

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 Rushmeyer.

Upon roll call, the following members were noted as present: Schaefer, Shipe, Yeager, Rushmeyer, and City Council Liaison Dave Badeaux. Member Boeder was noted absent.

Also noted present were City Engineer/Public Works Director Sandy, Recreation Coordinator Kaufman, City Administrator Bergman, and Matt Indihar from WSB.

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

Approval of the Agenda - Approved

MOVED AND SECONDED BY MEMBERS YEAGER AND SHIPE, DULY CARRIED, TO APPROVE THE AGENDA WITH MOVING PUBLIC FORUM TO THE FIRST ITEM UNDER UNFINISHED BUSINESS.

Approval of the Consent Calendar - Approved

MOVED AND SECONDED BY MEMBERS YEAGER AND SHIPE, DULY CARRIED, TO APPROVE THE CONSENT CALENDAR.

- A. Approval of the Minutes of the Regular Meeting held on March 22, 2022, and the Special Meeting held on April 5, 2022**
- B. Approval of the Disbursements for April 2022**
- C. Financial Report for January-March 2022**

Unfinished Business

Open Forum

The Chair opened Public Forum at 4:03 and turned the floor over to lakeshore owners that live on Wonderland Park Road. Stacey Harting, 14813 Wonderland Park Road, opened by giving a little background on the Ski Loons and Lum Park neighbors situation. What started five years ago with one show and one practice has morphed into four shows a year and four practices each week, Monday through Thursday, from 6 p.m. to dusk, from Memorial Day past Labor Day, 150 times past their dock every week. This is approximately 58% of the residents' summer. She said they have no problem with the shows. Last year there were issues of Ski Loons passes between their trampoline and dock, an altercation with a neighbor trying to fish, and a practice on a Saturday that resulted in a special Park Board meeting that made the Brainerd paper. Last month the Park Board agreed to renew the Ski Loons' contract with four nights of practices each week. The Hartings had been watching the agendas thinking it would be discussed in April as it was the year before, but it was brought before the Board in February. They were upset that no one thought to call them, knowing what happened last year, and disappointed in the fact that they listened to the meeting and no one asked if anybody talked to the neighbors. Ms. Harting cited the agreement between the City and the Ski Loons that says their use of Lum Park and Rice Lake will have an April 26, 2022

adverse effect on lakeshore owners. She said they have had enough of being expected to deal with a Wisconsin Dells atmosphere in front of their lake home. The Park Board allows the use of the dock on Lum Park property which is the root cause of the problem, and a compromise on the number of practice days needs to be made, with practices reduced if not totally moved to another body of water. Dealing with the traffic and waves the skiers create is no longer acceptable. It is affecting the shoreline, creating floating weeds that need to be cleaned up, and some claim it affects the fish and wildlife in front of their homes. There are many studies right now on the effects of wakeboard boats on small bodies of water and a dual-motor ski boat pulling a dozen skiers is not any better. They keep hearing a common theme from Park Board members that they have no control over the water. She quoted "the lease with the Loons is strictly related to the use of the city boat house for storage and public use of the Ski Loons-owned dock during the times it's not being used." There is nothing that prohibits the City from making these types of arrangements, but she stated the Park Board does have control of the water, the dock, and the boat house. She read from the contract: "the Ski Loons shall endeavor to maintain a safe distance from private docks and other users of public waters, and private property owners shall be allowed adequate time to leave their docks, return to their docks, and position their boats on their lifts before the Ski Loons make a pass causing waves", so you are controlling the water in your contract. "The Ski Loons shall endeavor to pull skiers from the dock perpendicular to the shoreline away from private properties when it is feasible with the acts they are practicing. This shall not apply during the shows." You are controlling the water in your contract. "The Ski Loons shall endeavor to use other lakes or water bodies for small groups or move to the middle of Rice Lake whenever reasonable or possible." You are controlling the water which you have told us you can't do, but you do in your contract that they have signed. The property owners want the Park Board to do the right thing and not allow four nights of practice on their small lake and force the Ski Loons to utilize other lakes for practices. The Ski Loons have had shows at Ruttger's on Bay Lake and Cragun's on Gull Lake without the dock or the jump, so they are on other lakes. Residents want to go back to enjoying the quiet lake where they purchased their property. They have been more than accommodating since the Ski Loons started with one show and a few nights of practice the first year to what it has morphed into today, and feel they are being taken advantage of by being limited on their own use of the lake. There are 10,000 lakes; Rice Lake can't be the only one to practice on. In closing, there is nothing that prohibits the City from doing the right thing and reducing the activity on this small lake. The Hartings would like to see the agreement reviewed and modified for this year's season and reduce the Ski Loons' use of the dock on Rice Lake to no more than two nights of practice each week. Members of the City Council have confirmed that this is an issue that can be addressed by the Park Board and that they are responsible for resolving concerns from neighboring properties.

Mr. Rushmeyer apologized the Hartings weren't informed when the contract was on the agenda, but because the Park Board hadn't heard anything from them following the meeting last July, or this spring, they assumed that the neighbors and the Ski Loons had worked out the issues. After some e-mails the past two weeks, Mr. Rushmeyer asked Mr. Sandy to talk to the City Attorney to see if the Park Board can do anything with the contract. They were advised that unless there is a violation, they can't do anything or it will put the Park Board in violation of the contract. Mr. Rushmeyer acknowledged that growth of the Ski Loons Club has caused a rift with the neighbors. He apologized again and said if the Board had known the homeowners wanted the days reduced, he would have asked to put the contract on hold until landowners were contacted to have this discussion.

Ms. Harting stated they plan to use their lake this year. They will be out there in their kayaks and paddleboards; they are going to put in their trampolines, and they are going to have their kids over. They would love to invite board members to come over and try to use the paddleboards and kayaks with those boats going by. She said the Board is going to get phone calls because the Ski Loons are not going to be happy with them because they are taking their lake back this year.

April 26, 2022

Diane Tretter, Wonderland Park Road, is a new homeowner on Rice Lake who bought her cabin from a private party. It was not disclosed to her that the Ski Loons practiced on this lake. She has not seen the contract and asked if the Ski Loons can practice on another lake. Mr. Rushmeyer responded they can practice wherever they want. She asked if they specifically have a contract to practice on Rice Lake four nights a week. Mr. Rushmeyer said the contract is to use the docks, the ramp that is in the water, and to use the facility at the shoreline. Ms. Tretter said she specifically bought this property because she has grandchildren who live close by who would like to come over to use the beautiful sandy beach. She has found out they can't. Her 7-year-old granddaughter who is good at swimming can't go beyond the dock because the Ski Loons are practicing. So, she bought this very nice piece of property and her grandkids can't come over to play? So, there is no way we could ask the Ski Loons to please practice two nights a week somewhere else? There's no way your Board could say the homeowners are upset, could you please practice on a different lake? Mr. Rushmeyer said they could ask them, but the Ski Loons don't have to change what was agreed to on the contract unless there is a violation. She asked if any board members lived on a lake and if they would like their children and grandchildren having to deal with that every night all summer long when we have a very short summer. She asked how long the contract was good for and asked that this be brought up next year. Mr. Rushmeyer said before the contract is signed next year the Board will notify homeowners. The agreement is to be reviewed annually and no later than March 1 of each year.

The Chair closed Public Forum at 4:20 p.m.

Approve Campground Host Hiring and Contract - Approved

Mr. Sandy reported that Administrative Specialist Finch advertised for the volunteer Campground Host position, received two inquiries from qualified candidates and interviewed both. Ms. Finch's recommendation is to offer the position to William and Teresa Kelm. They are lifelong Brainerd residents, have stayed at the campground and are enthusiastic about staying at the park this season as a trial run to selling their home and being in their camper throughout the year. The City Attorney drafted the campground host contract that goes over the duties and terms of what is expected of the hosts and the utilities that are provided in exchange for those duties. Mr. Sandy is seeking approval to enter into that agreement with the host couple.

Mr. Yeager would like some language added about what the campground host site will look like regarding storage of items and overall appearance. Ms. Schaefer agreed there must be some rules for what their space must look like. Mr. Sandy responded that we could add that language.

MOVED AND SECONDED BY MEMBERS YEAGER AND SCHAEFER, DULY CARRIED, TO APPROVE THE CONTRACT AS WRITTEN WITH THE CHANGES NOTED REGARDING MAINTENANCE OF CAMPGROUND HOST AREA, AND TO APPROVE THE APPLICANT RECOMMENDATION FOR THE UPCOMING SEASON.

Approve and Award Bids for Mississippi Landing Trailhead (MLT) Park – Approved

Mr. Sandy reported that two bids were received for Mississippi Landing Trailhead Park from Custom Builders, Inc., and LinnCo Inc. The total bid costs with both alternates added in were \$2,373,647.97 and \$3,660,274.25, respectively. WSB made sure both bidders fully understood the plans and verified that Custom Builders talked to them often and asking a lot of questions. Mr. Sandy noted that the East River Road reconstruction is proposed to be paid out of the City construction fund and is not a project cost, so for the park itself the Park Board is looking at a bid of \$1,856,029.50, which is substantially lower than the \$2,850,000 the Park Board received for this project from LCCMR. With WSB fees, the Custom Builders bid, the tree clearing package

April 26, 2022

approved earlier this year and a 10% contingency there may possibly be \$560,000 left after the park is constructed. WSB will continue to work through ongoing market volatility and guaranteed pricing with the contractor, as well as ongoing conversations with the DNR about what will be permitted for the kayak launch. The PMT recommended that we move forward with Custom Builders full bid of \$2,373,647.97, constructing improvements as designed, contingent upon the City Council approving the East River Road improvements at their next meeting. We will see what is left at the end of the project for potential enhancements and what we can do to use those funds up, which must be spent by 2024.

Ms. Schaefer asked how the bid could be so low when everything else we've been building has been so much higher due to the market. Mr. Indihar explained that one of the factors is the canoe landing got pulled out at the last minute so that was included in WSB's cost estimate but not in the bid price. Mr. Sandy pointed out that Custom Builders provides their own flat work crews and there is a lot of concrete involved with this project, so they aren't paying a subcontractor to come in with a 10% markup. Mr. Indihar added that this project was very well suited for Custom Builders. There are some issues with getting the precast restroom structure in time, but WSB can't do anything with them until the bid is officially awarded, but that is one thing that may change a little bit.

Mr. Rushmeyer asked for confirmation that all the alternates are included with this bid.

MOVED AND SECONDED BY MEMBERS YEAGER AND SHIPE, DULY CARRIED, TO EXECUTE THE CONTRACT AS RECEIVED FROM CUSTOM BUILDERS WHICH INCLUDES THE BASE BID PLUS ALTERNATES 1 AND 2 AS PRESENTED.

Approve Field Maintenance Agreements with Brainerd Baxter Baseball Association (BBBA) and Brainerd Bees Baseball, LLC (BBB) - Approved

As discussed at previous board meetings, the Brainerd Baxter Baseball Association and Brainerd Bees Baseball wanted to enter into agreements that would allow them to utilize the City's field maintenance equipment on tournament weekends to reduce their costs as it relates to having a city maintenance employee at those fields and being able to help employees get fields done more quickly between games. The City Attorney drafted the agreements allowing use of said City equipment, which holds the City of Brainerd harmless against anything that could happen with the use of the equipment, primarily for liability purposes. Maintenance Foreman Troy Harris will meet with the designated representatives from the BBBA and BBB to issue keys and provide instruction on the equipment.

MOVED AND SECONDED BY MEMBERS SCHAEFER AND SHIPE, DULY CARRIED, TO APPROVE THE AGREEMENTS WITH BBBA AND BBB AS PRESENTED.

Approve Kiwanis Park Master Plan - Approved

Staff recommends approval of the attached Kiwanis Park master plan that the Board discussed at its last meeting.

MOVED AND SECONDED BY MEMBERS SCHAEFER AND YEAGER, DULY CARRIED, TO APPROVE THE KIWANIS PARK MASTER PLAN AS PRESENTED.

New Business

Approve CivicRec Software Purchase - Approved

April 26, 2022

Mr. Sandy reported on the ongoing issues we have with ActiveNet, our current software provider. We have had numerous software and customer service issues with them over the years and have not paid them for a very long time. They haven't billed us, we have called and e-mailed them repeatedly and have not been able to get that corrected. Many staff hours have been used trying to get that resolved. We started looking at different software options, and CivicRec was brought to our attention by our current City website provider, CivicPlus. CivicRec is a Parks and Recreation software that will handle reservations, concessions, accounts payable, inventory, etc. The renewal date on the ActiveNet contract is September 2022, and a 60-day cancellation notice is required. Staff would like to begin the process of switching software providers. Staff has seen a software demonstration presentation, thinks it is very functional, and would like to start this process now to have the software up and running to take the place of ActiveNet in September. The first implementation year will cost \$13,635 which includes training, and \$6,300 annually thereafter. Ms. Kaufman commented that this software will expedite being able to take credit cards at the concession stands, and it is hard for us to move forward with online reservations with a company that is unresponsive in the customer service area. IT Specialist Lori Turkowski answered a couple of technical questions from Mr. Shipe about importing database information from ActiveNet and if CivicRec has their own payment processor. Mr. Yeager asked where this \$13,000 would come out of the budget. Mr. Sandy replied we would go over budget in the Computer Technical Support budget.

MOVED AND SECONDED BY MEMBERS SHIPE AND SCHAEFER, DULY CARRIED, TO APPROVE THE PURCHASE OF THE CIVICREC SOFTWARE.

Approve Hubbard Radio Advertising Request - Approved

Ms. Kaufman spoke with Hubbard Radio Account Executive Greg Sigler, Event Manager Kim Rollins, and Market Manager Jeff Hilborn about how they can be involved with "The Last Dance of Summer" and how we can have a better relationship with the radio as far as getting more publicity for our special events and growing our special events. Mr. Sigler suggested coming up with a number we feel comfortable with, then he can provide a quote for what he could do with that dollar amount. After speaking with Mr. Sandy, staff is suggesting \$2,000. Included in the packet is the advertising recommendation of what we would get for \$2,000. Ms. Kaufman thinks we could potentially recoup that money through sponsorships, charging for the Movie in the Park, profit from concessions, upcharge tournament admissions, etc. Ms. Kaufman is seeking approval of the Hubbard Radio Advertising Recommendation. This would be a first step for a different direction in marketing.

MOVED AND SECONDED BY MEMBERS YEAGER AND SHIPE, DULY CARRIED, TO APPROVE THE HUBBARD RADIO ADVERTISING REQUEST AS SUBMITTED.

Discussion on Movie in the Park – Direction Given

Ms. Kaufman said the Movie in the Park proposal is part of "The Last Dance of Summer" event. It would be held at Mills Field stadium. She will research what it will cost and what the options are. Hiring a company to bring everything in is expensive. She said Mr. Sandy suggested looking into doing something in-house that is equal to or better if we want to continue to do movies in the park. A screen made of plywood covered by a sheet is a possibility and we have projectors in-house, but the biggest cost will be the copyright of being able to show a movie to the public and potential charge a fee. Before she invests time in researching costs she wants to know if this is the direction the Park Board would like to go and compare a price in-house versus what the one-time rental would be. Ms. Schaefer can put Ms. Kaufman in contact with someone that did Movies in the Park in Crosslake for several years before they purchased equipment. Ms. Kaufman could bring a dollar amount to the next Park Board meeting of what the costs might be. Park

Board members like the idea and the future potential of Movies in the Parks. The Board directed Ms. Kaufman to come back with associated costs and information.

City Administrator Report

Ms. Bergman reported that David Chanski resigned and is the new City Administrator at Breezy Point. There is a posting for the Community Development Director position with interviews on May 24, with the hope of having the position filled by August 1. Likewise, Paul Sandy has resigned and is going to WSB. His last day will be May 6, but there is a proposed agreement with WSB going before the City Council on Monday night to retain Mr. Sandy for engineering services during the interim period until that position is filled, hopefully by September 1. There was discussion about the impact on duties within the Public Works Department.

The City will be purchasing the Roberts' land, which is the gravel pit above the BPU water storage tanks. BPU will use some of that land for what they need for wellhead protection and will be looking at other uses for the rest of the land.

City Engineer and Recreation Coordinator Report

Ms. Kaufman had nothing to add to her written report.

Mr. Sandy had nothing to add to his written report.

Board members expressed their appreciation to Mr. Sandy for all his work and contributions during the transition to a Public Works Department.

Public Forum

Open Forum was moved to the first item under Unfinished Business.

Adjourn

MOVED AND SECONDED AT 5:37 P.M. BY BOEDER AND SCHAEFER, DULY CARRIED, TO ADJOURN TO THE MAY 10 PARK BOARD WORK SESSION.

Respectfully Submitted,

Kim Finch, Administrative Specialist