

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS
OF THE FARGO PARK DISTRICT OF SEPTEMBER 10, 2019**

The regular monthly meeting of the Board of Commissioners of the Park District of the City of Fargo was held on Tuesday, September 10, 2019, 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, Rusty Papachek, and Joe Deutsch. Commissioners Vicki Dawson and Stacey Griggs appeared by telephone. Also present were: Dave Leker, Tyson Lund, Carolyn Boutain, Paul Grindeland, Brian Arett, Dave Bietz, Stacey Kruger and attorney Greg Selbo.

Approval of August Minutes

Commissioner Joe Deutsch moved and Commissioner Rusty Papachek seconded a motion to approve the minutes of the August 6, 2019 regular meeting and the August 20, 2019 special meeting as presented. Upon call of the roll, the motion passed unanimously.

Approval of August Bills

Commissioner Joe Deutsch moved and Commissioner Rusty Papachek seconded a motion to approve the bills for July 2019 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 amended agenda as presented. Upon call of the roll, the motion passed unanimously.

Approval of Awarding Sale of Bonds for Refunding Improvements Bonds Series 2019A

Tyson Lund and Brian Osowski from AMKO presented to the Board on this matter. It was noted that the Park District received a bond rating of Aa1. It was noted that three bids were submitted. It was noted that Northland Securities, Inc. submitted the most favorable bid with a true interest rate of 2.54%.

Commissioner Rusty Papachek moved and Commissioner Vicki Dawson seconded a motion to approve the bid of Northland Securities, Inc. for the bond sale for Refund Improvement Series 2019A as presented to the Board. Upon call of the roll, the motion passed unanimously.

Discussion on Refinancing of 2011 Maintenance Facility Lease

Tyson Lund and Brian Osowski from AMKO presented to the Board on this matter. It was noted Greg Selbo and bond counsel for the Park District reviewed the lease agreement and were both of the opinion that the lease could be refinanced. It was further noted that the bond company would prefer an amendment to the lease rather than refinancing. It was noted that this would come back to Board for approval once the details are worked out.

No action was taken on this matter.

Board Discussion on Executive Director Process

The Board discussed this matter. Commissioner Rostad stated that he thinks there are three key elements to the executive director search process: (1) the timeline; (2) the scope of the search; and (3) if proceed forward with an external search, putting together a search committee. Commissioners Papachek, Dawson, and Griggs all stated that if the proposed new Hiring Policy 410 were to be approved by the Board later in the meeting, then the policy should be followed for the executive director search. Commissioner Deutsch stated that establishing a clear process and criteria before beginning the search for a new is important, particularly the job description. Commissioner Dawson proposed that at the next facilities meeting, Commissioner Griggs and Rostad could establish the timelines, guidelines and procedures for the hiring process. Commissioner Rostad stated that the directors and commissioners need to review the current job description for revisions and the Board could call a special meeting to review the description, establish a timeline and establish a search committee.

No action was taken on this matter.

Approval of Budget

At approximately 6:00 pm, the regular meeting was put on hold so the Budget Hearing could commence. Dave Leker presented to the Board on this matter. It was noted that budget includes an increase in the mils by one.

Commissioner Dawson noted that she has concerns with increasing the mils given the natural increase in Park District revenue from higher assessments and new properties. Commissioner Papachek noted that he believes the Park District can accomplish everything it needs to do without increasing the mils. Commissioner Griggs noted that the Park District needs to retain a high level of current parks and facilities and needs to continue to add new parks to keep up with the growing city. Commissioner Rostad noted that he felt comfortable with the mil increase with Block 9 coming on board in 2020, Lindenwood Park and Island Park needing funding, the potential sports complex coming into focus, and additional new parks. Commissioner Deutsch noted that when he talks to people in the community they state that parks are backbone of everyone's life and that the increased mil is necessary to address deferred projects that have been put on hold due to lack of funding.

Commissioner Joe Deutsch moved and Commissioner Stacey Griggs seconded a motion to approve the 202 Budget as presented to the Board. Upon call of the roll, the motion passed with a 3-2 vote, with Commissioners Deutsch, Griggs and Rostad voting in favor of the motion and Commissioners Papachek and Dawson voting against the motion.

Commissioner Joe Deutsch moved and Commissioner Rusty Papachek seconded a motion to close the Budget hearing at 6:10 pm.

Consider Proposals for Sale of Anderson Property

Dave Leker presented to the Board on this matter. It was noted that the first bid opening for the sale of the Anderson Property was received on August 13 and that there were three bidders, Enclave Development, Property Resource Group, and Cityscapes Development. The top three proposals had a chance to revise their offer and final bids were received on August 20, with two bids being submitted. Cityscapes Development was high bidder at \$3,515,750.00.

Mike Bullinger and Rick Flacksbarth representatives of Cityscapes Development and Rick Flacksbarth spoke to the Board. They noted that all bids were within a few hundred thousand dollars of each other. They noted that it is their belief that the Park District received an inaccurate appraisal and that the presented bids better reflect the market value of the property. The Commissioners discussed that there is not a real urgency in selling the land and that the Park District needs to go back to the drawing board to see if the property could be rezoned or divided into smaller parcels.

Commissioner Rusty Papachek moved and Commissioner Vicki Dawson seconded a motion to rejected all bids for the sale of the Anderson Property as presented to the Board. Upon call of the roll, the motion passed unanimously.

Consider Approval of Sale of 23rd Avenue Right-of-Way

Dave Leker presented to the Board on this matter. It was noted that the City of Fargo is in the planning stages of widening 23rd Avenue S along the northside of the Tharaldson Baseball Complex. It was noted that as part of the construction project, the City of Fargo will need to purchase some additional right-of-way along the avenue from the Park District. It was noted that the funds from the sale of property would likely go toward construction of new parking lot in the northeast corner of the complex in 2020 which would be a great benefit to the complex. The Commissioners expressed concerns about the access in and out of the parking lot therefore requested more information on getting better access to and from the proposed new lot.

Commissioner Rusty Papachek moved and Commissioner Vicki Dawson seconded a motion to table the approval of the sale of the 23rd Avenue right-of-way until staff could obtain more information on getting better access points to and out of the proposed new parking lot. Upon call of the roll, the motion passed unanimously.

Approval of Changes to Hiring Policy No. 410

Stacey Kruger presented to the Board on this matter. It was noted that the HR Department along with the support of directors, are requesting moving away from a strictly “hire from within policy” to amore open concept with all benefited positions opened externally to start. It was noted that this will create consistency and will not create major delays in hiring.

Commissioner Vicki Dawson moved and Commissioner Stacey Griggs seconded a motion approve the changes to Hiring Policy 410 as presented to the Board. Upon call of the roll, the motion passed unanimously.

Approve Request from Verizon Wireless to Locate a Cell Tower at the Coliseum Property

Dave Leker presented to the Board on this matter. It was noted that the terms of the proposed lease would be a 5 year term with 4 automatic renewals for periods of 5 years with rent of \$1,000.00 per month with 2% annual increases in rent. It was noted that the cell tower does not stick out and that it fits in well with the light poles. It was noted that the Park District has worked with Verizon Wireless in the past. Commissioner Papachek requested that the staff go back to Verizon Wireless and propose an initial rent rate of \$1,500.00 per month with a 3% annual escalator.

Commissioner Rusty Papachek moved and Commissioner Vicki Dawson seconded a motion to approve the request from Verizon Wireless to install a cell tower on the northeast side of the Coliseum as presented to the Board, contingent upon revised lease terms of an initial base rent of \$1,500 per month with a 3% annual increase. Upon call of the Board, the motion passed unanimously.

Approval of Stormwater Agreement with PKG at South Maintenance Shop

Dave Bietz presented to the Board on this matter. It was noted that a few years prior the Park District and PKG Office Investments worked to install a storm line along the northern border of the south maintenance shop and the southern board of the PKG property. It was noted that the agreement stated each party would share in the cost purchase materials and install the storm drain to benefit both properties. It was noted that PKG is requesting an additional inlet to the line and will incur all expenses in installing the new inlet.

Commissioner Joe Deutsch moved and Commissioner Rusty Papachek seconded a motion to the Stormwater Agreement with PKG at South Maintenance Shop as presented to the Board. Upon call of the Board, the motion passed unanimously.

Approval of Memorandum of Understanding with City of Fargo on FEMA Application as a Sub-Applicant

Dave Leker presented to the Board on this matter. It was noted that the Park District missed the deadline to file an application for FEMA reimbursement from the spring flood. It was noted that the Park District could file as a sub-applicant to the City of Fargo's application for FEMA reimbursement. The proposed Memorandum of Understanding allows the Park District to file as a sub-applicant on the City's application. It was noted that the Park District is hoping to receive between \$40,000.00 and \$60,000.00 in reimbursements.

Commissioner Stacey Griggs moved and Commissioner Joe Deustch seconded a motion to the the Memorandum of Understanding with the City of Fargo on FEMA Application as presented to the Board. Upon call of the Board, the motion passed unanimously.

Executive Director Update

Interim Executive Director Dave Leker presented to the Board on a number of procedures and projects that are currently in the works but are not yet to the point that requires Board action. As a result, no action was taken from the Executive Director Update.

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 7:35 p.m.

Jeffrey B. Gunkelman