

Pursuant to due call and notice thereof, the regular meeting of the Brainerd Park Board was called to order at 4:00 P.M. by Board President Yeager.

Present were President Kevin Yeager, Tim Boeder, Troy Rushmeyer, Kara Schaefer (WebEx) and Andrew Shipe.

Also noted present were City Engineer Sandy, Recreation Coordinator Kaufman, City Administrator Bergman, HR Director Schubert, and Community Development Director Chanski.

Park Board President Yeager opened the meeting with the Pledge of Allegiance to the flag.

Approval of the Agenda - Approved

PUBLIC FORUM WAS MOVED TO THE FIRST ITEM AFTER THE CONSENT CALENDAR.

Approval of the Consent Calendar - Approved

MOVED AND SECONDED BY MEMBERS BOEDER AND RUSHMEYER, DULY CARRIED, TO APPROVE THE CONSENT CALENDAR.

- A. Approval of The Minutes of the Special Meeting held on May 11, 2021, and the Regular Meeting held on May 25, 2021**
- B. Approval of the Disbursements for June 2021**
- C. Approval of May 2021 Financials**
- D. Approval of New Hires for June 2021**
- E. Wage Increase MEMO**

Public Forum

The Chair opened the public forum at 4:05 p.m.

Julie Aspros, 14855 Wonderland Park Road, said when the Ski Loons started seven years ago practices were just a few times before the shows so there wasn't much disruption around the area. Each year it has gotten to be more and more, to the point where the boat operators would tell them to get out of the way when they were trying to get in and out from their dock. She said there is too much traffic with practices Monday through Thursday from 6 until dark, yelling and screaming, they have lost about two feet of shoreline at their place. There is no regard for wildlife, the loons and baby loons. If you are fishing it has gotten worse and worse. The program is good to keep youth busy but they feel that it is just too much for their area.

Wayne Harting, 14813 Wonderland Park Road, said neighbors that fish close to shore every weekend told Ms. Aspros they were trolling on Saturday when the Ski Loons boat came

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through between the water trampolines and Hartings' dock. He said the Ski Loons are supposed to be Monday through Thursday per the agreement and they are showing up on Fridays and Saturdays. They are doing it because the dock and ramp are there so they are utilizing it. If we are going to have this agreement, they need to stick to it. It was agreed two years ago practices would be two nights a week in the Hartings' direction, for the pyramids and the ski jump. Last week all four days they skied their direction, and on Saturday were there from about 10 to 4:30 for the Learn to Ski program that the Ski Loons are denying was their program, even though it was their boats and their people. They are using it when they aren't supposed to and they come within 25-30 feet of the rafts and the people out there. It has gotten out of hand and he thinks the common sense thing is they can't be on that little bit of water four days a week for 20 hours a week. It is too much to ask of a homeowner to have that in front their house for 20 hours. He understands that what they are doing is not illegal, but he thinks the only way this is going to stop is if the Park Board takes control. Last year when there was no dock or ramp they had no issues. He feels this could have been avoided if the Ski Loons had followed the rules; he stuck up for them at the meeting in April because two years ago they went straight out from their dock and everything was fine. This year has been everything but fine and he closed by saying that is his stand.

The Chair recognized Christopher Dens, President of the Brainerd Ski Loons. Mr. Dens stated he would be taking more than three minutes because there have been a lot of complaints alleged against the Ski Loons unfairly and he would like to take the time to adequately address those, as well as have Ski Loons supporters speak. He recited the goals and mission of the ski club and stated they remain constantly respectful of their friends and neighbors and try to share the lake with everyone. He would like to focus his discussion on the rights of individuals, the law, and the freedom and rights of people to utilize the public water and park without infringing upon the rights of the owners and everyone else there.

Mr. Dens said a Learn to Ski event coordinated by Bill Bivens, held last Saturday, seems to have triggered all of this. The Ski Loons historically held Learn to Ski events but have shifted their focus to the shows. Mr. Bivens volunteered to continue the Learn to Ski events, set up the dates and had permission to use the Ski Loons' boats and equipment, but the ski club didn't consider this event part of its four practice days. There was one pass on Saturday where Mr. Bivens went between the raft and dock which did not abide by the contract, for which Mr. Bivens has apologized. Mr. Dens spoke with Crow Wing County Sergeant Brad Thesing who determined that Mr. Bivens didn't break any laws. The contract says the Ski Loons are not to use the dock and that section of the park except on practice days. The plan on Saturday was to have them load and unload at the public beach launch but most of the parents went to the dock so Mr. Bivens let the kids come out of the dock and load and unload there. He reiterated the Learn to Ski event was in partnership with the Ski Loons but not directly managed by the organization.

Mr. Dens said there are very clear and established laws that anyone has the right to use the public water. The Ski Loons and anyone else can be out waterskiing on the lake. There is a camp that pulls tubers on Rice Lake. The law allows these activities seven days a week from sunrise to a half hour after sunset. He also looked at rules for public parks and believes that past contracts unfairly limit the rights of club members and you cannot discriminate against people coming in to use the park. There were a couple individuals there on Saturday that are members of the Ski Loons, but they were there with friends and skiing from the dock. He asked if you are a member of the Ski Loons are you barred from visiting Lum Park at times that aren't official practices? If so, that is an infringement of the First Amendment right to be able to use public facilities. If there is a park-wide ban that says no one can use this dock or certain parts of the park, not just because they are a member of a certain organization, then that's a different issue, but as it stands right now, they would like to see this changed in the contract.

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Mr. Dens called on Sergeant Thesing to clarify some of the rules, because Mr. Harting commented in an e-mail that anyone pulling a water skier must be 100 feet away from the docks. He said there is no law in Minnesota governing this and you can be as close to a boat as is deemed safe. When you are landing and pulling skiers you can be 20 feet from a raft if no one is being endangered and no harm being caused. The complaints coming from the neighbors comes down to they don't like us expressing our rights to be able to use the public water. The demands they are making are unfair because they are infringing on our members' use of the water. The laws are set up to allow everyone to share and be out there skiing. The skiers are in no way inhibiting neighbors or community members from being on the water, fishing, going to and from their docks, enjoying the lake; they are simply there utilizing their own rights. He said the Ski Loons have done a lot over the years to try to accommodate the neighbors; they have changed boat patterns, changed the angle of their dock, and moved the ramp even though they have a permit from the Sheriff for it. They have strived to be courteous, listen to neighbors, allow them to come in and out of their boat landings, and never trying to get in their way. He said that was not reciprocated last night when they were there to practice and Mr. Harting had two boats parked on our entrance/exit where we would normally bring our stand-off skiers, and this is borderline on harassment. The feeling he gets is no matter what we do, there is constantly an eye on us, trying to ensnare us in a trap to show that we are doing something wrong. He read from an email from Mr. Harting that said he could talk to sponsors about sponsoring an event that is a nuisance to the homeowners around the lake, he could put another raft out, he could fish in front of the Ski Loons' dock as close as they were to his dock last night and this will end the Ski Loons using the dock, taking care of the problem once and for all. He could call the water patrol to issue a complaint every night somebody passes too close. He said Mr. Dens seems to think that ski patterns are the answer to being on the lake and he will now have a fishing pattern that keeps him between the Ski Loons dock and his dock between 5:30 and 9:00 Monday through Thursday. He closed by saying he guarantees it will be easier to stay away from his dock. Mr. Dens said that borderlines on a very threatening e-mail to our organization as a whole and asked to turn the floor over to Bill Bivens, Sergeant Brad Thesing, then supporters.

Bill Bivens, 26473 Ross Point Road, Nisswa, apologized for any inconvenience or perceived slight that happened last Saturday. He ran two Learn to Ski programs this summer on Saturdays and used the Ski Loons' boats and the dock on both dates, however on June 19 the lake was so windy they had to go upriver. Last Saturday the best water for teaching kids to ski was on the south end of the lake which also gave parents the opportunity to take pictures as they passed the docks. Regarding the gentlemen that was in his boat going back and forth, Mr. Bivens said he went in a straight line out to the corner away from him and tried to not be in his way. He felt they were being safe, he thought they were going slow enough, he thought they were staying far enough away from everything. He said everything rests on him, he was there running the Learn to Ski program and it did not directly involve the Ski Loons. He said there was one incident at the end of the day when some of the Ski Loons members that were in the boat wanted to do a one-run pyramid to show the kids. He pulled the kids off the boat and went straight, which was between the dock and the trampoline raft. That was the only time he went in between there and he takes full responsibility for that. He said he made that decision, it was wrong, and he apologized. He did not want the Ski Loons blamed for his miscalculations.

Sergeant Brad Thesing with Crow Wing County Sheriff's Office took the floor. His department is responsible for enforcing the rules and laws on the water. He stated there is no specific distance required for boats when they are towing skiers. The department issues permits for structures and events on the water including the ski jump raft. Any events open to the public including training events such as the Learn to Ski classes are required to have a permit prior to hosting those events. He asked if there were any specific questions. Mr. Harting asked if there

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was anything illegal that happened last night. Sergeant Thesing said regarding boats parked on either side of the structure, there was no event permit issued for that night so there wasn't any enforceable law the Sheriff's Office could take action on.

Council President Gabe Johnson, 1501 Rosewood Street, Brainerd, spoke in favor of the Ski Loons. He thinks it is a fantastic group and program. He was on the Park Board seven years ago when they first approached the Board hoping they could grow into something. He thinks the growth is a good thing. We don't talk about park usage hours or who is allowed or not allowed in our parks. We either lease this dock that the public uses except on Ski Loons event dates or we don't lease it, and that would essentially be kicking the Ski Loons out of the park. That really is the only decision we have at a Park Board level. As much as we would like to fix a lot of things, he doesn't know if the Park Board or City Government or any government can fix relationships. We just need to focus on if we want to continue to have that dock and continue to have this successful program in what in his opinion is our most beautiful park or do we not. He hopes they continue to lease the dock.

Delia Bruggeman, 16224 Miles Circle, Brainerd, stated that when the Ski Loons were welcomed to Lum Park seven years ago countless hours were volunteered by the team to clean up the area. Buckets of broken bottles and garbage were removed from the water from the many years of less than desirable behavior that previously took place at the park. The City of Brainerd and the Parks and Rec Board were wise in their decision to allow a consistent and positive presence at Lum Park with the Brainerd Ski Loons. In the Ski Loons' time at the park she has witnessed a transformation of Lum Park from a hangout that law enforcement regularly needed to patrol to a thriving community gathering spot where individuals and families once again feel safe to use. She hopes they continue to support the Ski Loons at Lum Park.

Karen Fraser, 10576 Pine Song Drive, Nisswa, has two sons that are not members of the Loons but did the Learn to Ski program on Saturday. She said there was so much support and Bill was wonderful. She said she loves the Ski Loons and doesn't have any association other than the two Learn to Ski days but she is supporting them.

Virginia Cobb, 1119 15th Avenue NE, Brainerd, stated that her dock is right across from the Lum Park boat ramp. She doesn't think the erosion to her shore or any other shore around is related to one set of boats; it is related to the thousands of boats that go very fast all throughout Rice Lake. It happens, that's what we live with being on a shore and allowing boats on the lake, and she supports the Ski Loons.

Brian Pike, 15872 Jordan Road, Oak Lawn Township Resident, has lived here 31 years and his son became involved with the Ski Loons five years ago as a charter member. He supports the Ski Loons as a driver and as a member. He finds it hard to believe we are saying unrespectful things to travelers nearby; he has never heard or witnessed that out in the boats. They are mindful of people in front of their boats and people on the dock before practices. They have never really kicked anybody off or said this is our spot, this is our place, and he is surprised that language is out there. He encourages the Ski Loons to continue and hopefully be here for many years.

Jill Neumann, 5178 Jordan Road, said when she first moved here and had small children she didn't go to Lum Park, saying it wasn't an environment that she found good for her children. She thinks the Ski Loons has been a positive change, enhancing the park, bringing in small children and families, healthy family elements, things we want. It also brings economic positive change, people are coming to town to see the show, getting gas, going out to eat, and she supports the Ski Loons.

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Kyle Wikstrom, 4917 Noka Trail, North Long Lake, has lived here approximately six years. He has been a part of a lot of different organizations and said that every single one of them that has succeeded experiences growing pains. With those growing pains we have to collaborate and he has never encountered any maliciousness amongst any of the Brainerd Ski Loons members, and when they've heard concerns he has seen them to be quick to tackle it. He believes this is one of those positive growing pains that they can work through and work toward a more peaceful coexistence.

Matt Singh, 1101 Lakeview Lane, Brainerd, said Rice Lake is in his back yard and Memorial Park is in his front yard. You expect activity at parks when you move there. He said he never would have been able to waterski if he had not joined the Ski Loons with his daughter. He says it has been a very positive thing for his family and a positive thing for the lake. In respect to shore erosion, when 25 bass boats go across the lake, when there is a camp wake boat going all day long, that's part of it. It is unfortunate but everybody is having fun, everybody is using the lake and that goes with it, so the Ski Loons should have the opportunity to use that park too and recreate the way they want to.

Kelly Larson, 10805 River Hills Circle, Brainerd, lives on the river toward French Rapids. She also does not like to see the shoreline erosion happen but can also see that a 20-30 mph steady wind does as much wave action as boats going by.

Bill Wroolie, 1111 Lakeview Lane, Brainerd, has lived there for about 30 years. When he moved there they had the BMX track and then the baseball field, and now the Loons. Rice Lake has become a lot busier since he moved in but they enjoy the Ski Loons shows. They bring people in from out of the area that spend money here. They need to get this all worked out and keep the Ski Loons.

Keith Bisdahl lives on the south edge of Brainerd. He said the Ski Loons made it possible for him to be able to have his two young kids learn to ski. That's why we have public things; to use the space, to use the waters. We all have those rights. They do it in a positive way; his kids have learned more than just to ski; they have learned how, as a team, to put pyramids together, to teach each other. In the years we've been there he's never heard a negative thing. He works for the City of Baxter Parks Division and says that parks are there for positiveness. The Park Board should feel good about what they do and he is in favor of the Loons.

Mr. Dens took the floor again. He said that ultimately we try to find that balance where everyone has their rights that are tied to the law, use of the park, and use of the water. The decision is whether you have the dock there or not. He feels part of the problem is how the contract is written. He will send the Board a copy of a revised contract that would remove the restrictions on barring the Ski Loons from being at the park when it's not during their set number of days, because part of that being a contentious issue is when some members of the Ski Loons are there on different days. If we know we have an established right to use the water seven days a week, same as anybody else, he doesn't feel it is this Park Board's right to be able to infringe upon our rights to use the dock. They tried going around that by using the public launch instead of the dock but that doesn't make a lot of sense. We have a right to be out there, to do a Learn to Ski program. If we remove that restriction it will minimize some of the complaints about things we are doing. The other restrictions he would remove are things that we allowed to be in the contract that basically infringe upon our rights because we tried to show good faith that we are trying to be accommodating. This change to the contract does not mean the Ski Loons are going to quit being accommodating; it just means that it is not going to have to be something that gets brought up as a breach of contract. If there are rules in place that say we can go wherever we want in the water we will continue to use our good faith judgment and strive to have good relationships with the

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neighbors, residents, boaters, skiers, and everyone that is out there. He has always remained committed to that and has encouraged Mr. Harting to reach out to him first any time he had a complaint. He said that Mr. Harting has not done that but has gone to the Park Board first. Mr. Dens is convinced Mr. Harting is no longer working in good faith with the Ski Loons. He feels if we make these changes to the contract that removes those restrictions, it will alleviate a lot of the nuances that we have as a growing organization. The restrictions that are in place are limiting the amount of good that can happen in your parks. If you want to be able to offer high quality and affordable recreational opportunities and then say we are going to close the baseball fields down because someone doesn't like the lights, you are shooting yourself in the foot. We have a good organization, we have a great thing going, and that's why there's more people coming out that want to be able to ski. They have a right to be able to ski on a lake. They have a right to be able to use the park. He encouraged the Park Board to look at the contract he has updated and would greatly appreciate it if the Board would approve it. He feels it will alleviate a lot of the issues and stated the Ski Loons remain committed as always to working with the Park Board. He reiterated that they continue to remain committed to working with the neighbors and working with the Sheriff, continuing to stay within the law, and they have not done any harm or broken any laws. He closed by saying the Ski Loons are a great thing for the community, they really appreciate the Park Board's support in keeping them here and thanked the Board for its time.

Mr. Harting took the floor again to say he spent one 45-minute period in seven years, fishing on the lake that he lives on, and Mr. Dens said he threatened him. They've been doing it for seven years in front of Mr. Harting's dock. Forty-five minutes, legal, just like he said, he had every right to do it. He closed by saying it sounds like they have a spot to practice on North Long; he'd move to North Long.

The Chair closed the public forum at 4:53 p.m.

Mr. Rushmeyer acknowledged the Park Board has had complaints before regarding the Ski Loons and they have been here before. The last time there were far fewer people here in support of the Ski Loons and now we see a huge amount of people in support of the Ski Loons, and that's great. All of what you folks have said, the Park Board takes it to heart, it's a good thing, and he doesn't think the homeowners are saying it's not. He asked how many people in the room live on a lake, because he always tries to see things from others' point of view. He said this is their point of view and this is their reality and they live on the lake for a reason. The rhetoric that he is hearing in talking about laws; there's no law that says we can't do this or that, he thinks that rhetoric leads to further trouble. Instead, there needs to be better communication and not more rhetoric about once we're on that water we can do what we want. All the Park Board can do is say whether that dock is at Lum Park or not. He thinks a huge part of this comes back to if there is an agreement we should try to stick to it. He thinks in all reality with Mr. Bivens going there that extra day, it might have been a good thing for Mr. Dens to call Mr. Harting to let him know this was going on. Good communication usually works and helps prevent some of this stuff from happening. You say you want to change the agreement and go to seven days. It sounds like what was going was working, and he sees this growing. If the Ski Loons are twice this big in two more years, is Lum Park and Rice Lake going to handle all of what you need to do? The Park Board is at the point where they are tired of policing this, because in reality all it has control of is whether or not the dock can be there. The Board doesn't want to see kids lose opportunities and he doesn't think the homeowners do either, but there are going to be different opinions. If you can't learn to communicate and work this out then the Park Board has to make decisions it doesn't want to make. He said it comes down to as the club grows, it needs to be managed better and communicated to the various volunteers what the agreement entails. They have a right to live on their lake; all of you have the right to use the lake. He doesn't want to see any kids hurt because boats are parked in the way and tempers rise.

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Mr. Boeder said we all support the Loons, as a Board, as a City, and are not trying to push them out the door. In hockey if you cause a penalty, you go to the penalty box and the entire team pays the price. We just want to make sure that things are put together correctly and it is fair for the people that live on the lake and pay taxes in this town. He would like to hear all of you get together somehow and make things work the correct way. He said as an umpire and hockey referee he can't make up rules as he goes along, he has to follow the rules that are written in the rule book. The agreement with the Ski Loons has already been signed for this year so we almost have to stick with that and deal with that as we move forward.

Mr. Shipe said it is a great organization teaching kids how to work together and to learn a new skill. He is concerned with the discussion about how everything is legal, until it's not and something happens where boats are parked and kids are in the end of the boat and if the intention is to cause stress or anxiety that makes him nervous. More communication is better and he would like to see everyone sit down and work together and take emotion out when possible.

Ms. Schaefer left the meeting (WebEx) at 5:00 p.m.

Mr. Yeager said he couldn't say enough good things about what the Ski Loons do. His issue is we've been in this room before, several times, and put forth a contract which was devised and signed by the Ski Loons, so this is not let's just now start this conversation of compromise. We have a long path of the homeowners and the Ski Loons trying to find common ground. You have proven that this is a sensitive issue with both of you so a contract was devised with the intent of using that common ground. Mr. Yeager's biggest issue is that Mr. Dens knew about this happening on Saturday, and no action was taken to reach out to the Park Board or Mr. Harting. He said Mr. Dens seems like a very detail-oriented person and he can't imagine it didn't cross his mind that this wasn't going to be an issue. He said everyone showing up here and talking about this is a good thing. The Park Board has made it very clear they don't want to see the Loons go away, and he hopes that everyone here realizes the incredibly difficult position we are in with what's happening here, so we will either hear a motion or continue on.

Mr. Rushmeyer stated he will not make a motion. His thought is to push this back in their court because the Park Board has tried to referee this through the contract that came to some middle ground. All the Board has control of is whether the dock is there or not, and he is not prepared to make a motion to say let's remove the dock. He said the Loons have a lot of people that support them, and there are other homeowners that feel the same way that Mr. Harting does. You guys get together and look back at your agreement; there is a lot of people here counting on you.

Unfinished Business

Review Interim Public Works Department and Next Steps-Approved

Mr. Sandy reported that staff met to review how the interim Public Works Department had gone the first seven months, and staff all felt it was going very well. Ms. Schubert is here to talk through what our next steps are and if we want to move forward long-term as a Public Works Department.

Ms. Schubert reviewed that last July Parks Director Tony Sailer announced his retirement. The Park Board and City Council decided in December of last year to create an interim Public Works Department. From what she is hearing she thinks things are going well. Management

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wanted to know what staff thought, so Ms. Schubert, Mr. Sandy and Ms. Bergman met with Ms. Kaufman, Mr. Harris, and Ms. Finch. A couple of things were identified that could maybe go a little better, but all in all things seem to be going well. Staff thought with the budget process starting maybe we should be talking about this. If the Park Board thinks this is going well maybe we should start looking at more direction as far as updating job descriptions. We are currently doing a market study for all of our city positions and looking at some wages to see if there are adjustments that need to be made.

Ms. Bergman added that we will subsequently go to the City Council and have the discussion there as well.

Mr. Yeager thinks Public Works is going fantastic. He is seeing lots and lots of work getting done, so from his chair he has nothing but good things to say about Mr. Sandy and Ms. Kaufman and everyone who has helped with the transition.

Ms. Schubert concluded that they would start to review some job descriptions and bring those back to the Park Board for review.

MOVED AND SECONDED BY MEMBERS RUSHMEYER AND SHIPE, DULY CARRIED, TO MOVE FORWARD WITH MAKING THE PUBLIC WORKS DEPARTMENT PERMANENT, NOT INTERIM.

Review and Discussion of Buster Dog Park Shelter Material Costs-Discussion

Mr. Sandy reported that a material cost estimate Mr. Yeager secured for this project came in over the budgeted dollar amount. With material prices what they are right now, the Park Board will need to discuss if we want to move forward with the project this year. After the agenda request was written it was noted there is more than \$30,000 in the general Park Dedication Fund which could be used to add to the \$7,000 that was budgeted. The materials bid came in at \$13,000. The existing gazebo at the dog park is in rough shape. Staff is recommending to move forward with the budgeted number of \$7,000 and fund the rest out of Park Dedication. After further discussion the item was tabled and Mr. Yeager agreed to ask for a new materials quote to bring back to the August meeting.

Review of Memorial Park Construction and Approve Change Order - Approved

Mr. Sandy provided a quick update on the project. Utility work has been completed, the frame of the building is up, the roof is on, it is basically fully enclosed. They are running into a couple of materials issues including exterior doors. The building is wired, the security system is wired, plumbing is roughed in, the splash pad has been poured and plumbed and both rinks have been poured. The most recent pay voucher is in the packet and includes Change Order 2 which was previously discussed by the Park Board for the additional water and sewer pipe.

MOVED AND SECONDED BY MEMBERS RUSHMEYER AND BOEDER, DULY CARRIED, TO APPROVE CHANGE ORDER 2 AS PRESENTED.

Approve Tobacco Policy Update - Approved

Ms. Kaufman presented updated language to the existing tobacco policy in response to the Park Board's discussion at the last meeting. Staff is recommending adopting the smoking/tobacco policy not just for the ballfields and playgrounds but at other facilities including pavilions, pond hockey rinks, pickleball courts, splash pad, concession stands, Miracle League

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Field, etc. More tobacco free signage will be posted; Crow Wing Energized indicated free signage may be available. Cigarette receptacles will be purchased and strategically placed throughout the park system to help with littering issues.

MOVED AND SECONDED BY MEMBERS RUSHMEYER AND BOEDER, DULY CARRIED, THE ADOPTION OF THE LANGUAGE OF THE TOBACCO POLICY AS PRESENTED, PLACEMENT OF TOBACCO FREE SIGNAGE AND THE PLACEMENT OF ONE CIGARETTE RECEPTACLE IN EACH PARK.

New Business

Discussion of Mississippi Landing Trailhead Project – Approved

Community Development Director David Chanski reported that the City of Brainerd has officially been awarded \$2.85M from the Environmental Natural Resources Trust Fund by the Legislative Citizen Commission on Minnesota Resources (LCCMR). Because the City and the City Council submitted the application, they have been awarded the money. However, this project is ultimately a city park which falls under the Park Board's purview. Mr. Chanski will be the project manager for the funds but working with City Engineer Sandy on the actual development of the park. Mr. Chanski, Mr. Sandy, and Ms. Bergman are recommending to first request that the City Council authorize the Park Board to be the managing entity of this project. The second part is to develop a Project Management Team comprised of one member of the City Council, two members of the Park Board and two members of the Riverfront Committee. Staff and future consultants will act as ex-officio members of the PMT. The purpose of the Project Management Team is to be a working group that makes technical development recommendations to the Park Board for approval.

Don Gorham and John Forrest from the Riverfront Committee thanked the citizen's group that worked for years on the concept for this park, and the City for supporting the project for the funding application process. They look forward to working with the Park Board on the project

MOVED AND SECONDED BY MEMBERS RUSHMEYER AND SHIPE, DULY CARRIED, TO MOVE FORWARD WITH A RECOMMENDATION TO CITY COUNCIL THAT THE PARK BOARD BE THE MANAGING ENTITY OF THE MISSISSIPPI LANDING TRAILHEAD PROJECT AND A PROJECT MANAGEMENT TEAM BE FORMED AS PRESENTED.

Discussion on Proposed Charter Amendment - Discussion

Ms. Bergman recapped what the Charter Commission has reviewed and updated thus far. The Commission is entering Phase Three which will include discussion of the Park Board chapter of the City Charter. Staff is recommending to the Charter Commission that we remove the first line of Section 3 of Chapter 7 that gives the Park Board specific authority to employ and determine compensation for Park employees. The reason for this is that Park employees are City employees. Several Park employees are in a collective bargaining unit (IUOE Local 49) and the City has established a pay grid which outlines compensation for all City employees. Staff feels there may be some liability if the Park Board decides that one position could be eliminated.

Mr. Yeager, who is also on the Charter Commission, stated that the part of the Charter that really gives the Park Board its power is still there, which is the ability to create its own budget and ultimately the say of what happens in the parks. As far as eliminating this language, we don't want to get the City sued because the Park Board hired or fired someone outside of the operation of the HR Department.

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Ms. Schubert explained that the language in the Charter blurs the line of authority and makes things complicated and confusing in the employment law world. Eliminating this language will make it cleaner, reduce liability and make it much easier for staff and employees to know who they should be going to and how things should be handled. If the Charter Commission approves this recommendation new hires would no longer need to be approved by the Park Board but would go to the City Council for approval.

Approve SPRA Grant Application Submission for Lum Park Road - Approved

Mr. Sandy reported that Alderman O'Day forwarded this grant opportunity to staff. State Park Road Account (SPRA) grants can be used to improve access to public waterways which Lum Park Road is. Staff approached Widseth for a proposal to complete the grant application on the City's behalf, which will entail a reconstruction of Lum Park Road into a vision of maybe a more walkable area with on-street parking utilized. This would be a joint project between the Engineering Department, the City Council, and the Park Board on what they want the vision of this road to be. The City Council already approved this funding and this contract and it will come out of our Construction Fund since it is in a public right-of-way. We will hear from Widseth on initial designs of the street, multi-use trail, anything that we can include with that funding. The goal is to get the project funded from this account instead of paying for it out of our Construction Fund.

MOVED AND SECONDED BY MEMBERS BOEDER AND SHIPE, DULY CARRIED, TO APPROVE THE SPRA GRANT APPLICATION AS PRESENTED.

Discussion of Heat Cancellation Policy – Direction Given

Ms. Kaufman reported that with recent extreme hot weather, several individuals passed out at the fields and fortunately there were medical personnel there to help. We have a cancellation policy for cold weather but haven't established one for hot weather. We shouldn't have to tell athletes that they need to hydrate, but at what point should we be looking out for their safety and look at rescheduling games as the smarter option. Staff is recommending if it is 100 degrees or hotter at game start for adult sports and maybe special events that we would postpone those games to a later date. Discussion followed.

MOVED AND SECONDED BY MEMBERS BOEDER AND RUSHMEYER, DULY CARRIED, TO ALLOW STAFF TO FORMULATE A HEAT CANCELLATION POLICY AND REPORT BACK TO THE BOARD.

Discussion of 30-Year Parks Capital Plan - Discussion

Mr. Sandy presented a draft of the Parks 30-year capital plan, a 10-year snapshot of the plan broken down by park and a summary of both. He said this is a lot of information and he wanted to get it to the Park Board for review and adjustments. He directed them to the summaries, commenting that the numbers are pretty big the first few years then they start tapering off, so we have the ability to spread this out. Staff inventoried the existing capital equipment and entered on a spreadsheet to get equipment replaced on a cycle. This will provide consistency and fewer repairs on our equipment. He is a big proponent of buying the same type of equipment which can result in cost savings when purchasing parts and supplies as well as help the mechanics who work on the equipment. He recommends moving projects around so we are submitting a consistent budget every year.

Mr. Sandy touched on the following items he and Mr. Yeager included in the budget annually for general upgrades and repairs to the parks: \$75,000 for park beautification including trees, picnic tables, grilling stations, trash cans, etc., \$25,000 for a large scale weed and feed program for parks and ballfields, \$5,000 for a bench installation program for the parks that have sidewalks and trails, \$25,000 per year for ADA repairs and upgrades because a lot of our concrete sidewalks, pedestrian ramps and broken curbs could be ADA hazards, \$5,000 for signage, cigarette receptacles, etc., \$6,500 for new and replacement security systems on an eight-year replacement cycle and \$10,000 for concession appliances for 2022 and every 10 years thereafter.

Mr. Sandy and Mr. Yeager prioritized budget items for each park as best they could from the park surveys. He asked for direction from the Park Board about which parks they find are most important to add pavement to. They have Buffalo Hills-Lions Park getting paved in 2023 and resurfacing the Memorial Park lot next year. From there they have Buster Dog Park, Gregory Park, Rotary Park and Jaycees Park. He noted that pavement is expensive and will jack up yearly costs of maintaining and replacing. He thinks we need to be strategic about what we are paving so we don't get in over our heads but also realizing that paving is easier to maintain than gravel. Under each park they identified equipment including playgrounds, scoreboards, and restroom facilities. They identified Kiwanis Park as the most immediate need of upgrades in 2022 including a gazebo upgrade, restroom/picnic shelter upgrade and picnic shelter façade/roof upgrade. The direction Mr. Sandy has gotten from the City Council is it is not so much the number they are focused on but having a plan and knowing what you are doing each year. He closed that this is a good starting point.

Mr. Yeager said the idea was to get this into board members' hands to see where they put the money, at least preliminarily, park by park as well as by total. He was disappointed to see that it is almost all deferred maintenance and there are almost no new projects on it. This is just to maintain "our empire" so to speak. We've fallen behind and this is a forward-thinking process just to maintain what we have.

Following discussion board members were asked to look this over the next two weeks and bring recommendations back to the July 27 meeting.

City Engineer and Recreation Coordinator Report

Ms. Kaufman reported the July 4 and This One's for Hop softball tournaments were both cancelled due to lack of teams. Second quarter reports from Community Education and the YMCA were provided and numbers look good. The Brainerd-Baxter Baseball Association reported three successful weekends of tournaments and they have been invoiced. Mr. Rushmeyer reported the School District is willing to work with the BBBA about not charging for tournament field use and recapped the most recent BBBA board meeting. Ms. Kaufman said the water bottle filler is installed at Gregory Park and a donation plaque will be ordered. She and Ms. Bergman have been working with Communications Intern Jessie Ernster on a sesquicentennial bash on September 25 at Gregory Park. Some activities Ms. Ernster is looking into include a bouncy house, kids maker space run by BPS, pickleball tutorials, basketball games, lightning horse run by BHS basketball athletes, DNR fish tanks, live performances, midway games, Outback Trail horse rides, Brainerd themed coloring, word search crosswords, yard games, chalk, a catered lunch and City of Brainerd information group and activity that is history related.

Mr. Sandy reaffirmed the August 10 date for the next design standard workshop. Widseth will be there to present a draft of what they've done, as well as the status of the Lum Park Master Plan. He referred to the maintenance task list and had nothing more to add to his written report.

July 13, 2021

Board Reports and Comments

Mr. Rushmeyer asked about the Jonesy Field sign. He wants to contact the Brainerd Dispatch and reach out to Jonesy's alma mater and the community about the field dedication. Mr. Sandy said the signs have been ordered and he will let Mr. Rushmeyer know when they will be ready.

With the resignation of board member Dale Parks, the Board needed to elect a new Vice-President.

MOVED AND SECONDED BY MEMBERS RUSHMEYER AND SHIPE, DULY CARRIED, TO ELECT MEMBER TIM BOEDER AS VICE-PRESIDENT.

Adjourn

MOVED AND SECONDED AT 6:40 P.M. BY BOEDER AND SHIPE, DULY CARRIED, TO ADJOURN THE MEETING.

Kim Finch

Kim Finch
Administrative Specialist