

Minot Park Board Minutes
June 21, 2016

The Minot Park Board met on June 21, 2016 at 6:30 PM in the Community Room in the Municipal Auditorium.

Members Present: Chuck Emery, Cliff Hovda, Ron Merritt, John Drady, Connie Feist, Nancy Beck, and Cindy Thomas.

The meeting was opened with the Pledge of Allegiance.

Personal Appearances: Lee Staab, City of Minot City Manager, appeared before the Board to give an update on the resiliency monies and plans for the City. He stated the City plans to acquire low lying areas in the City for green spaces for water storage. He reported the City would like to acquire three separate areas, the old Ramstad School area, the green space north of the Public Schools Administration Building, and an area adjacent to railroad property. He reported that several entities will need to work together to make these spaces public gathering areas and the Park District will be crucial to these areas. Feist questioned how the channels of communication will work in this process. He reported he will be attempting to put a committee together from the different entities involved in the process. Hovda questioned if there was a certain percentage dedicated to each piece of the plan. Staab stated there was a not to exceed price. Emery questioned if there were identified restrictions in this area. Staab stated they must remain green spaces with no permanent structures located on them. The Board thanked Staab for attending the meeting.

Ryan Ackerman, Ackerman, Estvold Engineering appeared before the Board to update them on the flood protection plan. He reported they would be opening bids the next day for both the temporary tees and greens at Souris Valley Golf Course and the Perkett Ditch and Centennial Woods project. Those bids would then be taken to City Council on July 5 and then on to the Souris Basin planning committee on July 16. At that point, the bids should be accepted and a contractor chosen for each project. He expected the golf course portion of the project should be complete this fall, with the Perkett Ditch being completed about this time next year. The Board thanked Ackerman for the update.

Motion by Emery, second by Hovda to approve the minutes from the regular Board meeting held on May 17, 2016, the Maysa Media Tour on June 8, 2016, and the minutes from the Board Training Session held on June 8, 2016. Motion carried.

Motion by Beck, second by Feist to approve bills in the amount of \$385,530.58. On roll call, all members voted yes.

Motion by Feist, second by Emery to approve salaries in the amount of \$180,848.51. On roll call, all members voted yes.

Golf Committee Report: Merritt presented a lease for the Park District to offer grazing rights on the State Land. The lease includes both the Park District's ability to access the land and a clause for the lessee to vacate the property with 30 days' notice. Motion by Hovda, second by Emery to accept the lease as presented. On roll call, all members voted yes.

Zoo Committee Report: Motion by Beck, second by Feist to approve the honey bee exhibit as presented for the Discovery Barn. Motion carried. Beck also reported the AZA inspection will take place on July 6 and July 7, 2016.

Parks Committee Report: There was no Parks Committee meeting held this month.

Administration Committee Report: Motion by Feist, second by Beck to support the building of a continuous trail connecting Oak Park to Roosevelt Park. Motion carried.

Other Business: President Drady read the following statement; In light of the recent election, due to the inherent conflict of interest between Mr. Steve Wharton and the Minot Park District Board of Directors arising from the employment claim filed with the North Dakota Department of Labor by Mr. Steve Wharton against the Minot Park District, that Mr. Steve Wharton not be allowed to participate in or listen to any discussions or communications, or review any documents which contain relevant information that relates to the employment claim filed by Mr. Wharton, or any subsequent litigation that arises from the employment claim filed by Mr. Steve Wharton. Mr. Wharton will not be allowed to participate or listen to any executive sessions called to discuss the employment claim or subsequent litigation with the Minot Park District attorneys, will be excluded from reviewing documents which contain relevant information regarding the employment claim or subsequent litigation which includes communications subject to attorney client privilege, to talk with Park District employees regarding the employment claim or subsequent litigation without Park District attorney's present, or in any way be involved in the strategy and preparation of documents prepared as a result of the employment claim filed by Mr. Steve Wharton. This motion shall be effective until the employment claim, any subsequent litigation or appeals have been resolved and closed, or the timeframe for and filing a lawsuit or appeal has passed, whichever is occurs last. Tyler Bakke, McGee Law Firm, appeared before the Board to explain that what this basically is stating is that Mr. Wharton cannot see privileged information or participate in any discussion concerning the employment claim in which he is involved. He would also be precluded from any executive session concerning this claim, and cannot look at the litigation file. Hovda asked if this means privileged information stays privileged. Bakke stated that it does. Beck questioned if he was suing, would he not just be suing himself. Bakke stated it is an employment claim at this point, there is no litigation yet. Hovda questioned the status of the employment claim. Bakke stated the Department of Labor is investigating. Merritt stated the last we had heard was in May. Motion by Hovda, second by Feist to approve the previous statement as read by President Drady. On roll call, all members voted yes.

Drady then presented the letter written by Charlie Lee outlining the success of the Skate Jam he organized and held in Roosevelt Park last weekend.

Motion by Emery, second by Hovda to accept the results of the canvassing of votes by Ward County with Hovda receiving 3,660 votes, Wharton 2,942 votes and Drady receiving 2,894 votes. Motion carried.

Motion by Beck, second by Emery to approve the administratively approved alcohol permits. Motion carried.

Director's Report: Merritt stated he had no formal report. He asked Jarrod Olson, operations manager, to give an update on projects. Olson reported the BN Trail is 80% complete up to the Third Street viaduct. They are on schedule to finish the trail in August. He will be meeting with AE2S on Thursday to discuss the master planning for the three neighborhood parks. New disc golf baskets have been ordered for Polaris Park. Maysa Arena expansion is on target for completion in early October, and a minor punch list of items remains for Radio City Park. He then introduced Bob Gillen, Maysa Arena Manager.

Elly DesLauriers, marketing and development director, gave a brief update on past and future events.

Commissioner's Reports: Emery questioned if we are getting signs prohibiting the feeding of geese and if so, when they will be going up. He reported Oak Park is completely overrun with them. Merritt stated they will be going up as soon as they are received. Emery also questioned where the new employee policy stood. Merritt stated it is still with the attorney, but would check with them to see when we could expect to get it back from them.

Beck stated she has been to several areas of the Park District and they are all looking very good. She questioned when the back entrance to Roosevelt Park would be open. Olson stated they are hoping to have at least have the entrance open for the coming weekend. She also asked if the wood chips under the water slide could be replaced with rocks. She stated the pool is continuously full of chips. She also thanked John Drady for his service on the Board and stated he should be proud of what he has done for Maysa.

Feist presented a letter to the Board members. She stated she wanted to 'provide a safe work environment' for employees in the Park District. She proceeded to read the following:

Subsequent to our committee meeting of the whole held on June 8 (facilitated by Connie Sprynczynatyk) in which we discussed proper roles of board members, board responsibilities, and appropriate board/staff relations; and in light of current park board election results; I propose the following actions be taken:

1. Suspend all committee meetings in which park board members have interaction with staff members and appoint a special ad-hoc group to provide recommendations to the full board for committee structure revision and development of a policy focused board.
2. Restrict interactions of park board members to communications with administrative staff only regarding Minot Park District operations during which time the ad-hoc group

focuses on delineating roles and responsibilities of board members and staff. *This is being proposed in order to limit the exposure of employees to board members that may have motives that are counter to the direction of the full board and to avoid conflicts of interest.

3. Institute a policy in which the park board's attorney is asked to be in attendance at all full board meetings. *Due to the fact that Mr. Wharton (the presumptive newly elected board member) has notified the Minot Park District that he is pursuing a lawsuit of the park district based on his employment termination due to a failure to complete his job duties and dishonest practices as the prior horticulturist for the district.

Motion by Feist, second by Hovda to approve the presented statements by Feist. Hovda questioned if all committee meetings would be suspended. Feist stated yes, as she felt the Board was going to look at doing this anyway. Hovda stated it was his understanding, that it is done that way in Bismarck. Drady stated he has served on various boards and he felt a Board member's authority is to the Board. He felt the Board needed to take a back seat on the committees, "we as a board are too involved with our employees", and he felt that way before Mr. Wharton was elected. Emery stated he thought the Board should meet off site so that all Board members had input to the change.

Steve Wharton appeared before the Board and stated he has never written a letter or told any of the Board that he is suing the Park Board. Drady stated there is a pending employment claim and possible litigation. Wharton stated he is "not here to cause trouble". Feist stated she is just trying to limit a hostile workplace environment.

On roll call, motion carried, with Emery voting no.

Drady expressed his thanks to the Board and Staff for a wonderful term on the Park Board.

Hovda also expressed his thanks to Drady and welcomed Steve Wharton to the Board.

Drady then appointed Cliff Hovda as temporary chairman of the Reorganization committee.

There being no further business, the meeting was adjourned.

Cindy Thomas, clerk

John Drady, President

**Reorganization Meeting
June 21, 2016**

Commissioner Hovda called the reorganization meeting to order. Steve Wharton was seated as a new Board member.

Motion by Feist, second by Beck to nominate Cliff Hovda for President. There being no further nominations, motion carried on roll call.

Motion by Feist, second by Emery to nominate Nancy Beck for Vice President. There being no further nominations, motion carried on roll call.

Motion by Emery, second by Beck to appoint Cindy Thomas, clerk, Penny Johnson, treasurer, Pete Hankla, McGee Law Firm, attorney, and Ron Merritt, Director of Parks. On roll call, all members voted yes.

There being no further business, the meeting was adjourned.

Cindy Thomas, clerk

Cliff Hovda, temporary chair