Baker meeting room of the City/County Building. President Beattie called the meeting to order at 5:15 pm. Commissioners Jeske, Schwartz, O'Brien, and DeForest were present.

President Beattie requested adding recognition of Director Neu as item #16 of the agenda. Commissioner Schwartz moved approval of the agenda as presented with the addition of #16 as requested. Commissioner DeForest seconded the motion and the voting went as follows: Ayes: Commissioners Jeske, Schwartz, O'Brien, DeForest and President Beattie. The nays being none, the motion carried.

Commissioner Jeske moved approval of the May 19, May 26, and June 9, 2011 Board meeting minutes. Commissioner Schwartz seconded the motion and the voting went as follows: Ayes: Commissioners Jeske, Schwartz, O'Brien, DeForest and President Beattie. The nays being none, the motion carried.

The "Featured Partners and Programs" section of the meeting had a presentation from Tom Miller, President of the Optimist Club of Bismarck. He spoke about the Optimist Club of Bismarck and the programs in which they are involved. He also invited to Board members to an improvement project celebration to see improvements made to Optimist Park. This celebration will be held June 28<sup>th</sup>.

The following items were placed on a consent agenda:

- Request to call for Bids - Municipal Ballpark Infield Renovation Project
- Contracts and Facility Use Agreements for VFW Sport Center and Schaumberg Arena
  - Bismarck Public Schools
  - Capital Curling Club
  - Bismarck Sports Group (Bismarck Bobcats) – including advertising sales
- Authorization to Submit Bid to Host 2013 National Softball Championship
- Recommendation to Delay Fox Island Parking Lot Project to 2012 Construction Season

Commissioner O'Brien moved to approve the consent agenda as presented. Commissioner Schwartz seconded the motion and the voting went as follows: Ayes: Commissioners Jeske, Schwartz, O'Brien, DeForest and President Beattie. The nays being none, the motion carried.

Pat Brown from Brady Martz and Associates presented an overview of the 2010 Audit report. He thanked Finance Manager Augie Ternes, Director Neu, Assistant Director Bina and Park District staff for their assistance with the auditing process. Commissioner DeForest moved to accept the 2010 audit report as presented. Commissioner Jeske seconded the motion and the voting went as follows: Ayes: Commissioners Jeske, Schwartz, O'Brien, DeForest and President Beattie. The nays being none, the motion carried.

Director Neu stated that no additional comments or suggestions have been received on the draft 2012-2014 Strategic Plan that was presented at the May Board meeting. Commissioner Jeske

moved to accept the 2012-2014 Strategic Plan as presented. Commissioner Schwartz seconded the motion and the voting went as follows: Ayes: Commissioners Jeske, Schwartz, O'Brien, DeForest and President Beattie. The nays being none, the motion carried.

Mike Gilbertson and Bill Sorenson, representatives of the Sleepy Hollow Committee, presented plans to begin construction on the backstage building and provided a fundraising update. They requested authorization to begin construction on the backstage building this summer. Commissioner O'Brien stated that he would like to see a master plan for the entire park in the very near future. Commissioner DeForest moved approval for construction on the backstage building to begin. Commissioner O'Brien seconded the motion and the voting went as follows: Ayes: Commissioners Jeske, Schwartz, O'Brien, DeForest and President Beattie. The nays being none, the motion carried.

Brad Krogstad from Kadrmas Lee and Jackson presented three bid summaries for Board consideration. The first was for the Scheels Sports Complex parking lot improvements. A total of five bids were received with Sand Creek Corporation submitting the low bid. Commissioner DeForest moved to approve the low base bid and alternate #1 submitted by Sand Creek Corporation in the amount of \$117,404. Commissioner Schwartz seconded the motion and the voting went as follows: Ayes: Commissioners Jeske, Schwartz, O'Brien, DeForest and President Beattie. The nays being none, the motion carried.

The second bid was for Hay Creek trail segment replacement. One bid was received, and it was under the engineer's opinion of cost. Commissioner Jeske moved to accept the bid submitted by Phoenix Construction for \$54,975. Commissioner Schwartz seconded the motion and the voting went as follows: Ayes: Commissioners Jeske, Schwartz, O'Brien, DeForest and President Beattie. The nays being none, the motion carried.

Recreation trail improvements at Chief Looking's Village were the third project. One bid was received, and it was slightly higher than the engineer's opinion of cost. Commissioner Schwartz moved to accept the bid of \$51,142.50 submitted by Northern Improvement. Commissioner DeForest seconded the motion and the voting went as follows: Ayes: Commissioners Jeske, Schwartz, O'Brien, DeForest and President Beattie. The nays being none, the motion carried.

Pat Ward, Park District legal counsel, reviewed a letter received from the Burleigh County State's Attorney regarding the Bureau of Criminal Investigation's report regarding the manner in which Bismarck Parks and Recreation District Director Steve Neu went about obtaining proposals for the construction of the building housing the biomass heating system at the Bismarck Aquatic and Wellness Center. The Bureau of Criminal Investigation concluded that "the elements required to establish a violation of N.D.C.C. § 12.1-23-07, or, for that matter, any other criminal violation were not present in this case and, therefore, no criminal charges will be filed."

Director Neu provided an update and alternative to the Cottonwood Park road construction project. There have been several discussions and reviews of the future costs of development of a road to service the subdivision of Meadow Village as well as the potential future costs to the

District to develop Boston Drive through to Santa Fe. A new proposal was presented for Board consideration.

By agreement in March 2008, the Park District is obligated to construct  $\pm$  1,400 feet of Boston Drive with two access points, water, possibly sewer, street lights, curb and gutter for Meadow Village. This would also serve west Cottonwood Park. The estimated cost with engineering is over \$1 million. The plan for 2011 was to build  $\pm$  260 feet of the road at an estimated cost of \$200,000, including engineering. Future costs would be about \$800,000.

President Beattie, Assistant Director Bina and Director Neu met with Rod Jacobson and Dick Olson to discuss possible needs and alternatives to the road development. The new proposal is as follows:

In lieu of Boston Drive being developed in 2011 (260 feet) and any future obligations for road development of the subdivision, the Park District purchase 20 acres of the Meadow Village Subdivision for future park expansion and neighborhood park development. The cost proposed is \$15,000 per acre for a total cost of \$300,000. This would be an estimated \$100,000 more than the first phase of the road, but an immediate potential \$750,000 savings long term.

The recommendation to the Board is to accept the proposal received from Rod Jacobson and Dick Olson to purchase 20 acres at \$15,000 per acre or \$300,000 as part of the 2011 Improvement District at Cottonwood Park. This proposal also provides for the release of the Park District from current conditions and future capital requirements contained in the original March 2008 agreement. This \$300,000 was the amount originally proposed in the 2011 Improvement District with the road development and purchasing the four acre greenway.

Commissioner DeForest authorized the Park District to solicit an appraisal of the property and to table this topic until the July Board meeting. Commissioner O'Brien seconded the motion and the voting went as follows: Ayes: Commissioners Jeske, Schwartz, O'Brien, DeForest and President Beattie. The nays being none, the motion carried.

The Board received a letter from Julie Fornshell, Administrative Specialist, resigning from the appointment as Park District Clerk as the duties of the Clerk are ambiguous and unclear. Commissioner O'Brien moved to accept Julie Fornshell's resignation as Park District clerk. Commissioner Jeske seconded the motion and the voting went as follows: Ayes: Commissioners Jeske, Schwartz, O'Brien, DeForest and President Beattie. The nays being none, the motion carried. Commissioner Schwartz and President Beattie will meet with Assistant Director Bina to define the position and how best to distribute the duties.

Assistant Director Bina provided an overview of the Missouri River flooding impacts and recovery considerations for the Park District. He commended the Emergency Operations Committee and Park District staff for their hard work and communication during this challenging time. He stated that it would be beneficial to schedule a Commissioner tour in the near future to review some Park District sites impacted by the flood and begin the conversation of coordinating recovery efforts. It is difficult at this time to put a number or determine fiscal impacts of the flood on Park District facilities and programs. The impacts need to be identified in order to place

a value and cost to the District. All funding sources and funding programs will also need to be identified. This will come through the recovery work by staff in coordination with the City, School District, County and other state and federal agencies. It will be necessary and important for all political subdivisions to work together in the on-going planning of the recovery efforts of the community.

The Board discussed refunds for Riverwood Golf Course season passes. Commissioner O'Brien moved to set July 4, 2011 as the final date to submit refund requests for Riverwood or Riverwood/Tom O'Leary season passes. Commissioner Jeske seconded the motion and the voting went as follows: Ayes: Commissioners Jeske, Schwartz, O'Brien, DeForest and President Beattie. The nays being none, the motion carried.

Paula Redmann, Community Relations Manager, compiled salary information on park district Director's in North Dakota, South Dakota and Minnesota, and this information was provided to the Commissioners. The Board took no additional action on the hiring of Randy Bina for the Director's position.

Commissioner DeForest moved approval of bills for payment with checks 168387 to 168792 and 327097 to 328166. Commissioner Jeske seconded the motion and the voting went as follows: Ayes: Commissioners Jeske, Schwartz, O'Brien, DeForest and President Beattie. The nays being none, the motion carried.

In recognition of Director Neu, Assistant Director Bina and each of the Park Board members wished him the best and thanked him for his years of service to the Park District. Then President Beattie asked Director Neu and his wife Cheryl to step forward to receive their Gold Card for future use of facilities. In addition, Director Neu was presented with a silver plate in recognition of his years of service to the Park District and the citizens of Bismarck. The following proclamation was also presented and read as follows:

**Whereas**, Steven M. Neu, in his capacity as the Director of the Bismarck Parks and Recreation District since 1987, has served the residents of the City of Bismarck in a most outstanding, exceptional and splendid manner, and

**Whereas**, he has provided leadership and inspiration that has greatly assisted in the growth and development of parks, recreation and leisure opportunities; and

**Whereas**, Steven M. Neu has given freely and graciously of his time and many special talents to the Park District of the City of Bismarck for these many years, greatly contributing to a better community, and

**Whereas**, it is fitting and proper that such dedication, loyalty and public service be recognized, publicly proclaimed, historically noted and made part of the permanent record of the Bismarck Parks and Recreation District;

**Now**, therefore, be it resolved by the Park District of the City of Bismarck and on behalf of the citizens of Bismarck, on this 23rd day of June 2011, that the Board of Park Commissioners and staff of the Bismarck Parks and Recreation District extend to Steven M. Neu sincere thanks and grateful appreciation for his leadership and service.

The next Board meeting will be held on July 21, 2011 at 5:15 pm at the Tom Baker meeting room. The meeting was adjourned at 6:35 pm.