

**CITY OF BLOOMINGTON
parks and recreation**

AGENDA

City of Bloomington Board of Park Commissioners
Regular Meeting: Tuesday, December 14, 2010 4:00 – 5:30 p.m.

Council Chambers
401 North Morton

CALL TO ORDER - ROLL CALL

A. CONSENT CALENDAR

- A-1. Approval of Minutes of November 16 Meeting
- A-2. Approval of Claims Submitted November 17 – December 13, 2010
- A-3. Approval of Non-Reverting Budget Amendments
- A-4. Review of Business Report

B. PUBLIC HEARINGS/APPEARANCES

- B-1. Public Comment Period -
- B-2. Bravo Award - Katie Bartunek/Ijah McCulley - Gardens (Jessica Williams)
- B-3. Parks Foundation Annual Report (Gayle Stuebe)
- B-4. Staff Recognition - Steve Cotter-15 year milestone (Dave Williams)

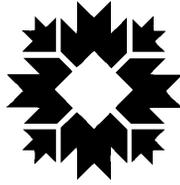
C. OTHER BUSINESS

- C-1. Farmers' Market Appeal (Marcia Veldman)
- C-2. Review/Approval of New Department Policies (Cheryll Elmore/Mick Renneisen)
- C-3. Review/Approval of Addendum to 2011 Fee Schedule for Farmers' Market (Marcia Veldman)

D. REPORTS

- D-1. Operations Division -
- D-2. Sports Division -
- D-3. Recreation Division - G.O.A.L (Get Onboard Active Living) (Lindsay Buuck)
- D-4. Administration Division -

ADJOURNMENT



CITY OF BLOOMINGTON
parks and recreation

A-1

01/18/11

Board of Park Commissioners
Regular Meeting
Minutes

Tuesday, December 14, 2010
4:00 – 5:30 p.m.

Council Chambers
401 N. Morton St.

CALL TO ORDER

The meeting was called to order by Mr. Carter at 4:00 p.m.

Board Present: John Carter, Les Coyne, Joe Hoffmann, Jane St. John

Staff Present: Mick Renneisen, Judy Seigle, Becky Higgins, Tim Pritchett, Kim Ecenbarger, Jessica Williams, Julie Ramey, Lindsay Buuck, Elizabeth Tompkins, Bradley, Drake, Marcia Veldman, Dave Williams, John Turnbull, Steve Cotter, Paula McDevitt

Parks Foundation: Gayle Stuebe, Travis Vencel, Karin St. John

FMAC: Bruce McAllister

City Legal: Inge Van der Cruysse

A. CONSENT CALENDAR

- A-1. Approval of Minutes of November 16, 2010 Meeting
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- A-3. Approval of Non-Reverting Budget Amendments
- A-4. Review of Business Report

Mr. Hoffmann made a motion to approve the Consent Calendar as presented. Mr. Coyne seconded the motion. Motion unanimously carried.

B. PUBLIC HEARINGS/APPEARANCES

B-1. Public Comment Period

Mr. Coyne stated that the CAPRA accreditation team recently visited to review the Department's policies and procedures. This visit was part of the reaccreditation process and is the third time the Department has undergone this process since first being accredited in 2001. The Department is one of only 92 in the country that has achieved this designation.

Mr. Renneisen updated the Board and the community on the recent accreditation visit. He stated that at the end of their visit, the visitation team informed the staff that they will be recommending to the CAPRA Board approval of the department for reaccreditation. The Department met all 36 of the mandatory standards and 139 of the 144 overall standards. Staff has since submitted additional information for 4 of those 5 final standards. The CAPRA Board will meet in March 2011 to make its final decision and members of the Board and staff will attend this meeting.

B-2. Bravo Award – Katie Bartunek/Ijah McCulley – Community Gardens

Ms. Williams addressed the Board and stated that the December Bravo Award is being presented to Katie Bartunek and Ijah McCulley for their volunteer service to the Community Gardens Program. Both women are fairly new to the Bloomington community. Both women also came to Ms. Williams early in the garden season and shared needs that they saw within the garden. Both responded to her suggestions that they address those needs as Garden Leaders by taking on

leadership roles within the community gardens. Every week Ms. Bartunek hosted Willie Streeter “Garden Hour” on Sunday mornings. During those hours she opened the garden shed, making the Community Garden Program’s tools available to gardeners for more hours than are available within the Garden staff’s schedule. She also promoted Garden Leadership to her fellow gardeners in an effort to increase the availability of tools and to increase her fellow gardeners’ ease in gardening. She is inspired by people growing healthy food, eating better and reducing their grocery budgets. Wednesday evenings during the garden season Ms. McCulley brought a large well-labeled Plant a Row for the Hungry cooler to the Willie Streeter garden, placed it in the shade, and left it there during that evening’s “Garden Hours.” Late in the evening she would return, collect the donations and deliver them the following morning to Mother Hubbard’s Cupboard food pantry. By doing this, not only did she increase the amount of fresh, locally grown food available to those in need of emergency feeding assistance in the community, she also made it possible for many other gardeners to easily make a difference. Both of these women lead full busy lives, but they have shown that everyone can find time to regularly make a contribution to the community.

B-3. Parks Foundation Annual Report

Ms. Stuebe addressed the Board and presented them with an update on the 2010 activities of the Parks Foundation and plans for 2011. The most significant accomplishment for 2010 was hiring an Executive Director, Karin St. John. The two major fundraisers for the year were the Dancing With the Celebrities event featuring Travis Vencel, and the annual Don Brineman Golf Scramble. Almost \$29,000 in scholarships was awarded to 124 families, enabling 212 youth to participate in programs they would otherwise not be able to afford. Additionally, funds were provided to purchase two new scoreboards for Winslow Sports Park and snacks for the Banneker Community Center Afterschool/Summer Lunch Program. In 2011 the Foundation hopes to increase its scholarship awards and its visibility within the community. The Foundation welcomed six new members: Heather Allen, Doug Dayhoff, Randy Rogers, David Skirvin, Don Tichenor, and Natalie Walker. Two members decided not to renew their terms due to professional and personal obligations: Mary Catherine Carmichael and Chris Malloy. Dorie Brineman became the newest emeritus member. Officers for 2011 are: Valerie Pena, President; Jason Banach, Vice-President; Ted Ferguson, Secretary, and Travis Vencel, Treasurer. Ms. Stuebe offered her thanks to Mr. Renneisen and his staff for all of their help and support during her tenure as President and a special thanks to the Board for all of their support.

Mr. Carter and Mr. Renneisen thanked Ms. Stuebe for her years of service and leadership to the Parks Foundation. They presented her with a small token of appreciation for her dedication.

B-4. Staff Recognition – Steve Cotter – 15 year milestone

Mr. Williams addressed the Board and recognized Mr. Cotter for his 15 years of service with the Department. Mr. Cotter worked in the Recreation Division prior to moving into his current position of Natural Resources Manager within the Operations Division. Mr. Cotter has lead many successful projects in this position, including managing the Brazilian Elodea infestation at Griffy Lake. He oversaw the project and secured DNR funding to offset the costs. He was also responsible for updating the new Griffy Lake Master Plan that was last completed in 1982. He continues to work locally and statewide to identify and control invasive aquatic plants. One of Mr. Cotter’s greatest accomplishments, along with his staff, has been the development of the outdoor education program that has hosted over 1,300 elementary school age children at Griffy Lake and Leonard Springs in the Nature Days Programs.

Mr. Cotter addressed the Board and said it is a real pleasure and honor to work with this Department. He feels he receives a lot of encouragement and support from the staff and the community that have a genuine love of the parks.

C. OTHER BUSINESS

C-1. Farmers’ Market Appeal

Ms. Veldman addressed the Board and stated that Mr. Burton is appealing the City’s April 27, 2010 decision that Mr. Burton not be allowed to participate in the 2010 or future Farmers’ Markets. In 2008 and 2009 Mr. Burton had a contract to sell at the Market. The contract requires that maple syrup vendors gather all the maple sap for the maple syrup they sell at the Market. In March 2010, a detailed complaint was called into the City, with allegations that Mr. Burton bought most of his sap from other farms, purchased sap in 2009 for \$.50 per gallon, purchased sap in 2010 for \$.325 per gallon and sold 2,000 gallons of syrup in 2009. The City owes a duty to the integrity of the Market, the reputation of the vendors, the

expectations of the buyers at the Market, and the taxpayer. Staff determined that if Mr. Burton submitted an application for a 2010 Market Vendor Contract, staff would investigate the complaint. As provided in notes prior to the meeting, a complaint was received on March 18, 2010 which alleged that Mr. Burton was purchasing sap to make maple syrup. This complaint was based on a conversation with Mr. Burton at the 2010 National Maple Syrup Festival. On April 21, 2010 after receiving Mr. Burton's application to sell his maple syrup at the 2010 Market, Market Master Bradley Drake contacted Mr. Burton and asked him if he purchased sap. According to Mr. Drake, Mr. Burton said he purchased about 5% of his farm's total quantity of sap in 2010. That same day Market Facility Coordinator, Marcia Veldman spoke with Mr. Burton to arrange a farm visit. According to Ms. Veldman, the significant comments made by Mr. Burton during that conversation include that his farm is a large operation, that he does not keep any records and when asked specifically if he kept records on sales or production, he said he did not. He expressed concern that if word got out that his farm doesn't harvest all the maple sap for the maple syrup it produces it would be devastating. On April 22, 2010, staff met with Mr. Burton at Burton's Maplewood Farm for about 2 hours. Mr. Burton was told the following allegations were made: (1) his statement indicating that he buys most of his sap, (2) his quotes of specific prices per gallon for the sap he purchased, (3) his alleged statement that he sold 2,000 gallons of maple syrup last year. When asked if he could explain this information, Mr. Burton simply denied ever saying anything like that. Following up after the farm visit, Mr. Drake found an article about Burton's Maplewood Farm in a Chicago Reader, dated March 25, 2010, which was provided to the Board prior to this meeting. Two quotes were given from that article, relevant to this discussion. The first one read in relevant part: *"Two years ago, [...], Burton was paying the Amish producers that supplement his own yield about 50 cents a gallon for sap. This year the economics are much more favorable to him: he's only paying his neighbors about 32 cents a gallon for sap."* Both these numbers are consistent with the information that was received in the complaint. The second quote from the Chicago Reader article read in relevant part *"This season – which ended on March 14 [...] – Burton figures he produced about 2,000 gallons of maple syrup."* This number was consistent with the information staff received in the complaint, but not with the number of gallons Mr. Burton told staff he had produced, which was 400 gallons per year. This discrepancy was reported relevant. Mr. Burton told staff he has about 5 – 600 maple trees on his property with an average of 2 taps per tree. A tap produces about 6 – 14 gallons depending on the season. With 1,200 taps producing 14 gallons of sap in a season (at the high end of production), Burton's Maplewood Farm can produce 16,800 gallons of sap. It takes about 40 gallons of sap to make one gallon of syrup. So, the Burton farm can produce 420 gallons of syrup in a good year, which is about one fifth of the 2,000 gallons Mr. Burton mentioned he produced in the article and to the complainant. On April 27, 2010, the City sent a letter to Mr. Burton. The Board received a copy of that letter prior to the meeting. The letter informed him that his application to sell at the 2010 Market was not approved and explained why that was the case. The letter also stated that Mr. Burton had 10 days to notify the Farmers' Market Advisory Council's Chair, Bruce McCallister, if he wanted to appeal the decision. On May 4, 2010 Mr. Burton notified Mr. McCallister of his intent to appeal and made a request for public records, which the City accelerated in order to accommodate a potential appeal. On May 20, 2010 after the City had fulfilled the public records request, Ms. Veldman sent Mr. Burton a letter notifying him that his opportunity to appeal to the Advisory Council was at their June 21, 2010 meeting. Following that, each communication from the City included deadlines by which notification was required to appeal to the Advisory Council and to provide them with advance documentation. On October 18, 2010 the Burton appeal was on the Advisory Council agenda. Its minutes were provided to the Board prior to the meeting. Mr. Burton did not come to the Advisory Council meeting, but his lawyer, Mr. Guy Loftman attended. Mr. Loftman requested a continuance at the Advisory Council meeting as his client was unable to attend. The Advisory Council decided to deny Mr. Loftman's request for a continuance, to go forward with the appeal, and, ultimately, to support the City's decision to not enter into a contract with Mr. Burton in 2010 and future seasons. In conclusion, staff quoted from the 2010 farm vendor contract which states that *"The City reserves the right to refuse to enter into a contract with persons seeking to be Vendors if, it determines there is a reasonable likelihood that said person(s) would offer for sale at Market goods that were not produced by said person(s) or otherwise violate the Market contract, or if, based upon the City's prior experience with said person(s), it determines that the interests of the City, as Market sponsor, and/or the public are best served by not contracting with said person(s)."* First, the staff noted there is a reasonable likelihood, and Mr. Burton would acknowledge, that he has in the past brought product to Market that was in violation of Market rules and his Vendor's contract. Second, the staff noted that when given the opportunity to address the allegations and provide further information, Mr. Burton has not been forthcoming and has provided false information. Third, Mr. Burton was given process where it was due. The City has worked closely with him and his attorney in the past eight months to provide the records it has, to provide information about the appeal process, and keep him informed.

Mr. McCallister, chair of the FMAC, addressed the Board and stated that he had four points to emphasize. First, the Market vendors and customers must maintain a sense of community and one of the most important rules must be that vendors who are selling at the Market grow what they sell. Second, he felt there was no denial of due process for Mr.

Burton and the FMAC waived a waiting period so Mr. Burton could be heard. Third, whether or not maple syrup should be included in the value added product is a decision to be made by the Advisory Council and not something that should be decided during an appeal process. Fourth, all Advisory Council members are volunteer members and a lot of time and thought is put into their decisions, especially during the appeals and denials or terminations of contracts. The Advisory Council was in agreement with staff at its meeting and felt Mr. Burton should not be allowed to contract with the Farmers' Market.

Guy Loftman, Mr. Burton's Attorney, addressed the Board and stated that he is a big consumer at the Farmers' Market and stated that it is a "crown jewel" of the community. He stated that the Burtons collect most of the sap from their own trees for their maple syrup. He stated that the rule, as it is written in the Farmers' Market Handbook, does not make sense. The rule states that "...you must *gather* your own maple syrup." They *produce* 100% of their own syrup, but do *purchase* some of the sap. He felt that the wording of this rule is somewhat misleading because the syrup can not be grown but must be produced from the sap that is gathered. He felt that this falls within the value added product category. The Burtons were not appealing the 2010 ban, but they were appealing the lifetime ban from vending at the Farmers' Market. They felt a "lifetime" ban is unfair because the rules were vague in the handbook. Mr. Loftman stated that the "secret informant" who received information from Mr. Burton not be allowed to use information that can not be verified. Mr. Burton would like to be allowed to contract with the Farmers' Market and will not use sap that he has purchased from someone else as long as the rules stand as they are.

Mr. and Mrs. Burton addressed the Board and stated that they do broker thousands of gallons of maple syrup. During the Maple Syrup Festival a lot of questions were asked and information provided. Mr. Burton felt the Chicago Reader article was misquoted and there was incorrect information in the article. He stated that they never intend to sell anything they do not produce even if they purchase sap from a neighbor and later use the sap in the syrup production process. Frequently, many neighbors get together and produce syrup together from their respective sap, adding that it is a very sustainable product. He stated that they produce between 300-400 gallons of syrup per year. Mrs. Burton addressed the Board and stated that her family moved to their current location in the early 1800's and started the business then, so, it is a very important and personal business to her. She and her husband were unaware that they were doing something wrong. They feel a "lifetime" ban is extremely harsh because of a "vague" rule.

Mr. Hoffmann asked the Burtons when they first realized that the Farmers' Market rules require maple syrup vendors produce the syrup entirely from sap that they collect.

Mr. Burton stated that he first learned of this the day that Mr. Drake called and said he was going to review their application and verify some things. He told Mr. Drake then that he bought some sap from his neighbor. He felt like staff was not being upfront from the beginning and they should have told him that he was being investigated.

Mr. Hoffmann confirmed with the Burtons that they want to overturn the "lifetime" ban. He's concerned with the fact that occasionally the sap that they collect is co-mingled with sap that they purchase and how that concern may be addressed.

Mr. Burton stated that they can separate out the maple syrup that they produce from their own sap from the maple syrup that they produce with sap that they purchase from neighbors. He thought Mr. Drake was going to be agreeable with that. The sap from their farm would be processed first and the resulting syrup separated from other syrups that include purchased sap.

Mr. Hoffmann stated that this concerned him somewhat because customers may be misled when purchasing their syrup at other locations under the assumption that they are purchasing syrup made only from the Burtons' sap.

Mr. Burton stated that he didn't feel this was a big concern.

Mrs. Burton stated that she and her husband usually collect the sap they purchase from their neighbors.

Mr. Loftman added that the maple syrup season ends before the Farmers' Market season begins so the Burtons would know exactly what syrup was produced from their own sap and what was produced from other sap.

Mr. Hoffmann asked Ms. Veldman why staff determined that Mr. Burton would be subjected to a "lifetime" ban.

Ms. Veldman stated that a contract is based on trust. When staff received the complaint and approached Mr. Burton, he denied the information was correct when he was quoted in a newspaper as stating that information was correct. Staff feels that trust has been broken and feels he may not be able to be trusted again.

Assistant City Attorney, Inge Van der Cruysse addressed the Board and stated that the trust issue is a big deal. It's clear from the investigation that it was difficult to receive information from Mr. Burton. He has yet to provide records that show where he receives his sap. Staff is concerned about how much time would be put into monitoring the Burton's operation should he be allowed back into the Market. She added that there are a couple of other maple syrup vendors at the Market and they do not have this same issue.

Ms. St. John asked for specific information regarding how a vendor would know that they can only sell maple syrup that is produced using their own sap.

Ms. Veldman stated that this information is outlined in the Farmers' Market Handbook and the contract in a number of places. On page 3, sections A and B, this information is provided. There is also space provided on the application for vendors to expand on the produce they provide.

Mr. Coyne asked Mr. Burton if he feels the issue is in the difference between "collecting" the syrup versus "producing" the syrup. If so, he feels Mr. Burton didn't pay attention to the rules.

Mr. Loftman felt this is an important issue because the rules don't state "sap" where it should. The rules say that you don't have to collect your own apples or your own persimmons.

Mr. Coyne stated that's another rule that applies to a different category of produce in the value added product.

Mr. Hoffmann asked Ms. Van der Cruysse for the definition of a "lifetime" ban. He asked if it meant an indefinite ban until staff is convinced otherwise.

Ms. Van der Cruysse stated that is correct. She stated that the letter that was sent to the Burtons actually referred to "future seasons" rather than a "lifetime ban." He is welcome to reapply, but the feeling within the City is that he will not be considered for approval for quite some time.

Mr. Lofman stated that Mr. Burton was told this is a "lifetime" ban. He understands that there is no guarantee that any application will be approved and Mr. Burton understands that vendor applications are always discretionary. The Burtons are asking that they be allowed to apply and be given consideration.

Ms. St. John stated that the vendors need to understand that vending at the Market is a privilege. In the future, the Burtons should pay close attention to the application. She felt the Burtons went through all the paperwork and didn't divulge the fact that they purchase sap from neighboring farms when there is clearly space on the application for this information. In addition, she felt the Board should not be in the position of hearing every appeal that the Farmers' Market Advisory Council (FMAC) has already acted upon. An inordinate amount of time has already been spent by staff, the FMAC, and City Legal.

Mr. Coyne stated that the Market's integrity is a big issue and felt the staff time spent policing vendors is huge. When that trust is broken between the staff and the vendors, then a lifetime ban is appropriate.

Mr. Coyne made a motion to deny the appeal and uphold the FMAC lifetime ban. In addition, at some point in the future if the Burtons are interested in applying to vend at the Market they should approach the FMAC for reinstatement. The Parks Board authorizes the FMAC to consider and make the decision to reinstate the Burtons as a vendor. This reinstatement must be made on the basis that the trust issue and the relationship with the FMAC has been resolved. Mr. Hoffmann seconded the motion with the definition of a lifetime ban 1) It is the City's present intention that if you were to apply today, the request to vend at the 2011 Market would be denied. 2) You may apply at any time in the future when applications are open. 3) The City retains the discretion to enter into a contract with the Burtons to vend at the Market and "may" say "yes" in some future year. 4) The sense of trust has been broken and that trust must be re-established. Ms. St. John opposed the motion and voted to uphold the lifetime ban. Motion carried.

C-2. Review/Approval of New Department Policies

Mr. Renneisen addressed the Board seeking approval of changes to the Policy Manual. Per the Accreditation Visitation Team recommendations, the following policies are recommended for consideration: Policy 4200 – Pre-Employment Screening Policy; Policy 12040 – Evaluation Training Policy; Policy 13170 – Encroachment onto Department Owned Property; Policy 13180 – Environmental Sustainability Policy. These policies serve to document practices that the Department is already following.

Ms. St. John made a motion to approve the four additional policies. Mr. Hoffmann seconded the motion. Motion unanimously carried.

C-3. Review/Approval of Addendum to 2011 Fee Schedule for Farmers' Market

Ms. Veldman addressed the Board seeking approval of the addendum to the 2011 Fee Schedule for the Farmers' Market Fees. She stated that at the November Park Board meeting the 2011 proposed Farmers' Market fees were tabled until staff could meet with representatives of the Board to discuss the directive from the Board at a special meeting in September to increase the cost recovery of the Market to 90 or 100% without harming the character of the Market and to do so within the next 2-3 years. Several recommendations have been made as initial steps toward meeting this goal: 1) Increase farm vendor fees in 2011; 2) Implement a \$10 application fee and \$10 day fee for information tables and; 3) Expand by up to three the number of prepared food vendors. It's projected that these changes will result in a \$15,800 increase in revenues and increase the cost recovery from a projected 70% in 2010 to 80% in 2011. In the coming year staff will continue researching other Markets, exploring alternative fee and governance structures, programmatic responsibilities and budget management. This information will be analyzed for applicability to the Bloomington Community Farmers' Market and as a basis, in part, for engaging the community in a discussion regarding the Market. Staff recommends the passage of the Market price schedule with the following addition to remedy an oversight. On page 9 of the 2010 Price Schedule under "Miscellaneous" adding Prepared Food Vendors with a range in price of \$8 - \$312 plus 10% of gross proceeds. In past years the prepared food vendors have paid the same space rental fee as a farm vendor plus 10% of their gross proceeds.

Ms. St. John made a motion to approve the addendum to the 2011 Price Schedule. Mr. Hoffmann seconded the motion. Motion unanimously carried.

The Board offered their thanks to Ms. Veldman and Mr. Drake for all of their hard work with the Market in the past few months.

D. REPORTS

D-1. Operations Division – No Report

D-2. Sports Division – No Report

D-3. Recreation Division – G.O.A.L. (Get Onboard Active Living)

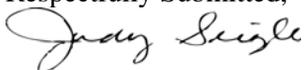
This report was tabled for a later meeting due to time constraints.

D-4. Administration Division – No Report

ADJOURNMENT

Meeting adjourned at 5:50 p.m.

Respectfully Submitted,



Judy Seigle, Secretary Board of Park Commissioners