

**Park Board Meeting
May 13, 2024**

Pursuant to due call and order, the Board of Park Commissioners, Dickinson Park District, met for a Regular Meeting at 4:00 pm on Monday, May 13, 2024, at the West River Community Center.

ROLL CALL: Present were Commissioners Scott Karsky, Tim Daniel, Zach Keller, Jo Marie Kadrmias. Also, present were Executive Director Benjamin Rae, Director of Buildings/Grounds Craig Pearson, Director of Recreation/Facilities Caleb Burgard, and Clerk Leah Hoenke. Commissioner Nic Stevenson was absent at roll call – he joined the meeting at 4:11 pm.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was given.

APPROVAL OF AGENDA – MOTIONED BY: Jo Marie; SECONDED BY: Zach Keller to approve the agenda. Roll call vote: Ayes-4; Nays-0; Absent-1 (Stevenson). Motion carried.

CONSENT AGENDA – MOTIONED BY: Tim Daniel; SECONDED BY: Zach Keller to approve the Consent Agenda items as presented, which includes the Park Board meeting minutes from April 8, April 22; April Claims in the amount of \$675,554.25; and Pledged Securities. Roll call vote: Ayes-4; Nays-0; Absent-1 (Stevenson). Motion carried. President Scott Karsky said that the April 22 minutes did not mention the discussion of the lake location along with the 21st St location for a tree nursery but he wanted that reflected in these minutes.

BUILDINGS/GROUNDS

Director of Buildings/Grounds Report – Director Craig Pearson provided a written report, he didn't have any new updates to report.

WRCC Emergency Exit – Executive Director Benjamin Rae provided the plans and showed the emergency stairwell behind the MAC gym. During the insurance renovation work on the north stairwell due to freezing of the sprinkler lines, it was discovered that water was running into the wall cavity. At a minimum, the water had damaged the CMU wall and moisture barrier to the extent that it must be replaced before the insurance repair work can resume. Immediately staff contacted several contractors to provide an estimate for repair of the damage. Due to concerns over liability, none of the contractors were willing to complete any work without the recommendation of an engineer or architect. The District contracted with GT Architecture to make recommendations and they designed a solution that included a redesign of the roof section to the south of the stairwell to move water away from the east wall of the stairwell with additional alternates to add rain gutters and snow fencing. Staff asked GT architecture whether we could just repair the damage to the prior conditions. They reported that they could not make that recommendation in their professional opinion as it would likely present the same problem in the future. It was estimated by GT Architecture that the cost would be below the \$200,000 public bid threshold. The project was separated as follows: Base bid: New roof line, New East CMU wall, interior wall repairs, and removal and replacement of existing metal siding. Alternate 1: Replacement of North CMU wall. Due to age, the colors will not match on the two sides of the wall if not replaced. There is some minor damage to the North CMU wall. Alternate 2: Addition of gutters and downspouts. With the design and recommendations of GT Architecture, staff requested bids from 4 companies. Arrow (who is handling the insurance work) and Tooz Construction both initially reviewed the material and declined to submit a bid. Bids from Roers Construction and Kolling & Kolling are submitted here for consideration. Both companies have expressed the ability to complete the project in a timely manner. Director Rae said the staff recommendation is for approval of the Roers Construction base bid and has no recommendation on the Alternate 1 and Alternate 2. Discussion followed on rain gutters and down spouts and where they could be located. Director Rae added that we wanted them to be able to do it in a timely manner, Roers said they would have a 3-6 week timeframe which was important to us. Commissioner Nic Stevenson asked if any of this was over the mechanical area. Director Rae said yes, and adding the gutters would include added protection of the mechanical area. Commissioner Stevenson said he thinks that protecting our mechanical and HVAC is important. Commissioner Zach Keller agreed and said he's not confident that we would remember to come back and see if just the base is successful. President Scott Karsky entertained a motion. MOTIONED BY: Zach Keller; SECONDED BY: Nic Stevenson to approve the Roers Construction base bid of \$122,900 with addition of Alternate 2 of \$23,352. President Scott Karsky asked if the \$75/day per diem is included in the total. Director Rae said he believes that it is included but would verify with Roers. The board amended the motion to approve the Roers Construction base bid of \$122,900 with addition of Alternate 2 of \$23,352 contingent upon the verification of the \$75/per day per diem. Roll call vote: Ayes-5; Nays-0; Absent-0. Motion carried.

RECREATION/FACILITIES

Director of Recreation/Facilities Report – Director Caleb Burgard provided a written report. He updated the board on new tee time guidelines and said members are supportive of us applying credit cards when booking according to feedback received. We are currently not charging any fees for no-shows, but he said that it has made a big difference in people cancelling their tee time. Discussion followed on very good season pass numbers and usage. Director Burgard also updated the Board on the recent lifeguard certification. We received 6 new guards and have another course this weekend, hoping to get another 6. He also said that staff has been working to set up a lifeguard elective guard class through Dickinson High School and they were successful in doing that. Director Rae said he's excited to start the program.

Fitness Equipment RFB – Director of Recreation/Facilities Caleb Burgard reviewed the RFB for fitness equipment. The West River Community Center currently purchases new fitness equipment every 5 years. We have money budgeted for smaller equipment purchases each fiscal year, however this new fitness equipment purchase replaces older cardio, strength, and selectorized equipment. Staff assesses equipment mileage, maintenance issues, and other determining factors when considering potential replacements. Members were also encouraged to provide specific equipment recommendations throughout this process. The requests we received included: more treadmills, hack squat, glute trainer, NuStep, and rowers. We currently have 158 total pieces of equipment on the main fitness levels, with 29 scheduled to be replaced/upgraded. Director Burgard recommended approval of RFB as presented. MOTIONED BY: Nic Stevenson; SECONDED BY: Jo Marie Kadrmias to approve the Request for Bids notice as provided. Roll call vote: Ayes-5; Nays-0; Absent-0. Motion carried.

YUM Outdoor Pool Agreement – Director of Recreation/Facilities Caleb Burgard said this is a yearly agreement for Dave Ouellette to provide YUM frozen yogurt at the outdoor pool. There were no changes other than corresponding dates. He is recommending

approval. MOTIONED BY: Zach Keller; SECONDED BY: Nic Stevenson to approve the West River Community Center Concessions Lease Agreement as presented. Roll call vote: Ayes-5; Nays-0; Absent-0. Motion carried.

BUSINESS/FINANCE

April Financial – For informational use only. MOTIONED BY: Tim Daniel; SECONDED BY: Zach Keller to approve the financial as presented. Roll call vote: Ayes-5; Nays-0; Absent-0 (Stevenson). Motion carried.

2023 Audit Contract – Executive Director Benjamin Rae reviewed. The District has contracted with Haga Kommer Certified Public Accountants for several years to handle the annual financial audit as required by North Dakota Code. They have done great work over the years and have been responsive to staff requests and have shown a willingness to come present to the board as needed. Additionally, they are well versed in the business of the District which uniquely qualifies them to recommend needed operational changes. He said the cost is \$20,600 which is a 5% increase from prior year. Staff recommends approval. MOTIONED BY: Zach Keller; SECONDED BY: Tim Daniel to approve the audit contract with Haga Kommer for the 2023 Audit Contract as presented. Roll call vote: Ayes-5; Nays-0; Absent-0 (Stevenson). Motion carried.

Darell Spriggs Agreement - Executive Director Benjamin Rae reviewed and said in 1999, the District sold property to Jerry Mayer south of the parks shop to build a home. As part of the process, Jerry agreed to mow the vacant property owned by the Park District to the west of his home and south of the park shop in exchange for a variance to build closer to the property line than was allowed by code. The variance was recorded, but no written agreement was signed for the grass area maintenance. Over time, Jerry added an additional shed that was partially located on Park District property. I was made aware of the situation when Jerry's home was put up for sale and have taken steps to protect the park district from unauthorized encroachment on district property. As such, when the home was recently purchased by Darell Spriggs, I met with Darell and offered to allow the parking/shed concrete pad to stay so long as they would agree to maintain the adjoining property. The District has no current or future plans for the property. Director Rae stated that the staff recommendation is for approval of the land use agreement. MOTIONED BY: Jo Marie Kadrmas; SECONDED BY: Nic Stevenson to approve the Darrell Spriggs Land Use Agreement. Roll call vote: Ayes-5; Nays-0; Absent-0 (Stevenson). Motion carried.

Discussion on District and Foundation Interaction – Executive Director Benjamin Rae said the foundation is up and running and had an organizational meeting and selected officers. After meeting with legal counsel, Randy Sickler, he wanted to highlight a few things. Since the Parks Foundation only supports the Park District, a public entity, the Parks Foundation is subject to open records requests and open meeting requirements. However, donor information is exempt from records requests. The Park District cannot make donations directly to the Parks Foundation. Prior to knowing this, we used \$500 from the Park District to open a checking account. No money was spent, and we have since returned that money to the Park District. Park District employees and materials may be used to support the Parks Foundation so long as they are approved by the Park District. Examples of this may be using district space, materials, accounting software, legal services, marketing, etc. The long-term goal is to have the Parks Foundation be less reliant on the Park District. The Parks Foundation may not have a mission contrary to the strategic plan of the Park District. The Park District must approve any capital fundraising conducted by the Parks Foundation. The Park District must approve the use of the District logo, name, or any other intellectual property. The Park District should adopt a conflict-of-interest policy for the Parks Foundation governing body. The Parks Foundation is required in the Articles of Incorporation to have the Park District Executive Director as an ex officio member of the board. This meets the requirement to have representation from the Park District. Director Rae said the foundation board is as follows: Kara Visger, President; Joel Walters, Vice President; Patty Riely, Secretary/Treasurer; Nic Stevenson and Wilson McLaughlin along with Benjamin Rae as ex officio. He said we have 6 and are allowed to have up to 9. Director Rae said it is okay for the foundation to use district accounting, legal and other services but we'll bring more to the board on official processes.

Approval for Foundation to Fundraise for DSU Tennis Addition – Foundation President, Kara Visger said The Parks Foundation would like to begin soliciting donations for Phase 2 of the DSU Tennis Court project to include adding 2 additional courts, additional sidewalk, and other facility amenities. Executive Director Benjamin Rae said the total project is anticipated to be around \$200,000 of which we have received a few grants toward the project. Commissioner Jo Marie Kadrmas asked if we got approval from the Board of Higher Education to move forward on resurfacing. Director Rae said yes, it is all approved, just needs official documentation to be signed. MOTIONED BY: Jo Marie Kadrmas; SECONDED BY: Zach Keller to approve the foundation request to begin a formal capital fundraising project for the DSU Tennis Courts. Roll call vote: Ayes-5; Nays-0; Absent-0 (Stevenson). Motion carried.

Executive Director Report – Executive Director Benjamin Rae reported that legal counsel Randy Sickler won't need to come to the monthly meetings, we feel it is not necessary at this time. He also added that we received the RTP Grant, we asked for \$161,000, they gave us \$158,000. President Karsky asked about the hole 17 bridge. Director Rae said the engineering is still being worked out and he is hoping to have something more to bring to the board next month. He also said the NRPA conference will be held October 8-10; we plan to take 3 staff members this year. He wanted to open to the board if they have an interest. He said we are a Gold Medal Finalist once again and the banquet is on the Oct. 7th. President Karsky said he thinks it would be a good idea for a board member or two to attend.

Adjournment – MOTIONED BY: Zach Keller; SECONDED BY: Jo Marie Kadrmas to adjourn the meeting at 4:53 pm. All aye, motion carried.

PREPARED BY:

APPROVED BY:

Clerk

President