

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS
OF THE FARGO PARK DISTRICT OF FEBRUARY 11, 2020**

The regular monthly meeting of the Board of Commissioners of the Park District of the City of Fargo was held on Tuesday, February 11, 2020, at 5:30 p.m. at the Fargo Park District office at 701 Main Avenue, Fargo, North Dakota. Present at the meeting were Commissioners Jerry Rostad, Stacey Griggs, Vicki Dawson, Rusty Papachek and Joe Deutsch. Also present were: Dave Leker, Tyson Lund, Carolyn Boutain, Paul Grindeland, Brian Arett, Dave Bietz, Diane Jones, Clay Whittlesey, Craig Bjur and attorneys Andy Noah and Thad Swanson.

Approval of Minutes

Commissioner Stacey Griggs moved and Commissioner Joe Deutsch seconded a motion to approve the minutes of the January 13, 2020 (special meeting), January 14, 2020, January 15, 2020 (special meeting), January 17, 2020 (special meeting), January 20, 2020 (special meeting), and January 21, 2020 (special meeting) meetings. Upon call of the roll, the motion passed unanimously.

Approval of January Bills

Commissioner Joe Deutsch moved and Commissioner Stacey Griggs seconded a motion to approve the bills for January 2020 as presented. Upon call of the roll, the motion passed unanimously.

Approval of Order of Agenda

Commissioner Joe Deutsch moved and Commissioner Rusty Papachek seconded a motion to approve the agenda as presented. Upon call of the roll, the motion passed unanimously.

Director's Report

Dave Leker presented to the Board and noted that the directors had compiled a list of 30, 60 and 90 day work plans with a priority of tasks and projects.

No action was taken from the Director' Report.

Foundation Director's Report

Brian Arett lead the presentation to the Board on this matter. He noted that Valley Senior Services had raised about \$44,000.00 in advance of Giving Hearts Day with a goal of raising a total of \$75,000.00.

No action was taken on this matter.

**Approval of Recommendation from Fargo Park District Foundation
on Grant Match Program**

Brian Arett presented to the Board on this matter. It was noted that there were four applications. It was noted that the Foundation reviewed all four applications and recommended approving the funding of all four applications.

Northern Plains Botanic Garden Society submitted a proposal requesting \$6,405 in matching funds to update the accessibility of the botanic garden in Yunker Farm and the new edible forest by constructing new paths to join the children's garden with the edible forest that are ADA compliant. Additionally, an ADA compliant table would be installed within the edible forest.

Commissioner Vicki Dawson moved and Commissioner Rusty Papachek seconded a motion to approve the Fargo Park District Foundation Board recommendation to provide matching grant funds in the amount of \$6,405.00 to the Northern Plains Botanic Society. Upon call of the roll, the motion passed unanimously.

Post 400 Legion Baseball submitted a proposal requesting \$15,000.00 to install a batter's eye in center field, a flagpole with an American flag, and add tables around the facility for fans.

Commissioner Rusty Papachek moved and Commissioner Vicki Dawson seconded a motion to approve the Fargo Park District Foundation recommendation to provide matching grant funds in the amount of \$15,000.00 to the Post 400 Legion Baseball. Upon call of the roll, the motion passed unanimously.

Fargo Fast Pitch Association submitted a proposal requesting \$2,366.17 to install outfield fence screens and top protectors at Diamond 5 at the North Softball Complex.

Commissioner Vicki Dawson moved and Commissioner Rusty Papachek seconded a motion to approve the Fargo Park District Foundation recommendation to provide matching grant funds in the amount of \$2,366.17 to the Fargo Fast Pitch Association. Upon call of the roll, the motion passed unanimously.

Growing Together Community Gardens submitted a proposal requesting \$4,115.00 to purchase a tractor, rotary plow, and mower in order to raise the tractor beds and otherwise be more efficient and productive with their garden. There was a discussion amongst the Commissioners and Brian Arett as to whether the purchase of this kind of equipment satisfies the match granting requirements and policy.

Commissioner Stacey Griggs moved and Commissioner Joe Deutsch seconded a motion to approve the Fargo Park District Foundation recommendation to provide matching grant funds in the amount of \$4,115.00 to the Growing Together Community Gardens. Upon call of the roll, the motion passed by a vote of 3 to 2 with Commissioners Griggs, Deutsch, and Rostad voting in favor of the motion and Commissioners Papachek and Dawson voting against the motion.

Consideration of Lease Proposal for Restaurant at Edgewood Golf Course

Carolyn Boutain presented to the Board on this matter. It was noted that the Park District received four proposals to lease the restaurant at Edgewood and that staff interviewed two finalists. It was noted that the terms of the lease agreement were still being negotiated between the Park District and the proposed tenant Keith Stensgard and David Glessner. It was noted that Keith Stensgard and David Glessner use the same legal counsel as the Fargo Park District, so both sides need to sign a consent to conflict of interest in order for the Nilles Law Firm to continue to represent the Park District.

Keith Stensgard and David Glessner presented to the Board and noted that they need approximately 45 days to renovate and otherwise get the space ready for opening. They noted that they desire to get open before the summer rush starts in order to be fully prepared. It was noted that the lease agreement had not

been completed at the time of the meeting. It was decided that the Commissioners would hold a special meeting to approve the lease once it is fully prepared.

Commissioner Vicki Dawson moved and Commissioner Rusty Papachek seconded a motion to approve the Consent to Conflict of Interest as was presented to the Board. Upon call of the roll, the motion passed unanimously.

Approval of Proposal for Website Redesign Services

Carolyn Boutain presented to the Board on this matter. It was noted that the Park District received three proposals for website redesign: Network Center Incorporated, CivicPlus and KK Bold. It was noted that a review team of four park district employees reviewed the proposals and agreed that Network Center Incorporated had the best proposal. It was noted that the project would start at the end of March and would be completed in November. It was noted that the Park District budgeted \$65,000.00 for the project and the proposal from Network Center was for \$40,000.00 in basic requirements, \$4,800.00 in additional upgrades and \$3,880.00 for hosting services.

Commissioner Stacey Griggs moved and Commissioner Rusty Papachek seconded a motion to approve Agreements with Network Center Incorporated for the website redesign and hosting services as was presented to the Board. Upon call of the roll, the motion passed unanimously.

Approval of Resolution to Enter into Nonexclusive Listing Agreements with Real Estate Brokers for Sale of Anderson Land

Tyson Lund presented to the Board on this matter. It was noted that pursuant to North Dakota law, the Park District can only sell land through either (1) a bid process, or (2) non-exclusive listing agreements. It was noted that staff contacted several real estate brokers and determined that a 4.5% listing commission would be appropriate for this type of land. It was noted that the Park District needed to establish the maximum commission that it will give to a broker who facilitates a transaction.

Commissioner Rusty Papachek moved and Commissioner Stacey Griggs seconded a motion to approve the resolution to enter into nonexclusive listing agreements with real estate brokers for the sale of the Anderson land, as presented to the Board. Upon call of the roll, the motion passed unanimously.

Approval of Land Lease Renewal for Rutten Property

Tyson Lund presented to the Board on this matter. It was noted that the Park District purchased 129.7 acres of property in 2007 from the Fredarica Rose Rutten Revocable Trust and entered into a lease with John and Margaret Rutten to lease the land back from the Park District. It was noted that said lease had expired. It was noted that the Park District has not identified an immediate need for the property so staff is recommending renewing the lease. It was noted that the proposed terms of the lease are: (1) a 5 year term, (2) \$130.00 an acre for 2020-2022 and \$135.00 an acre for 2023-2024; and (3) the Park District can terminate the lease early by giving notice to the tenant prior to September 1 of each year.

Commissioner Rusty Papachek moved and Commissioner Joe Deutsch seconded a motion to approve the land lease renewal for the Rutten Property as presented to the Board. Upon call of the roll, the motion passed unanimously.

Approval of Employment Contract with New Executive Director

Diane Jones presented to the Board on this matter. It was noted that Dave Leker was offered the executive director position at a salary of \$150,000.00 with a performance review after 90 days with a chance for a salary increase.

Commissioner Stacey Griggs moved and Commissioner Joe Deutsch seconded a motion to approve the employment contract with the new Executive Director Dave Leker, as presented to the Board. Upon call of the roll, the motion passed unanimously.

Approval of Revisions to Inclement Weather Policy No. 180

Diane Jones presented to the Board on this matter. It was noted that policy has been updated to be more specific as to what will happen on the rare occasion that the Park District offices close due to inclement weather. It was noted that employees will be paid up to 16 hours per calendar year due to weather closings and anything beyond that would need to be approved by the Commissioners.

Commissioner Vicki Dawson moved and Commissioner Rusty Papachek seconded a motion to approve the Inclement Weather Policy No. 180 as updated and presented to the Board. Upon call of the roll, the motion passed unanimously.

At the conclusion of the above agenda items, a motion to adjourn was made and seconded, and upon unanimous consent the meeting adjourned at approximately 6:50 p.m.

Jeffrey B. Gunkelman